8-21-84
Vol. 49 No. 163
Pages 33109-33200

federal register

Tuesday
August 21, 1984

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Animal Diseases
Animal and Plant Health Inspection Service

Conflicts of Interest
Personnel Management Office

Disaster Assistance
Small Business Administration

Income Taxes
Internal Revenue Service

Marketing Agreements
Agricultural Marketing Service

Meat Inspection
Food Safety and Inspection Service

Occupational Safety and Health
Occupational Safety and Health Administration

Quarantine
Animal and Plant Health Inspection Service

Radio Broadcasting
Federal Communications Commission

Savings and Loan Associations
Federal Home Loan Bank Board

Tobacco
Agricultural Stabilization and Conservation Service

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $300.00 per year, or $150.00 for 6 months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

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

Contents

Federal Register
Vol. 49, No. 163
Tuesday, August 21, 1984

Separate Parts in This Issue

Reader Aids

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
Vol. 49, No. 163
Tuesday, August 21, 1984

Presidential Documents

Title 3—

The President

Proclamation 5227 of August 16, 1984

Women's Equality Day, 1984

By the President of the United States of America

A Proclamation

On August 26, 1920, the 19th Amendment, which guarantees women the right to vote, became part of the Constitution, the supreme law of our land. By that measure, women became equal partners with men in the responsibilities of citizenship.

The contributions of American women to free government in the United States date back to the Colonial Era. The importance of those contributions has been recognized by writers such as the French historian Alexis de Tocqueville, who attributed the success of the American experiment in self-government largely to the extraordinary qualities of our Nation's women.

In democracies, government is founded on popular consent, expressed through the process of free elections. Indeed, the absence of free and fair elections is a crucial element by which we define regimes that are not democratic. By exercising the right to vote, American women and citizens of other free countries continue to affirm their faith in self-government.

The 19th Amendment gives women the same political means as men have to participate in the process of self-government. On this 64th anniversary of its ratification, we honor the pioneer suffragettes, and we applaud today's women who are pioneering in fields new to women and men alike. Most importantly, we reaffirm our national commitment to the goal of equal opportunity for each individual to pursue and to achieve her or his goals.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 26, 1984, as Women's Equality Day. I call upon all Americans and friends of popular government around the world to mark this occasion with appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of August, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-22295
Filed 8-17-84; 4:32 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5228 of August 17, 1984

Fortieth Anniversary of the Warsaw Uprising

By the President of the United States of America

A Proclamation

Forty years ago, one of the most heroic battles of World War II, the Warsaw Uprising, occurred. Polish resistance to aggression throughout World War II had been courageous and uncompromising. As the Nazi forces retreated before advancing Soviet armies, the Polish Home Army that led the resistance seized its chance to throw off the Nazi yoke. For sixty-three days, the people of Warsaw fought against insurmountable odds, endured unimaginable suffering, and made countless sacrifices to regain their independence. Nevertheless, the lightly-armed resistance fighters were overwhelmed by the full weight of Hitler's war machine. The Nazis mercilessly crushed the uprising while Soviet forces passively looked on from across the Vistula River. Warsaw lay in rubble. Two hundred-fifty thousand Poles were killed, wounded, or missing. Yet the victims of the Warsaw Uprising did not die in vain.

The example of those who fought for freedom during the Warsaw Uprising is a stirring chapter in history, as vivid today as it was then. The ongoing struggle of the faithful, the shipyard workers of Gdansk, the miners of Silesia, and farmers throughout the countryside is but a continuation of the proud history of the Polish quest for freedom.

It is right that we pay tribute to those who sacrificed all for independence and freedom. All of us who share their passion for freedom owe the heroic people of Warsaw and all of the valiant people of Poland a profound debt.

The Congress, by Senate Joint Resolution 272, has resolved that the United States should join in recognizing the Anniversary of the Warsaw Uprising.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 1, 1984, as the Fortieth Anniversary of the Warsaw Uprising.

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

Ronald Reagan

[FR Doc. 84-22296
Filed 8-17-84; 4:33 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5229 of August 17, 1984

Polish American Heritage Month, 1984

By the President of the United States of America

A Proclamation

The United States is a country in which people of many different heritages are bound together by a common dedication to democratic principles. The mosaic of ethnic diversity invigorates our culture and strengthens our society. For this reason, the Polish American Congress and other Polish American clubs and organizations across the country are celebrating August 1984 as Polish American Heritage Month.

The millions of Americans who trace their ancestry to Poland have made vast contributions to our Nation. Tadeusz Kosciuszko and Kazimierz Pulaski crossed the ocean to help the American colonies win their independence. Throughout the last two centuries, thousands of Polish Americans have fought bravely to help preserve that independence. Polish Americans have also made outstanding contributions in the arts, the sciences, and in industry and agriculture. Through these efforts they have helped in innumerable ways to establish a strong and free United States.

Americans of Polish descent take great pride in and honor two great world leaders who have their roots in Poland. Both Pope John Paul II and Lech Walesa, the Nobel Peace Laureate and founder of the Solidarity Labor Federation, have gained the world's respect and admiration. Solidarity has been continuing the Polish people's struggle for freedom since its founding in August 1980.

The Congress, by House Joint Resolution 577, has designated August 1984 as "Polish American Heritage Month" and authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 1984 as Polish American Heritage Month, and I urge all Americans to celebrate this month with appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of August, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-22297
Filed 8-17-84; 4:34 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 49, No. 163
Tuesday, August 21, 1984

OFFICE OF PERSONNEL MANAGEMENT

Office of Government Ethics

5 CFR Parts 734, 735 and 737

Public Financial Disclosure, Conflicts of Interest, and Standards of Conduct for Federal Employees

AGENCY: Office of Government Ethics, OPM.

ACTION: Interim rule.

SUMMARY: This document puts into force interim amendatory provisions affecting 5 CFR Part 734 (concerned with financial disclosure statements required of certain Executive Branch officials), 5 CFR Part 735 (prescribing standards of conduct for officers and employees of the Executive Branch), and 5 CFR Part 737 (dealing with post-employment conflicts of interest). In particular, the interim changes serve to conform the regulations in those parts to amendments of Titles II and IV of the Ethics in Government Act of 1978 enacted by Pub. L. 98–150 of November 11, 1983.

DATES: Effective date: August 21, 1984. Comments are due no later than October 22, 1984.

ADDRESSES: Send or deliver written comments to: Office of Government Ethics, P.O. Box 14108, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: F. Gary Davis or Norman B. Smith, (202) 632–7642.

SUPPLEMENTARY INFORMATION: These are interim and not proposed regulations. After the Office of Government Ethics (OGE) evaluates the comments it receives, it will make such changes as it deems warranted and then promulgate the regulations in final form. The Director of the Office of Goverment Ethics, acting pursuant to 5 U.S.C. 553(b)(3)(A), has found good cause for waiving the general notice of proposed rulemaking and the 30-day delay in effectiveness. This regulation is interpretive in nature, exempt from 5 U.S.C. 553.

Major Amendments

The following discussion briefly describes the more important operational changes made in the Ethics in Government Act of 1978 by Pub. L. 98–150 and identifies the amendments to 5 CFR which implement them.

A. Section 3(a) of Pub. L. 98–150 provides that the Director of OGE shall in general carry out his responsibilities "in consultation with" OPM rather than "under the general supervison of " OPM, as provided in the 1978 enabling Act. Section 3(b) of Pub. L. 98–150 makes a number of similar changes in other provisions of that Act which deal with specific activities of the Director. Among other things, these several amendments to the original Act grant to OGE "the authority to independently issue ethics regulations." H. Rept. 98–89, Part 1, 98th Cong., 1st Sess. 3. The amendments to QGE's regulations set forth below which are numbered 16 and 17 reflect the change in the relationship between OPM and OGE.

B. Section 8 of Pub.L. 98–150 amended section 201(b) of the 1978 Act to require that a Presidential nominee to a position requiring the advice and consent of the Senate file an updated statement with respect to any income and honoraria received as of 5 days before the scheduled date of the Senate committee hearing on his or her nomination. Amendment No. 10 stems from this new provision.

C. Section 11 of Pub. L. 98–150 affects certain individuals not already special or regular employees of the Government who perform staff functions in support of an advisory committee composed in whole or part of special Government employees. An individual in those circumstances (1) who is expected to serve more than 60 days and (2) who is determined by OGE, in consultation with his or her agency, to warrant a classification of GS–16 or above is made subject to the requirements of the Ethics Act for financial disclosure. Amendments 1 and 3 implement this legislative change.

D. Section 9 of Pub. L. 98–150 relates to an individual who agrees with his or her agency, OGE, or a Senate confirmation committee to take action to resolve potential or actual conflicts of interest. In general, this section, which adds an entirely new provision to the Act, requires that such action be completed with 3 months of the date of the agreement. Amendments 11, 12 and 13 implement section 9.

E. Section 10 of Pub. L. 98–150 fills a gap in the original provisions of the Act related to blind trusts that generally precluded irrevocable trusts created before passage of the Act from qualification pursuant to blinding arrangements. Section 10 of Pub. L. 98–150 permits such qualification. Amendment 5 implements this new grant of authority to OGE.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects Federal employees.

List of Subjects

5 CFR Part 734

Conflicts of interest, Government employees, Penalties, Reporting and recordkeeping requirements, Trusts and trustees.

5 CFR Part 735

Conflicts of interest, Government employees.

5 CFR Part 737

Conflicts of interest, Government employees.

Office of Government Ethics.

David H. Martin,

Director.

Accordingly, 5 CFR Parts 734, 735, and 737 are amended as follows:

PART 734—EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

1. The authority citation for Part 734 is revised to read as follows:

Authority: Titles II and IV of Pub. L. 95-521 (October 26, 1978), as amended by Pub. L. 96-19 (June 13, 1979) and Pub. L. 98-150 (November 11, 1983).

2. In § 734.105, the alphabetical paragraph designations are removed; the definition of "Honoraria" is amended by removing from the last sentence the words "in paragraph (f)" and "in paragraph (k) of this section"; and the following definitions are added alphabetically:

734.105. Definitions.

* * * * *

Advisory committee. The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group which is established—

(1) By statute or reorganization plan,

(2) By the President, or

(3) By one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government; such term includes any subcommittee or other subgroup of any advisory committee, but does not includes the Advisory Commission on Intergovernmental Relations and the Commission on Government Procurement. For purposes of this definition "agency" has the meaning given that term by 5 U.S.C. 551(1).

* * * * *

Special Government employee. The term "special Government employee" has the meaning given that term by 18 U.S.C. 202(a).

Staff functions. The term "staff functions in support of an advisory committee" means the performance of duties with regard to matters of a substantive nature for an advisory committee. Whether generation of information is conducted independently or under the direct supervision of members of an advisory committee in fulfilling their responsibilities to advise the Executive branch, the substantive nature of the activity controls. A functional analysis of assigned subject matter responsibilities must be applied in each instance regardless of the contractual relationship between the individual performing the duties and the advisory committee. Preparation of work plans, performance of studies, drafting reports, and formulating recommendations whether preliminary or final are considered matters of a substantive nature.

* * * * *

3. Paragraph (c) of § 734.201 of Subpart B is amended by revising the first sentence to read as follows:

§ 734.201 General requirements for filing.

* * * * *

(c) *Nominees.* At any time after a public announcement by the President or President-elect of his intention to nominate an individual to a position, appointment to which requires the advice and consent of the Senate, such individual may and, in any event, within five days after the transmittal of the nomination to the Senate, must file a report containing the information prescribed in Subpart C of this part.

* * *

* * * * *

4. In § 734.202 of Subpart B, paragraph (h) is added to read as follows:

§ 734.202 Reporting individual; defined.

* * * * *

(h) Any individual who (1) performs staff functions (as defined in § 734.105) in support of an advisory committee which is composed, in whole or in part, of special Government employees, (2) is reasonably expected to perform these functions for more than 60 days in a calendar year as set forth in § 734.201 and (3) whose duties and responsibilities are determined by the Office of Government Ethics, in consultation with the agency served by the advisory committee, to warrant a position classification equal to or greater than one required by the minimum rate of basic pay for GS-16 of the General Schedule prescribed by 5 U.S.C. 5332.

Example (1): A corporate executive in his or her capacity as a special Government employee of an advisory committee employs the services of a staff assistant to conduct research, develop draft reports or recommendations and assist in policy formulation for the advisory committee. The staff assistant must file a financial disclosure statement if it is determined that he or she is expected to perform staff functions for more than 60 days in a calendar year and that his or her position is of a classification equal to GS-16. On the other hand, the personal secretary of a corporate executive serving on an advisory committee should not be required to file such a report simply because the secretary arranges meetings or types materials which the corporate executive uses in fulfilling advisory committee responsibilities.

5. Paragraph (a)(1) of § 734.302 of Subpart C is revised to read as follows:

§ 734.302 Reports of other reporting individuals.

(a) * * *

(1) *Income.* For purposes of paragraph (a) of § 734.301, relating to income, all the income items specified in that paragraph received during a period which begins on January 1 of the preceding calendar year and ends on the date on which the report is filed (except as otherwise provided by § 734.604(d)).

* * * * *

6. Section 734.401 is amended by adding a new paragraph (c) to read as follows:

§ 734.401 Qualified trusts; general considerations.

* * * * *

(c) *Certification of pre-existing trusts.* Normally, trusts certified by the Director, Office of Government Ethics, under § 734.405 are newly created trust arrangements formulated by representatives of the interested parties in consultation with the staff of the Office to meet the established standards. However, in a case where the Director determines that such action is appropriate to assure compliance with applicable laws and regulations, an existing trust may be proposed for certification as a qualified blind trust or qualified diversified trust under the provisions of § 734.403 or § 734.404. In addition to the normally applicable rules of this Subpart D, there are other specialized rules applied on a case-by-case basis that pertain in the case of pre-existing trusts. Interested parties and their representatives are invited to contact the Office of Government Ethics for further information.

§ 734.403 [Amended]

7. In § 734.403, paragraph (c) is removed.

§ 734.404 [Amended]

8. In § 734.404, paragraph (f) is removed.

9. Section 734.501(a) of Subpart E is amended by combining paragraphs (a)(1) and (a)(2) into expanded paragraph (a)(1) and adding a new paragraph (a)(2), paragraph (a) is revised to read as follows:

§ 734.501 Outside earned income.

(a) *Limitation.* All reporting individuals:

(1) Who occupy full-time positions in the Executive Branch, appointment to which is made by the President by and with the consent of the Senate, and who are compensated at a rate of pay specified for GS-16 or above of the General Schedule prescribed by 5 U.S.C. 5332, or

(2) Who are employees of the White House Office and are compensated at a rate equivalent to level II of the Executive Schedule under 5 U.S.C. 5313, may not have in any calendar year outside earned income attributable to

that calendar year which is in excess of 15 percent of that compensation.

* * * * *

10. Section 734.602(c) of Subpart F is amended by redesignating paragraphs (c)(5) and (c)(6) as paragraphs (c)(6) and (c)(7) respectively and by adding a new paragraph (c)(5) to read as follows:

§ 734.602 Filing of reports.

* * * * *

(c) * * *

(5) Employees of the White House Office who are described in 3 U.S.C. 105(a)(2)(A) or (B); employees of the Office of Vice President who are described in 3 U.S.C. 106(a)(1) (A) or (B), and employees of the Domestic Policy Staff and Office of Administration (agencies in the Executive Office of the President) who are described in 3 U.S.C. 107(a)(1)(A) or (b)(1)(A)(i).

* * * * *

11. Section 734.604 of Subpart F is amended by adding paragraph (d) to read as follows:

§ 734.604 Review of reports.

* * * * *

(d) *Updated disclosure of earned income and honoraria in the case of an individual nominated by the President to a position to which appointment is subject to confirmation by the Senate*—(1) *General Rule.* Each individual described in § 734.201(c) who is nominated by the President to a position to which appointment is subject to confirmation by the Senate shall, at or before the commencement of the first Senate Committee hearing to consider the nomination, submit to the Committee an amendment to his or her report previously filed under § 734.201(c) which shall update, through the period ending no earlier than five days prior to the date of the commencement of the hearing, the disclosure of items and other data with respect to (i) outside earned income, as defined in § 734.501(b), without application of its last sentence, and (ii) honoraria, as defined in § 734.105(g). Such individual shall transmit copies of the amendment to the designated agency ethics official referred to in paragraph (c)(1) of this section and to the Office of Government Ethics.

(2) *Additional certification.* In each case to which this paragraph applies, the Director of the Office of Government Ethics shall, at the request of the Committee considering the nomination, submit to it with respect to the updated disclosure an opinion letter of the nature described in paragraph (c)(3) of this section. In the event of such a request, the expedited procedure provided for by paragraph (c) shall apply to the updated disclosure which shall, for purposes of that paragraph, be deemed a report filed.

12. Subpart H is added to Part 734 to read as follows:

Subpart H—Ethics Agreements

Sec.

Subpart H—Ethics Agreements

§ 734.801 Scope.

This subpart applies to ethics agreements made by reporting individuals (see § 734.202) to resolve potential or actual conflicts of interest.

§ 734.802 Requirements.

(a) *Ethics Agreement defined.* The term "ethics agreement" shall for the purposes of this subpart include any undertaking to carry out one or more of the following actions:

(1) Recusal or disqualification from one or more particular matters or categories of official action;

(2) Divestiture of a financial interest or interests;

(3) Resignation from a non-federal business or other entity;

(4) Acceptance of an 18 U.S.C. 208(b)(1) waiver; or

(5) Establishment of a blind trust under this Act.

(b) *Time limit.* The ethics agreement shall specify that the individual must complete the action which he or she has undertaken within a period not to exceed 3 months from the date of the agreement, except in cases of unusual hardship as determined by the Office of Government Ethics.

Example 1. An official of the Boeing Company is nominated to a Department of Defense position requiring the advice and consent of the Senate. As a condition of assuming the position the individual has agreed to divest himself of his Boeing stock which he recently acquired while he was an officer with the company. However, a Securities and Exchange Commission law and regulation preclude officers of public corporations from deriving a profit from the sale of stock in the corporation in which they hold office within 6 months of acquiring the stock, and direct that any such profit must be returned to the issuing corporation or its stockholders. Since meeting the usual 3-month time limit specified in this subpart might entail losing any profit that might be realized on the sale of the stock, the Boeing official requests that such limit be extended beyond the end of the 6-month period imposed by the Commission to enable any profits from the transaction to inure to his benefit. Written approval would have to be obtained from the Office of Government Ethics to extend the customary 3-month period.

§ 734.803 Notification of ethics agreements.

(a) *Nominees to positions requiring the advice and consent of the Senate.* (1) In the case of a nominee referred to in § 734.201(c), the designated agency ethics official shall include with the report submitted to the Office of Government Ethics any ethics agreement which the nominee has made.

(2) A designated agency ethics official shall immediately notify the Office of Government Ethics of an ethics agreement of a nominee which is made or becomes known after the submission of the nominee's report to the Office of Government Ethics. This requirement includes an ethics agreement made by a nominee with the Senate confirmation committee. The nominee for his or her part shall immediately report to the designated agency official an ethics agreement he or she has made with the committee.

(3) With regard to any ethics agreements made between the nominee and the Office of Government Ethics, the Office of Government Ethics shall apprise the designated agency ethics official and the Senate confirmation committee.

(b) *Incumbents of positions requiring the advice and consent of the Senate.* In the case of an incumbent referred to in § 734.201(a), the designated agency ethics official shall immediately apprise the Office of Government Ethics of any ethics agreement which the incumbent has made.

(c) *Designated agency ethics officials not covered by paragraph (a) or (b).* A designated agency ethics official not covered by paragraph (a) or (b) of this section shall include with his or her initial report submitted to the Office of Government Ethics any ethics agreement which this official has undertaken and shall immediately apprise the Office of Government Ethics of any subsequent ethics agreement.

(d) *Other reporting individuals.* Other reporting individuals desiring to enter into ethics agreements may do so with the designated agency ethics official. Where an ethics agreement has been made with someone other than the designated agency ethics official, the officer or employee involved shall immediately apprise the designated agency ethics official of the agreement.

§ 734.804 Notification of compliance.

Requisite evidence of action taken. In the case of nominees to positions requiring the advice and consent of the

Senate, evidence of the action taken by the nominee to carry out an ethics agreement shall be submitted immediately by the designated agency ethics official to the Office of Government Ethics and the Senate confirmation committee. In the case of incumbents of positions requiring the advice and consent of the Senate, evidence of action taken shall be submitted immediately by the designated agency ethics official to the Office of Government Ethics. Where a designated agency ethics official is neither a nominee nor an incumbent, such official must send evidence of his or her action to the Office of Government Ethics. In the case of other reporting individuals, evidence of action taken must be sent to the designated agency ethics official. The evidence of the action taken consists of any of the following:

(a) *Recusal.* A copy of the recusal agreement containing the specific matters to which the recusal shall apply, a statement of the process or method by which the recusal shall be enforced within the agency, and positions of those involved in its execution (i.e., the individual's immediate subordinates and supervisors).

Example (1): A member of the staff of the National Transportation Safety Board owns stock in UAL, Inc. (United Air Lines) and has agreed to recuse herself from participation in any investigations of accidents involving United Air Lines aircraft. A copy of this recusal would have to be given to her immediate subordinates and supervisors and to the designated agency ethics official. The staff member has also agreed to recuse herself from any particular matter (as defined in 18 U.S.C. 208) that might arise with respect to any of her present or future holdings. There would be no requirement to commit this type of general recusal to writing.

(b) *Divestiture, resignation, and reassignment.* Written notification that the divestiture, resignation, or reassignment has occurred.

(c) *18 U.S.C. 208(b)(1) waiver.* A copy of the waiver, signed by the appropriate supervisory official.

(d) *Blind trust.* Information required by Subpart D of this part submitted to the Office of Government Ethics for its approval of the blind trust instrument. Should the trust not be approved, the designated agency ethics official and, as appropriate, the Senate confirmation committee should be informed immediately.

§ 734.805 Retention.

Records of ethics agreements and actions described in this subpart shall be maintained with the individual's financial disclosure report at the agency and, where applicable, at the Office of Government Ethics.

PART 735—EMPLOYEES AND CONDUCT

13. The authority citation for Part 735 is revised to read as follows:

Authority: Titles II and IV of Pub. L. 95–521 (October 26, 1978), as amended by Pub. L. 96–19 (June 13, 1979) and Pub. L. 98–150 (November 11, 1983).

§ 735.104 [Amended]

14. Section 735.104(d) is amended by removing the words "Office of Personnel Management, Office of the General Counsel" and inserting in their place the words "Office of Government Ethics".

PART 737—REGULATIONS CONCERNING POST EMPLOYMENT CONFLICT OF INTEREST

15. The authority citation for Part 737 is revised to read as follows:

Authority: Titles II and IV of Pub. L. 95–521 (October 26, 1978), as amended by Pub. L. 96–19 (June 13, 1979) and Pub. L. 98–150 (November 11, 1983).

§ 737.1 [Amended]

16. Section 737.1(a) is amended by inserting the words ", as amended by Pub. Law 98–150 (Nov. 11, 1983)," between the words "Act" and "provides" in the second sentence.

17. Section 737.1(a) is further amended by removing the words "under the general supervision of" from the second sentence and inserting in their place the words "in consultation with" and by removing the acronym "OPM" at the end of the second sentence and inserting in its place the acronym "OGE".

18. Section 737.1(a) is further amended by removing "recommended", which is the tenth word of the third sentence, and inserting in its place the word "prepared".

[FR Doc. 84-22127 Filed 8-20-84; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 724

[Amdt. 6]

Tobacco Allotment and Marketing Quota Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adopts as a final rule, with minor typographical corrections, the proposed rule published in the **Federal Register** on June 14, 1984 (49 FR 24540). This rule provides for the elimination of history credit for fire-cured (types 21, 22, 23, and 24), dark air-cured (types 35 and 36), Virginia sun-cured (type 37), cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco when such tobacco is not planted because the producer has participated in conservation programs or has installed conservation practices on the acreage which otherwise would been planted to such tobacco.

EFFECTIVE DATE: August 21, 1984.

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

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

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

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

A rule was published in the **Federal Register** on June 14, 1984 (49 FR 24540) proposing to eliminate history credit for conservation programs and conservation practices with respect to fire-cured (types 21, 22, 23, and 24), dark air-cured (types 35 and 36), Virginia sun-

cured (type 37), cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco. Currently, with respect to these types of tobacco, many farmowners are eligible to receive history credit as a result of the installation of approved conservation practices or participation in conservation programs even though they have no recent history of actual tobacco production. The proposed rule provided for the elimination of history credit under these circumstances. The Department has determined that the proposed rule is consistent with recent legislation which has emphasized that tobacco allotments should be utilized by those persons actively engaged in tobacco production.

The public was given 30 days to submit written comments on the proposed rule published in the **Federal Register** on June 14, 1984 (49 FR 24540). The Department received no comments from the public relating to the proposed rule.

Accordingly, the proposed rule which was published in the **Federal Register** on June 14, 1984 (49 FR 24540) is adopted as the final rule, with minor typographical corrections, as set forth below.

List of Subjects in 7 CFR Part 724

Acreage allotments, Tobacco.

Final Rule

PART 724—[AMENDED]

Accordingly, 7 CFR Part 724 is amended to read as follows:

1. The authority citation is revised to read as follows:

Authority: Secs. 301, 313, 314, 316, 318, 363, 372–375, 377, 378, 52 Stat. 38 as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 81 Stat. 120, as amended, 52 Stat. 63, as amended, 65, as amended, 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314d, 1363, 1372–1375, 1377, 1378, unless otherwise noted.

2. Section 724.57 is amended by revising paragraph (b)(1), removing and reserving paragraph (b)(2)(ii), and revising paragraph (b)(3) to read as follows:

§ 724.57 Determination of preliminary acreage allotments and tobacco history acreage for old farms.

* * * * *

(b) * * *

(1) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for any year if: (i) In such year or either of the two immediately preceding years the sum of (a) the final tobacco acreage (including failed acreage and acreage prevented from being planted because of a natural disaster) as determined under Part 718 of this chapter, (b) the acreage leased and transferred from the farm, and (c) the acreage temporarily released to the State committee under the provisions of § 724.72, is not less than 75 percent of the basic allotment after any reduction in the allotment for a program violation, (ii) or in such year or either of the two immediately preceding years the farm acreage allotment was in the eminent domain pool.

(2) * * *

(ii) [Reserved]

* * * * *

(3) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of the final tobacco acreage and any acreage transferred from the farm is less than 75 percent of the allotment (after any reduction in the allotment for a program violation) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (i) the allotment (prior to any reduction in the allotment for a program violation), or (ii) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, any acreage leased and transferred from the farm, and the amount of any reduction in the allotment for a program violation. Any adjustment in tobacco history acreages because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 percent of the allotment is planted. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than September 1 of the crop year involved.

* * * * *

Signed at Washington, D.C. on August 15, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84-22163 Filed 8-20-84; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 340]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 340 establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 24–30, 1984. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the period specified due to the marketing situation confronting the orange industry.

DATE: Regulation 340 (§ 908.640) becomes effective August 24, 1984.

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

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

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

The regulation is consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on February 14, 1984. The committee met again publicly on August 14, 1984, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges. The committee reports the demand for Valencia oranges is improved.

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

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

Section 908.640 is added as follows:

§ 908.640 Valencia Orange Regulation 340.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period August 24, 1984, through August 30, 1984, are established as follows:

(a) District 1: Unlimited cartons;
(b) District 2: 350,000 cartons;
(c) District 3: Unlimited cartons.

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

Dated: August 16, 1984.

Thomas R. Clark,

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

[FR Doc. 84-22117 Filed 8-20-84; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 73

[Docket No. 84-050]

Scabies in Cattle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of Interim Rule.

SUMMARY: This document affirms the interim rule which amended the regulations restricting the interstate movement of certain cattle because of cattle scabies. The interim rule provides for the use of ivermectin against scabies as an alternative to dipping cattle with permitted dips.

DATE: Effective date is August 21, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Glen O. Schubert, Assistant Senior Staff Veterinarian, Special Diseases Staff, VS, APHIS, USDA, Room 824, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8438.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 73 (referred to below as the regulations) restrict the interstate movement of certain cattle because of scabies, a contagious skin disease caused by mites.

Prior to the effective date of the interim rule, the regulations provided for the treatment of scabies in cattle only by dipping the cattle with permitted dips. An interim rule published in the **Federal Register** (49 FR 10528–10530) on March 20, 1984, amended the regulations to allow ivermectin, an injectable drug, to be used as an alternative to dipping cattle with permitted dips.

The interim rule was made effective on the date it was signed, March 16, 1984. Comments were solicited for 60 days following publication. The one comment received supported the interim rule. The factual situation which was set forth in the document of March 20, 1984, still provides a basis for the amendments.

Executive Order 12291 and Regulatory Flexibility Act

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

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

The amendment of the regulations to allow the interstate movement of cattle regulated because of scabies if treated with ivermectin will not cause a significant effect on the number or cost of cattle moving interstate.

Additionally, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this action only provides for the use of ivermectin as an alternative to dipping cattle with permitted dips.

List of Subjects in 9 CFR Part 73

Animal diseases, Animal pests, Cattle, Quarantine, Transportation, Scabies, Mites.

Accordingly, the interim rule published at 49 FR 10528–10530 on March 20, 1984, is adopted as a final rule.

Authority: Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, 792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132, 76 Stat. 663; 7 U.S.C. 450 and 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b and 134f; 7 CFR 2.17, 2.51, 371.2(d).

Done at Washington, DC this 15th day of August, 1984.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-22165 Filed 8-20-84; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of Supplements to the Virginia State Plan

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule; approval of developmental steps.

SUMMARY: This notice announces completion of the three remaining developmental steps in the Virginia State Plan's developmental schedule as published in the **Federal Register** of September 28, 1976 [41 FR 42655]. Approved are supplements concerning: an administrative regulations manual which contains State regulations and procedures regarding standards promulgation, inspections, citations, proposal of penalties, review of contested cases, variances, etc.; compliance manuals establishing procedures for the use of safety and health inspection and voluntary compliance personnel; and an occupational safety and health program which covers employees of the State and local governments. Also approved are amendments to the State's enabling legislation and a State-initiated plan change establishing a Virginia

occupational and safety and health program directives system.

EFFECTIVE DATE: August 15, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, Washington, D.C. 20210, (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. The Virginia plan was approved by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) as a developmental plan on September 23, 1976. On September 28, 1976, a notice was published in the **Federal Register** (41 FR 42655) containing the approval decision, description of the plan, and schedule of the State's major developmental commitments. By a letter dated March 31, 1977, from Edmond M. Boggs, Commissioner of the Virginia Department of Labor and Industry; by letters dated August 2, 1977, September 8 and November 20, 1978, and March 8, 1979 from Robert F. Beard, Jr., Commissioner of the Virginia Department of Labor and Industry; by letters dated August 2, 1979, and May 26 and August 26, 1981, from Clayton P. Deane, Assistant Commissioner of the Virginia Department of Labor and Industry, to David H. Rhone, Regional Administrator; by letters dated February 9, March 21, March 22, June 5, June 13, June 18, and July 30, 1984, from Eva S. Teig, Commissioner of the Virginia Department of Labor and Industry, to Linda R. Anku, Regional Administrator; by a letter dated November 12, 1982, from Janice L. Thomas, Chief Administrator for Occupational Safety, Virginia Department of Labor and Industry, to Patrick R. Tyson, Director, Federal Compliance and State Programs; and by letters dated January 20, March 16 and September 15, 1983, from Janice L. Thomas, Chief Administrator for Occupational Safety, Virginia Department of Labor and Industry, to Bruce F. Hillenbrand, Director, Federal Compliance and State Programs, the State of Virginia submitted developmental plan change supplements addressing the completion of a number of the developmental steps set forth in the initial approval decision. Following regional review, the supplements were forwarded to the Assistant Secretary for determination as to whether they should be approved. The supplements are described below.

Description of the Supplements

1. *Administrative Procedures Manual.* In accordance with the requirement of the developmental step set forth in 29 CFR 1952.373(h), the State was to develop an Administrative Procedures Manual containing State rules and regulations on standards promulgation, inspections, citations, proposal of penalties, contested case review procedures, variances, etc. On March 31, 1977, the State submitted to OSHA a copy of a manual entitled "Administrative Procedures Rules and Regulations for Enforcement of Occupational Safety and Health Standards." Upon review OSHA noted a number of problems with the manual which were discussed with the State. The problems dealt primarily with posting requirements, variances, employee representation, inspection procedures, petitions for modification of abatement, citation and penalty provisions, and contested case review procedures. The State submitted revised versions of the manual by letters dated September 8, 1978, May 26, 1981, November 12, 1982, and January 20, March 16 and September 13, 1983. The last submission, entitled "Virginia Occupational Safety and Health Administrative Regulations Manual", was jointly adopted by the Virginia Safety and Health Codes Commission and the Commissioner of Labor and Industry after a public hearing on May 17, 1983, and took effect October 31, 1983. These regulations were supplemented by a letter dated June 13, 1984, which contained clarifications regarding certain procedural issues and were judged to have satisfactorily addressed the areas of concern noted by OSHA. In addition, the VOSH Administrative Regulations Manual has satisfactorily addressed the assurances contained in the September 28, 1976 **Federal Register** notice (41 FR 42655) of initial plan approval regarding: penalties for failure to post; penalties for recordkeeping and reporting violations; penalty reduction factors applicable to other-than-serious violations; variance regulations comparable to 29 CFR 1905; serious citation and penalty for imminent danger violations; complainant notification of inspection results; and procedures for State adoption of standards identical to the Federal and adoption of emergency temporary standards within 30 days of Federal promulgation.

2. *Compliance Manuals.* In accordance with the requirement of the developmental step set forth in 29 CFR 1952.373(i), the State was to have developed a compliance manual establishing procedures to be used by safety and health inspectors and voluntary compliance personnel. By a letter dated March 31, 1977, the State submitted a voluntary compliance and training manual and requested a new completion date of August 1, 1977 for the submission of its safety and health compliance manual. On August 2, 1977, the State submitted a compliance manual establishing procedures and practices to be followed by all safety and health compliance officers. By letters dated November 20, 1978 and August 2, 1979, the State informed OSHA of its intent to adopt and implement the Federal OSHA Field Operations Manual and Industrial Hygiene Field Operations Manual, respectively. The State has submitted changes to its manual reflecting changes to the Federal OSHA manuals by letters dated August 26, 1981, February 9, 1984, and June 18, 1984. In addition, by a letter dated March 21, 1984, the State submitted a new "Voluntary Compliance and Training Field Operations Manual" to be used by voluntary compliance personnel in conjunction with the safety and health compliance manuals, and by a letter dated June 5, 1984, the State has indicated its intent to adopt and utilize the March 30, 1984 Federal Industrial Hygiene Technical Manual. A completely revised Field Operations Manual reflecting changes to the Federal manual through June 1, 1984 was submitted by the State on July 30, 1984. The manual is comparable to the Federal manual with the following exceptions, which are reflective of State-specific policies and procedures: the chapter on "General Responsibilities and Administrative Procedures" provides details regarding the division of enforcement responsibilities between the Department of Labor and Industry and the Department of Health; the "Compliance Programming" chapter includes the State's system for the scheduling of programmed construction inspections; the "Public Sector Programs" chapter details Virginia's occupational safety and health program for public employees; and the chapter on "Disclosure" sets forth the State's policies and procedures for the disclosure of information as governed by the Virginia Freedom of Information

Act (§ 2.1–340 *et seq.* and § 40.1–11, Code of Virginia). The manual's final chapter, entitled "Judicial Review of VOSH Contested Cases," explains in detail the State's policies and procedures regarding contests of citations, proposed penalties and orders of abatement, which are initially heard in Virginia's General District Courts and may be appealed to the State's Circuit Courts. In part, the chapter explains that: Commonwealth's Attorneys must represent the State in Virginia occupational safety and health (VOSH) contested cases; attorney representation is not required for employers, employees or their representatives at the General District Court level; both the General District and Circuit Courts are required to issue written final orders based on findings of fact and conclusions of law; and the State Attorney General's office will provide legal assistance to Commonwealth's Attorneys on VOSH-related cases.

3. *Public Employee Program.* In accordance with the requirement of the developmental step forth in 29 CFR 1952.373(n), Virginia was to develop and implement a safety and health program for public employees. By a letter dated March 31, 1977, the State submitted rules and regulations applying Virginia occupational safety and health law and standards to State, local and municipal governments which took effect on April 15, 1977. The State incorporated revised public sector rules and regulations into the October 31, 1983 version of the Administrative Regulations Manual. These regulations generally reference the regulations applicable to the private sector with the exception of penalty provisions (monetary penalties are no longer assessed in the public sector) and contested case procedures (there is no judicial review of public sector contested cases).

4. *Legislative Amendments.* On March 8, 1979, Virginia submitted legislative amendments to Title 40.1 of the Labor Laws of Virginia as enacted by the Virginia General Assembly on February 6, 1979. The major changes contained in the amendments included: authority for the Commissioner of Labor and Industry to delegate authority to the Commissioner of Health in matters concerning occupational health; provisions for employers to pay assessed penalties directly to the Commissioner of Labor and Industry without the necessity of appearing in court; the provision that only cases actually contested by employers or employees will be heard in the General District Courts; a requirement that the Virginia courts will issue written orders based on findings of fact and conclusions of law; provisions that employees or their representatives would have the opportunity to participate as parties in contested case proceedings; a requirement that the Department of Labor and Industry print, publish and distribute all final court orders to each of Virginia's Commonwealth's Attorneys; provisions for an Assistant Attorney General to provide advice and counsel to Commonwealth's Attorneys who are required to represent the State in contested case proceedings; provisions that the Commissioner of Labor and Industry will first attempt to conciliate employee discrimination cases and only take court action should that conciliation be unsuccessful; a change from a mandatory proposed penalty of $1000 for a serious violation to a proposed penalty of up to $1000 for a serious violation; and repeal of several sections of Title 40.1 which are already addressed by State standards.

5. *VOSH Program Directives System.* By a letter dated March 22, 1984, Virginia submitted a State-initiated plan change establishing the Virginia Occupational Safety and Health (VOSH) Program Directives System. Similar to the Federal OSHA Instruction System, this system provides the State with an effective method for handling State responses to Federal OSHA Instructions as well as State changes in operating procedures. The State has also provided assurances that it will develop a cross-referencing system between the OSHA Instructions and the VOSH Program Directives.

Location of the Plan and its Supplements for Inspection and Copying

A copy of the State's plan and the supplements may be inspected and copied during normal business hours at the following locations: Office of the Director of Federal-State Operations, Occupational Safety and Health Administration, Room N–3476, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Room 2100, Gateway Center, 3535 Market Street, Philadelphia, Pennsylvania 19104; and Office of the Commissioner, Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia 23241.

Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that all of the Virginia plan supplements described above are consistent with commitments contained in the approved plan, which was previously made available for public comment. Moreover, the supplements have been adopted by the State in accordance with State administrative procedures which provide for public participation. Accordingly it is found that further notice and public comment is unnecessary.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

Decision

PART 1952—[AMENDED]

After careful consideration, the Virginia plan supplements outlined above are approved under Part 1953. In addition, Subpart EE of 29 CFR Part 1952 is amended to reflect the completion of four developmental steps by adding paragraphs (m), (n), (o), and (p) to § 1952.374 as follows:

§ 1952.374 Completed Developmental Steps

* * * * *

(m) In accordance with 29 CFR 1952.373(h), Virginia submitted an administrative procedures manual containing State rules and regulations on standards promulgation, inspections, recordkeeping and reporting of occupational injuries and illnesses, nondiscrimination, citations, proposal of penalties, review procedures, variances, etc., on March 31, 1977. The State has subsequently submitted revised versions of and clarifications to the manual by letters dated September 8, 1978, May 26, 1981, November 12, 1982, January 20, 1983, March 16, 1983 and September 13, 1983 in response to OSHA comments, and these actions are adjudged to have sufficiently fulfilled the commitments of this step. The Virginia Occupational Safety and Health Administrative Regulations Manual (which became effective on October 31, 1983 and was clarified by a letter dated June 13, 1984) was approved by the Assistant Secretary on August 15, 1984.

(n) In accordance wth 29 CFR 1952.373(i), the State was to develop a compliance manual establishing procedures to be used by safety and health compliance officers and voluntary compliance personnel. A voluntary compliance and training

manual was initially submitted by the State on March 31, 1977 and a completely revised version was submitted by a letter dated March 21, 1984. The State submitted a compliance manual for safety and health compliance officers on August 2, 1977. By letters dated November 20, 1978 and August 2, 1979, Virginia informed OSHA that it would adopt and implement Federal OSHA's Field Operations Manual and Industrial Hygiene Field Operations Manual. The State has adopted subsequent Federal changes to these manuals by letters dated August 26, 1981, February 9, 1984, and June 18, 1984. On July 30, 1984, the State submitted a completely revised Field Operations Manual reflecting changes to the Federal manual through June 1, 1984. In addition, by a letter dated June 5, 1984, the State indicated its intent to utilize and adopt the March 30, 1984 Federal Industrial Hygiene Technical Manual. These supplements were approved by the Assistant Secretary on August 15, 1984.

(o) In accordance with 29 CFR 1952.373(n), Virginia met its developmental commitment of developing and implementing an occupational safety and health program applicable to employees of the State and local governments. On March 31, 1977, the State submitted rules and regulations applying Virginia occupational safety and health law and standards to State, local and municipal governments. These regulations were subsequently revised and incorporated into the State's Administrative Regulations Manual as submitted on September 13, 1983. These supplements were approved by the Assistant Secretary on August 15, 1984.

(p) In accordance with 29 CFR 1953.41, Virginia submitted legislative amendments to Title 40.1 of the Labor Laws of Virginia as enacted by the Virginia General Assembly of February 6, 1979. These legislative amendments, which dealt primarily with the Commissioner's delegation authority, procedures concerning Virginia's system of judicial review of contested cases, and penalty provisions, were approved by the Assistant Secretary on August 15, 1984.

* * * * *

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 15th day of August 1984.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 84-22148 Filed 8-20-84; 8:45 am]

BILLING CODE 4510-26-M

29 CFR Part 1952

Certification of Completion of Developmental Steps for Virginia State Plan

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: State Plan Certification.

SUMMARY: The State of Virginia, on or before September 23, 1979, submitted documentation attesting to the completion of all structural and developmental aspects of its approved State plan. After extensive review of those documents and subsequent revisions, and opportunity for State correction, all developmental plan supplements have now been approved. This notice certifies this completion and the beginning of the final evaluation phase of State plan development. This certification attests only to the fact that Virginia now has in place those structural components necessary for an effective program. It renders no judgment on the adequacy of the State's actual performance.

EFFECTIVE DATE: August 15, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, Washington, D.C. 20210, (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Occupational Safety and Health Act of 1970 (the "Act," 29 U.S.C. 667) provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards shall submit for Federal approval a State plan for such development and enforcement. Part 1902 of Title 29, Code of Federal Regulations, sets forth procedures under which the Assistant Secretary of Labor for Occupational Safety and Health ("Assistant Secretary") shall approve such plans. Under the Act and regulations, plan approval is essentially a two-step procedure. First a State must submit its plan for an initial determination under section 18(b) of the Act. If the Assistant Secretary, after reviewing the State submission, determines that the plan satisfies or will satisfy within a maximum three year developmental period the criteria set forth in section 18(c) of the Act, a decision of "initial approval" is issued and the State may begin enforcement of its safety and health standards in accordance with the plan and with the maintenance of concurrent enforcement authority by the Occupational Safety and Health Administration (OSHA).

A State plan may receive initial approval even though at the time of submission all essential components of the plan are not in place. Pursuant to 29 CFR 1902.2(b), the Assistant Secretary may initially approve the submission as a "developmental plan," and a schedule within which the State must complete specified "developmental steps" is issued as part of the initial approval decision.

When the Assistant Secretary finds that the State has completed all developmental steps specified in the initial approval decision, notice of such completion is published in the **Federal Register** (see 29 CFR 1902.34 and 1902.35). Certification of completion of developmental steps initiates a thorough evaluation of the State plan by the Assistant Secretary to determine on the basis of actual operations whether the plan adequately provides safety and health protection to the employees in the State. Certification does not render judgment as to the adequacy of State performance.

The second step of the approval process is final approval of the plan under section 18(e) of the Act and 29 CFR Part 1902. Final approval may not be granted until at least three years after initial approval and one year after certification of completion of developmental steps. Thereafter, when the Assistant Secretary determines on the basis of actual performance under the plan that the criteria are being met, a decision of final approval may be granted. This decision is based on a thorough evaluation of the State plan under section 18(e) of the Act and reflects a determination that on the basis of actual operations the plan adequately protects the safety and health of the State's workers. In making this evaluation under section 18(e), the Assistant Secretary must monitor the continuing development of the State program applying criteria which assure that the State will have an at least as effective program for achieving the goals of the Act, except with respect to staffing and funding levels, which must reflect a fully effective program pursuant to *AFL-CIO* v. *Marshall*, 570 F. 2d 1030 (1978).

On September 28, 1976, a notice was published in the **Federal Register** (41 FR 42655) initially approving the Virginia developmental plan and adopting Subpart EE of Part 1952 containing the decision, a description of the plan and the developmental schedule. During the

three year period ending September 23, 1979, following commencement of State operations, the Virginia Department of Labor and Industry submitted documentation attesting to the completion of each State developmental commitment for review and approval as provided in 29 CFR Part 1953. Following Agency review and subsequent explanation and modification of the State's submissions in response to Federal comment, the Assistant Secretary has approved the completion of all individual developmental steps.

Completion of Developmental Steps

All developmental steps specified in the September 28, 1976, notice of initial approval and other relevant steps not explicitly referred to have been completed as follows:

(a) In accordance with 29 CFR 1953.41, Virginia submitted legislative amendments to Title 40.1 of the Labor Laws of Virginia as enacted by the Virginia General Assembly on February 6, 1979. These legislative amendments, which dealt primarily with the Commissioner's delegation authority, procedures concerning Virginia's system of judicial review of contested cases, and penalty provisions, were approved by the Assistant Secretary on August 15, 1984 and is reflected in a document published elsewhere in today's **Federal Register.**

(b) In accordance with 29 CFR 1952.373 (b), the Virginia Department of Labor and Industry has enforced fire standards identical to those of Federal OSHA since plan approval and, by a letter dated August 15, 1978, officially assumed the authority for fire standards enforcement, which it had initially intended to delegate to the State Fire Marshal. This developmental step was approved by the Assistant Secretary on November 13, 1980 (45 FR 77001, November 21, 1980).

(c) In accordance with 29 CFR 1952.373 (c) and 1952.10, the Virginia State Posters for the private and public sectors were submitted on May 4 and September 12, 1977, respectively, and were approved by the Assistant Secretary on November 13, 1980 (45 FR 77001, November 21, 1980).

(d) In accordance with 29 CFR 1952.373 (d), Virginia initiated a voluntary compliance program, which included on-site consultation services, on March 15, 1977. Since October 1, 1977, on-site consultation activities for the private sector have been provided by an agreement under Section 7(c)(1) of the Act between the Virginia Department of Labor and Industry and the U.S. Department of Labor. The supplement documenting this completion was approved by the Assistant Secretary on November 13, 1980 (45 FR 77001, November 21, 1980).

(e) In accordance with 29 CFR 1952.373 (f), Virginia had met its commitment for staffing its on-site consultation program in the public sector by Fiscal Year 1979, and the completion of this developmental step was approved by the Assistant Secretary on November 13, 1980 (45 FR 77001, November 21, 1980).

(f) In accordance with the relevant part of 29 CFR 1952.373 (g), Virginia's automated Management Information System became fully operational on July 1, 1977, and the completion of this developmental step was approved by the Assistant Secretary on November 13, 1980 (45 FR 77001, November 21, 1980). Virginia has since become a participant in a unified Federal-State Management Information System.

(g) In accordance with 29 CFR 1952.373 (l), the Directors of the Industrial and Construction Safety Divisions of the Virginia Department of Labor and Industry were placed under the State merit system as of September 1, 1976. This developmental step was approved by the Assistant Secretary on November 13, 1980 (45 FR 77001, November 21, 1980).

(h) In accordance with 29 CFR 1952.373 (a), Virginia occupational safety and health standards identical to the equivalent Federal standards have been promulgated, subsequently amended to reflect changes in and additions to Federal standards, and approved by the Regional Administrator on February 3, 1978 (43 FR 11274, March 17, 1978), December 19, 1978 (44 FR 33751, June 12, 1979), March 15, 1979 (44 FR 33752, June 12, 1979), May 6, 1980 (45 FR 47548, July 15, 1980), February 27, 1981 (47 FR 36485, August 20, 1982), June 18, 1981 (46 FR 41886, August 18, 1981), and July 1, 1981 (46 FR 41886, August 18, 1981). Virginia has responded to all Federal standards changes and is within six months currency on recent standards actions.

(i) In accordance with 29 CFR 1952.373 (e), Virginia submitted documentation on August 11, 1978, showing that it has substantially met its compliance staffing commitments by providing for 38 safety and 18 health compliance officers. This supplement was approved by the Assistant Secretary on October 14, 1983 (48 FR 48822, October 21, 1983). Although State plan commitments on staffing and resources have been met, these initial commitments do not necessarily meet the ultimate requirements of the Occupational Safety and Health Act of 1970 for "sufficient staff" as interpreted by the U.S. Court of Appeals decision in *AFL–CIO* v. *Marshall*, 570 F.2d 1030 (1978).

(j) In accordance with the relevant part of 29 CFR 1952.373 (g), the State met its commitment to implement a system for reporting court decisions resulting from its system of judicial review of contested cases by submitting published compilations of final orders and decisions regarding cases contested to the Virginia General District and Circuit Courts. Since May 27, 1981, the State has submitted four annual volumes which have included final orders and decisions for the periods from July 1, 1979 through June 30, 1983. The completion of this developmental commitment was approved by the Assistant Secretary on October 14, 1983 (46 FR 48822, October 21, 1983).

(k) In accordance with 29 CFR 1952.373 (j), Virginia adopted standards for explosives and blasting agents on March 23, 1977, which were found to be identical to the Federal standards and were approved by the Regional Administrator on February 3, 1978 (43 FR 11274, March 17, 1978).

(l) In accordance with 29 CFR 1952.373 (k), Virginia submitted revised job descriptions for both safety and health personnel on October 5, 1977, which were approved by the Assistant Secretary on October 14, 1983 (46 FR 48822, October 21, 1983).

(m) In accordance with 29 CFR 1952.373 (m), Virginia submitted inspection scheduling systems for its health and safety programs on September 7 and November 2, 1977, respectively. The State subsequently adopted revisions identical to revisions to the Federal scheduling systems for safety and health inspections which were approved by the Assistant Secretary on October 14, 1983 (46 FR 48822, October 21, 1983).

(n) In accordance with 29 CFR 1952.373 (h), Virginia submitted an administrative procedures manual containing State rules and regulations on standards promulgation, inspections, citations and proposal of penalties, contested case procedures, variances, recordkeeping and reporting of occupational injuries and illnesses, nondiscrimination, etc., on March 31, 1977. The State has subsequently submitted revised versions of and clarifications to the manual by letters dated September 8, 1978, May 26, 1981, November 12, 1982, January 20, 1983, March 16, 1983 and September 13, 1983 in response to OSHA comments, and these actions are adjudged to have sufficiently fulfilled the commitments of this step. The Virginia Occupational Safety and Health Administrative

Regulations Manual (which became effective on October 31, 1983 and was clarified by a letter dated June 13, 1984) was approved by the Assistant Secretary on August 15, 1984 and is reflected in a document published elsewhere in today's **Federal Register.**

(o) In accordance with 29 CFR 1952.373(i), the State was to develop a compliance manual establishing procedures to be used by safety and health compliance officers and voluntary compliance personnel. A voluntary compliance and training manual was initially submitted by the State on March 31, 1977 and a completely revised version was submitted by a letter dated March 21, 1984. The State submitted a compliance manual for safety and health compliance officers on August 2, 1977. By letters dated November 20, 1978 and August 2, 1979, Virginia informed OSHA that it would adopt and implement Federal OSHA's Field Operations Manual and Industrial Hygiene Field Operations Manual. The State has adopted subsequent Federal changes to these manuals by letters dated August 26, 1981, February 9, 1984, and June 18, 1984. On July 30, 1984, the State submitted a completely revised Field Operations Manual reflecting changes to the Federal manual through June 1, 1984. In addition, by a letter dated June 5, 1984, the State indicated its intent to utilize and adopt the March 30, 1984 Federal Industrial Hygiene Technical Manual. These supplements were approved by the Assistant Secretary on August 15, 1984 and is reflected in a document published elsewhere in today's **Federal Register.**

(p) In accordance with 29 CFR 1952.373(n), Virginia submitted rules and regulations applying Virginia occupational safety and health law and standards to State, local and municipal governments on March 31, 1977. Revised rules and regulations applicable to the public sector were subsequently incorporated into the State's administrative regulations manual, which was submitted by the State on September 13, 1983 and approved by Assistant Secretary on August 15, 1984 and is reflected in a document published elsewhere in today's **Federal Register.**

(q) As required by 29 CFR 1902.34(b)(3), the personnel operations of the Virginia Department of Labor and Industry and the servicing merit system were reviewed by the U.S. Civil Service Commission and were found to be in substantial conformance with the intergovernmental Merit System Standards applicable to the OSHA program by a letter dated March 23, 1977. The letter also judged Virginia's affirmative action plan to be in compliance with the intent of these standards.

This certification covers all occupational safety and health issues covered under the Federal program except for private sector longshoring and maritime operations which are excluded from coverage under the plan. This certification also covers the State's program covering State and local government employees.

Location of the Plan and its Supplements for Inspection and Copying

A copy of the State's plan and the supplements may be inspected and copied during normal business hours at the following locations: Office of the Director of Federal-State Operations, Occupational Safety and Health Administration, Room N-3476, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Room 2100, Gateway Center, 3535 Market Street, Philadelphia, PA 19104; and Office of the Commissioner, Department of Labor and Industry, 205 North Fourth Street, Richmond, VA 23241.

Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that all of the Virginia plan supplements described above are consistent with commitments contained in the approved plan, which was previously made available for public comment. Moreover, the supplements have been adopted by the State in accordance with State administrative procedures which provide for public participation and have all been approved by the Assistant Secretary in earlier notices. Accordingly, it is found that further notice and public comment is unnecessary for certification of the completion of the Virginia State plan's developmental steps.

Effect of Certification

The Virginia plan is certified effective August 15, 1984 as having completed all developmental steps on or before September 23, 1979. This certification attests to structural completion, but does not render judgment on adequacy of performance.

The Virginia occupational safety and health program will be monitored and evaluated for a period of not less than one year after publication of this certification to determine whether the State program in operation provides for an effective program.

Level of Federal Enforcement

In accordance with 29 CFR 1902.35, Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662 and 666) and Federal standards authority under Section 6 of the Act (20 U.S.C. 655) will not be relinquished during the evaluation period. However, under the terms of an operational status agreement entered into between OSHA and the Virginia Department of Labor and Industry effective October 1, 1981 (47 FR 25323, June 11, 1982), the exercise of this authority will continue to be limited to, among other things: complaints about employee discrimination; enforcement related to private sector maritime operations (shipyards, marine terminals, longshoring and gear certification, etc.), which issues have been specifically excluded from coverage under the plan; enforcement of new Federal standards including emergency temporary standards until such time as the State adopts comparable standards; situations where the State is refused entry and is unable to obtain a warrant or enforce the right of entry; enforcement relating to any contractors or subcontractors on any Federal establishment where the State cannot obtain entry; enforcement of unique and complex standards as determined by the Assistant Secretary; enforcement in situations where the State is temporarily unable to exercise its enforcement authority fully or effectively; completion of enforcement actions initiated prior to the effective date of the agreement; and investigations and inspections for the purposes of monitoring and evaluation of the Virginia State plan under sections 18 (e) and (f) of the Act. The Regional Administrator will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18(e) of the Act whenever and to the degree necessary to assure occupational safety and health protection to employees in Virginia.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

In accordance with this certification, 29 CFR 1952.374 is hereby amended to

reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (q) as follows:

§ 1952.374 Completion of developmental steps and certification

* * * * *

(q) In accordance with § 1902.34 of this chapter, the Virginia occupational safety and health plan was certified effective August 15, 1984 as having completed all developmental steps specified in the plan as approved on September 23, 1976 on or before September 23, 1979. This certification attests to structural completion, but does not render judgment on adequacy of performance.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, DC this 15th day of August 1984.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 84-22149 Filed 8-20-84; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL-2657-1]

Approval and Promulgation of Implementation Plans; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the Washington State Implementation Plan (SIP) which add Lidar as an acceptable method of determining compliance with opacity requirements. These amendments were submitted on July 23, 1984 by the State of Washington Department of Ecology (DOE), after adequate opportunity for public, private, and industry input.

EFFECTIVE DATE: This action will be effective on October 22, 1984 unless notice is received before September 20, 1984 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal thirty-day comment period on this action.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

Air Programs Branch, (10A-84-7), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

Washington Department of Ecology, 4224 6th Avenue, S.E., Rowe Six, Building #4, Lacy, Washington 98504

Copy of the State's submittal may be examined at:

The Office of Federal Register, 1101 L Street NW., Room 8401, Washington, D.C.

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

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-8577, (FTS) 399-8577.

SUPPLEMENTARY INFORMATION:

I. Plan Revisions

On July 23, 1984 DOE submitted a revised page III-D-2 of the Washington SIP in order to update TABLE 8 "DEPARTMENT OF ECOLOGY SOURCE TEST METHODS WHICH ARE USED FOR COMPLIANCE." This revision adds EPA's Lidar test method as acceptable alternative methods for the currently approved Method 9A "Visual Determination of Opacity for a Three Minute Standard" and Method 9B "Visual Determination of Opacity for a Six Minute Standard." Since this action simply adds a test method which is equivalent to EPA's own alternative method for opacity, EPA is today approving the submittal as a revision to the Washington SIP.

II. Summary of Action

EPA views as noncontroversial and routine the approval of state provisions which do not allow increases in actual emissions or are only procedural in nature. EPA today is therefore approving, without prior proposal, the revisions to page III-D-2 of the Washington SIP which add Lidar as an acceptable alternative method to the currently approved methods 9A and 9B.

The public should be advised that this action will be effective on October 22, 1984. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 22, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act.)

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under sections 110, 161, and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

(Sections 110(a) and 301(a) of the Clean Air Act [42 U.S.C. 7410(a) and 7601(a)])

List of Subjects in 40 CFR Part 52

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

Dated: August 15, 1984.

William D. Ruckelshaus,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Washington was approved by the Director of the Federal Register in July 1982.

PART 52—[AMENDED]

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

Subpart WW—Washington

1. Section 52.2470 is amended by adding paragraph (c)(28) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(28) Amendments to page III-D-2 (TABLE 8—DEPARTMENT OF ECOLOGY SOURCE TEST METHODS WHICH ARE USED FOR COMPLIANCE) of the Washington State Implementation Plan, submitted by the State Department of Ecology on July 23, 1984.

[FR Doc. 84-22132 Filed 8-20-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[EPA Docket No. AW037PA; A-3-FRL-2657-2]

Approval of a Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Commonwealth of Pennsylvania has submitted to the Environmental Protection Agency (EPA) an amendment to its pollution control regulations and has requested that it be reviewed and processed as a revision to the Pennsylvania State Implementation Plan (SIP). This amendment, submitted on July 28, 1983, and clarified by letters dated October 28, 1983 and February 7, 1984, will enable the Commonwealth of Pennsylvania to implement and enforce the Prevention of Significant Deterioration (PSD) regulation. This notice summarizes the SIP revision and EPA's findings, and approves the proposed revision.

DATE: This action will be effective on October 22, 1984 unless notice is received by September 20, 1984, that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the proposed SIP revision, as well as accompanying support documentation submitted by the Commonwealth, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Branch, Curtis Building, (3AW11), Sixth and Walnut Streets Philadelphia, PA 19106, ATTN: Mrs. Patricia Gaughan

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North Third Street, Harrisburg, PA 17120, ATTN: James K. Hambright

Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Eileen M. Glen (3AW11) at the EPA, Region III address above or call 215/597-8379. All comments should be submitted to H. Glenn Hanson, at the EPA address listed above. Please reference the EPA Docket number found in the heading of this notice in any correspondence.

SUPPLEMENTARY INFORMATION: On July 28, 1983, the Commonwealth of Pennsylvania submitted to the Environmental Protection Agency amendments to 25 PA. Code Chapter 127 which add §§ 127.81–127.83 relating to prevention of significant deterioration of air quality.

The amendments to Chapter 127 will enable the Pennsylvania Department of Environmental Resources to administer the Prevention of Significant Deterioration (PSD) program contained in 40 CFR Part 52.21. The addition of § 127.83 adopts 40 CFR § 52.21 by reference in its entirety. On October 28, 1983, the Pennsylvania Department of Environmental Resources (DER) submitted a letter to EPA supplementing the original submittal. DER stated that because 25 PA Code Chapter 127, Subchapter D does not reference a specific edition of 40 CFR Part 52, all future changes thereto would automatically be incorporated by reference. DER further stated that its own public participation procedures (25 PA Code 127.41–127.51), as adopted by the Pennsylvania Environmental Quality Board on April 25, 1983, and its written commitment to review and process PSD applications in accordance with the time frames established by 40 CFR Part 124 satisfy the EPA procedural requirements.

On February 7, 1984, DER submitted a second letter further clarifying its proposed administration of the PSD program. DER itemized specific provisions of 40 CFR 52.21 in which it intended to term "Administrator" to mean the Administrator of EPA rather than the DER, and certain other provisions in which it intended the term to mean either the Administrator of EPA or the DER. DER confirmed that in all other provisions it intended the term to mean the DER. These two letters are part of the SIP submittal EPA is approving today.

The PSD program is established by the 1977 amendments to the Clean Air Act, 42 U.S.C.A. 7470–7479. The PSD program covers any new construction or any major modification of a major stationary air emission source, in an area which has air quality better than the national ambient air quality standards. The program requires the issuance of permits prior to construction of modifications of certain sources. Transfer of the PSD program from the United States Environmental Protection Agency to the Department of Environmental Resources will enable source owners or operators to obtain permits from a single agency, that is, from the Department of Environmental Resources.

These regulations are adopted under the authority contained in section 5 of the Air Pollution Control Act (35 P.S. 4005). Persons affected by these regulations would include persons currently required to obtain PSD permits from the United States Environmental Protection Agency for the construction or modification of air contamination sources. Notice of proposed rulemaking and fiscal note EQB 82-6 were published at 12 Pa. B 3524, October 2, 1982). The notice of proposed rulemaking contained a notice of public hearings. Public hearing were held on November 17, 1982 in Norristown, on November 18, 1982 in Pittsburgh, and on November 19, 1982 in Harrisburg. No testimony was offered and no written comments were received by the Department. No modifications were made to this proposed regulation.

The requirements adopted by these amendments to the Pennsylvania Code do not apply to sources located in areas under the jurisdiction of local air pollution control agencies. Authority for the implementation and enforcement of the PSD program was delegated to the City of Philadelphia on July 11, 1983 (48 FR 31638), and arrangements are in process for full delegation to Allegheny County for sources under their jurisdiction.

EPA evaluation: EPA has reviewed the pertinent laws of the Commonwealth of Pennsylvania and the rules and regulations thereof and has determined that they provide an adequate and effective procedure for full implementation of the PSD program. The proposed regulations adopted by the Commonwealth of Pennsylvania satisfy the requirements of 40 CFR Part 52.21, and are therefore approvable.

The Pennsylvania PSD program excludes vessel emissions from program applicability determinations in section 127.83 incorporating 40 CFR 52.21(b)(6) by reference. The U.S. Court of Appeals for the District of Columbia recently vacated the exclusion in 40 CFR 52.21(b)(6). See *NRDC v. EPA*, Nos. 81-2001 and consolidated cases, opinion of January 17, 1984. EPA therefore can not approve Pennsylvania's incorporation by reference of this exclusion. Consequently, EPA is taking no action at this time on the Pennsylvania PSD program as it applies to any marine terminal facilities. EPA will retain authority for the time being to issue PSD permits to marine terminal facilities in Pennsylvania. Once EPA has amended 40 CFR 52.21(b)(6) to conform to the court's opinion, EPA will then be able to approve Pennsylvania's PSD program as it applies to marine terminal facilities because the program incorporates by reference any future changes in 40 CFR 52.21(b)(6).

Under this program, Pennsylvania will be issuing permits and establishing emission limitations that may be affected by the current judicial review of stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). For this reason, EPA has requested that the state include the following caveat in all potentially affected permit approvals until the judicial process is completed and the stack height regulations either upheld by the court or revised by EPA:

"In approving this permit, the Pennsylvania DER has determined that the application complies with the applicable provisions of the stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). Portions of these regulations have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit. *Sierra Club v. EPA*, 719 F.2d 436 (D.C. Cir., 1983). That court decision has been appealed to the U.S. Supreme Court by a group of affected industries. Consequently, this permit may be subject to modification when the judicial process is completed and any regulations revised in response. This may result in revised emission limitations or may affect other actions taken by the source owners or operators."

Pennsylvania must make an enforceable commitment to inlcude this caveat in all affected permits by letter dated June 15, 1984. This letter is part of the SIP revision EPA is approving today.

Conclusion: The Administrator's decision to approve the proposed revision was based on a determination that the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. Section 605(b), I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981).

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7642.

Dated: August 15, 1984.

William D. Ruckelshaus,

Administrator.

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

PART 52—[AMENDED]

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

Subpart NN—Pennsylvania

1. In § 52.2020, Identification of Plan is amended by adding paragraph (c)(57) to read as follows:

§ 52.2020 Identification of Plan

* * * * *

(c) * * *

(57) A revision submitted by the Commonwealth of Pennsylvania on July 28, 1983, and clarified by letters dated October 28, 1983, February 7, 1984 and June 15, 1984 enables the Commonwealth of Pennsylvania to implement and enforce the prevention of significant deterioration (PSD) regulations.

2. Section 52.2058, Significant Deterioration of Air Quality, is deleted and a new § 52.2058, Prevention of Significant Air Quality Deterioration, is added as follows:

§ 52.2058 Prevention of Significant Air Quality Deterioration.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met by the regulations (25 PA Code § 127.81 through 127.83) adopted by the Pennsylvania Environmental Resources on October 28, 1983. All PSD permit applications and requests for modifications thereto should be submitted to: Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North Third Street, Harrisburg, PA. 17120, ATTN: Abatement and Compliance Division.

[FR Doc. 84-22133 Filed 8-20-84; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 65

[A-5-FRL—2657-3]

Delayed Compliance Orders; Disapproval of a Delayed Compliance Order Issued by the Illinois Environmental Protection Agency to the Riverside Correctional Facility

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

ACTION: Final rulemaking.

SUMMARY: This notice disapproves a delayed Compliance Order (DCO) issued to the Riverside Correctional Facility in Ionia, Michgan. The Order allows the facility to emit particulate matter, in excess of limits stipulated in Michigan's Administrative Code 1980 AACS, R336.1331, from its three coal-fired boilers. USEPA is disapproving the Order because it does not meet the requirements of section 113(d) of the Clean Air Act.

EFFECTIVE DATE: This Final Rulemaking becomes effective on August 21, 1984.

FOR FURTHER INFORMATION CONTACT: Maggie Greene, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

SUPPLEMENTARY INFORMATION: On April 18, 1984, the Regional Administrator of USEPA's Region V office published in the **Federal Register** (49 FR 15230) a notice proposing to disapprove a DCO issued by the Michigan Department of Natural Resources to the Riverside Correctional Facility because the order

does not meet the requirements of section 113(d) of the Clean Air Act. The notice asked for public comments by May 18, 1984, on the USEPA proposal. No public comments were received in response to the notice. Therefore, effective this date, the DCO issued by the Michigan Department of Natural Resources to the Riverside Correctional Facility is disapproved for the reasons specified in the Notice of Proposed Disapproval to wit:

1. A DCO must include reasonable and practicable interim controls. This DCO specifies an interim limit for particulate and visible emissions, but the submittal does not specify how these lower emissions will be met. Although the State of Michigan has informed USEPA that these limits be achieved by operating permit constraints and improved maintenance, no evidence was submitted that a permit containing these conditions was issued, and there are no provisions in the DCO for assuring that the lower emission rates are being met.

2. A DCO must include reasonable requirements for monitoring and reporting. This DCO requires only the reporting of stack test and visible emission data demonstrating final compliance. There are no interim reporting requirements and no provisions for monitoring of any type.

3. The Order must require final compliance as expeditiously as practicable but no later than July 1, 1979, or 3 years after the date for final compliance specified in the SIP, whichever is later. This DCO does not fulfill this requirement. The final compliance date specified in the SIP is July 1, 1981.The proposed final compliance date in the DCO is July 31, 1984. Therefore, this criterion is not met by the DCO.

Pursuant to 5 U.S.C. section 605(b), the Administrator has certified that today's disapproval action will not have a significant economic impact on a substantial number of small entities, because it applies to only one facility, the Riverside Correctional Facility.

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

List of Subjects in 40 CFR Part 65

Intergovernmental relations, Air pollution control.

Note: Incorporated by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1983.

This notice is issued under authority of section 113 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601)

Dated: August 14, 1984.

William D. Ruckelshaus,

Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

Michigan

By adding the following entry to the table in § 65.272—USEPA Disapproval of State Delayed Compliance Orders.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Riverside correctional facility.	Ionia, MI		Apr. 18, 1984	Code 1980 AACS, R336.1331	

[FR Doc. 84-22134 Filed 8-20-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-15; RM-4616]

FM Broadcast station in Palmer, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein, at the request of Matanuska Broadcasting Company, assigns FM Channel 239 to Palmer, AK, as that community's first FM service.

DATE: Effective: October 12, 1984.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Palmer, AK) MM Docket No. 84-15, RM-4616.

Adopted: August 7, 1984.
Released: August 13, 1984.
By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 49 FR 3885, published January 31, 1984, proposing the assignment of FM Channel 239 to Palmer, AK, at the request of Matanuska Broadcasting Company ("petitioner"). Supporting comments were filed by petitioner reaffirming its intention to apply for the channel, if assigned. No other comments to the proposal were received.

2. The Commission believes that the public interest would be served by the assignment of FM Channel 239 to Palmer, AK, providing a first FM service to the community. The assignment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules. However, in order to protect the monitoring station at Anchorage, Alaska from possible interference, the applicants should make their proposals conform to the technical requirements of § 73.1030(c)(1)-(5) of the Rules.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective October 12, 1984, the FM Table of Assignments, section 73.202(b) of the Rules, is amended with respect to the community listed below to read as follows:

City	Channel No.
Palmer, AK	239

4. It is further ordered, That this proceeding IS TERMINATED.

5. For further information concerning the above, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-22085 Filed 8-20-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-998; RM-4488]

FM Broadcast Station in Gladstone, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein, at the request of Midwest Radio Consultants, Inc., assigns Channel 288A to Gladstone, MI, as that community's first local FM broadcast service.

DATES: Effective: October 12, 1984.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations (Gladstone, MI) MM Docket No. 83-998, RM-4488

Adopted: August 7, 1984.
Released: August 13, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 48 FR 45432, published October 5, 1983, proposing the assignment of Channel 288A to Gladstone, MI, as that community's first local FM broadcast service. The *Notice* was adopted in response to a petition filed by Midwest Radio Consultants, Inc. ("petitioner"). Supporting comments were filed by the petitioner reaffirming its intention to apply for the channel, if assigned. No other comments were received.

2. The Commission believes that the public interest would be served by the assignment of Channel 288A to Gladstone, MI, as that community's first FM broadcast service. The assignment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules. Since Channel 288A at Gladstone is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence from the Canadian government has been received.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204 and 0.283 of the Commission's rules, it is ordered, That effective October 12, 1984, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended for the following city:

City	Channel No.
Gladstone, MI	288A

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-22087 Filed 8-20-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1062; RM-4566]

FM Broadcast Station in Pentwater, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 276A to Pentwater, MI, as that community's first local FM assignment, at the request of James J. McClusky.

DATE: Effective: October 12, 1984.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations (Pentwater, MI) MM Docket No. 83-1062, RM-4566.

Adopted: August 7, 1984.
Released: August 13, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making*, 48 FR 47025, published October 17, 1983, seeking comments on the request of James J. McCluskey ("petitioner") to assign FM Channel 276A to Pentwater, MI, as that community's first local assignment. Petitioner has submitted comments reiterating his intention to apply for the channel, if assigned. No other comments have been received.

2. Channel 267A can be assigned to Pentwater with a 5.2 mile southwest site restriction.[1] The concurrence of the Canadian Government has been received as Pentwater is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

3. We believe the assignment of Channel 276A at Pentwater is in the public interest as an intention to activate the channel has been expressed. Accordingly, pursuant to the authority contained in sections 4(i) 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective October 12, 1984, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the community listed below to read as follows:

City	Channel No.
Pentwater, MI	276A

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Allocations Branch, Mass Media Bureau.

[FR Doc. 84-22088 Filed 8-20-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1061; RM-4556]

FM Broadcast Station in Fargo, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein, at the request of the First Assembly of God Church, assigns Class C FM Channel 300 to Fargo, ND, as the community's fourth FM allocation.

[1] Channel 276A at Pentwater does not provide the 16 kilometer buffer to Station WTCM-FM, Channel 278 at Traverse, Michigan. However, this buffer is not required as the petition for rule making was filed prior to December 16, 1983. See Public Notice dated December 9, 1983, and Docket 80-90, 94 F.C.C. 2d 152 (1983), recons. denied, 49 FR 10260, published March 20, 1984.

DATE: Effective: October 12, 1984.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Fargo, ND) MM Docket No. 83–1061, RM–4556.

Adopted: August 7, 1984.
Released: August 13, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the Notice of Proposed Rule Making, 48 FR 47028, published October 17, 1983, proposing the assignment of Class C FM Channel 300 to Fargo, North Dakota, as the community's fourth FM allocation. The *Notice* was adopted in response to a petition filed by the First Assembly of God Church ("petitioner"). Supporting comments were filed by petitioner reaffirming the intention to apply for the channel, if assigned. No comments in opposition to the proposal were received.

2. The Commission believes that the public interest would be served by the assignment of Class C Channel 300 to Fargo, North Dakota, in order to provide a fourth FM service to the community. The assignment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules. Since Fargo is within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence from the Canadian government has been received.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective October 12, 1984, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Fargo, ND	229, 250, 270, and 300.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84–22089 Filed 8–20–84; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 83–1130; RM–4514]

FM Broadcast Station in Folly Beach, SC

AGENCY: Federal Communications Commmission.

ACTION: Final rule.

SUMMARY Action taken herein assigns Channel 249A to Folly Beach, SC, as that community's first local FM broadcast service, in response to a petition filed by John T. Galanses.

DATE: Effective: October 12, 1984.

ADDRESS: Federal Communications Commmission, Washington, DC. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner or Stanley Schumlewitz, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Ordering (Preceeding Terminated)

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Folly Beach, SC) MM Docket No. 83–1130, RM–4514.

Adopted: Aug. 7, 1984.
Released: August 13, 1984.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 48 FR 50580, published November 2, 1983, issued in response to a petition filed by John T. Galanses ("petitioner"), proposing the assignment of Channel 249A to Folly Beach, SC, as that community's first local FM broadcast service. Suporting comments were filed by petitioner in which he reaffirmed his intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. We believe the public interest would be served by assigning Channel 249A to Folly Beach, SC, since it could provide a first local FM service to the community.

3. The channel can be assigned to Folly Beach consistent with minimum distance separation requirements of § 73.207(b) of the Commission's Rules by placing the transmitter approximately 3.8 kilometers (2.4 miles) southwest of the community to avoid a conflict on the co-channel with Station WGMB (FM), in Georgetown, SC.[1]

4. Accordingly, pursuant to the authority contained in section 4(i), 5(c)(1), 303(g) and (r) 307(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules it is ordered, That effective October 12, 1984, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended to include the community listed below, as follows:

City	Channel No.
Folly Beach, SC	249A

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning the above, contact Nancy V. Joyner or Stanley Schmulewitz, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commmission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84–22090 Filed 8–20–84; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 83–1058; RM–4570]

FM Broadcast Station in Grandview, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 265A to Grandview, WA, as that community's first local FM assignment, at the request of Prosser Grandview Broadcasters, Inc.

DATE: Effective: October 12, 1984.

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

[1] It is noted that, under the rules adopted in Docket 80–90 the spacing requirements are not met to Station WGMB, nor does this assignment provide a 16 kilometer (10 mile) buffer to Station WCOS (FM) (Channel 250), in Columbia, SC. However, since Galanses' pettiion was filed and accepted prior to the effective date of the new rules (March 1, 1984), the new spacing requirments do not apply. See *Public Notice* dated December 9, 1983: *Report and Order*, 94 F.C.C. 2d 152 (1983); *recons.* 49 FR 10260, published March 20, 1984.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Grandview, WA) MM Docket No., 83–1058, RM–4570.

Adopted: August 7, 1984.
Released: August 13, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 48 FR 47030, published October 17, 1983, proposing the assignment of Channel 265A to Grandview, Washington, as that community's first local FM allotment. The *Notice* was issued in response to a petition for rule making filed by Prosser Grandview Broadcasters, Inc. ("petitioner"). Petitioner filed comments reiterating its intention to apply for the channel, if assigned. No other comments were received.

2. Channel 265A can be assigned to Grandview in compliance with the Commission's minimum distance separation and other technical requirements.[1] The concurrence of the Canadian Government has been received as Grandview is located within 320 kilometers (200) miles) of the U.S.-Canadian border.

3. We believe the assignment of a first FM channel at Grandview to be in the public interest as an interest in its use has been expressed. Accordingly, pursuant to the authority contained in section 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective October 12, 1984, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the community listed below, to read as follows:

City	Channel No.
Grandview, WA	265A

[1] Channel 265A at Grandview does not provide the 16 kilometer buffer to Station KWIQ-FM. Channel 262 at Moses Lake, Washington. See Docket No. 80–90, 94 F.C.C. 2d 152 (1983) *recon. den.* 49 FR 10260, published March 20, 1984.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84–22086 Filed 8–20–84; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 31012–199]

Atlantic Tuna Fisheries

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

ACTION: Notice of inseason adjustment.

SUMMARY: NOAA issues this notice to increase the Harpoon Boat category quota of giant Atlantic bluefin tuna from 60 short tons (st) to 75 st and to decrease the inseason adjustment amount from 104 st to 89 st accordingly. The increase is necessary to prevent an early closure of this segment of the fishery.

EFFECTIVE DATE: August 17, 1984.

FOR FURTHER INFORMATION CONTACT:
William C. Jerome, Jr., 617–281–3600, extension 325; or David S. Crestin, 617–281–3600, extension 253. The address for both individuals is National Marine Fisheries Service, Northeast Region, Management Division, State Fish Pier, Gloucester, Massachusetts 01930–3097.

SUPPLEMENTARY INFORMATION: Final regulations governing the Atlantic bluefin tuna fishery were published on June 17, 1983 (48 FR 27745). Section 285.22(g) provides that the Regional Director may allocate during the fishing season any portion (from zero to 100 percent) of the inseason adjustment amount (104 st) to any segment of the fishery. The Regional Director is required to publish a notice of allocation in the **Federal Register** before such allocation becomes effective. Consistent with § 285.22(g), the Regional Director has considered the following factors:

(1) The usefulness of information obtained from catches of the particular gear segment of the fishery for biological sampling and monitoring the status of the stock;

(2) The catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made;

(3) The projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season; and

(4) The estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

The Regional Director has determined that a 15 st allocation to the Harpoon Boat category is appropriate based on these factors.

Current landing reports indicate that the Harpoon Boat quota of 60 short tons of giant Atlantic bluefin tuna will be taken by August 22, 1984.

Without an allocation from the inseason adjustment amount, fishing for giant Atlantic bluefin tuna by vessels permitted in the Harpoon Boat category will cease for the remainder of 1984. A significant increase in the number of vessels permitted in the Harpoon Boat category has occured from 1980 to the present (30 to 192). This increase in the number of vessels actively engaged in this fishery has accrued at the same time as a substantial reduction in the quota (150 st to 60 st). There is little doubt that, with the increased number of vessels permitted in the Harpoon Boat category and landings to date, a 15 st increase in the quota could be taken prior to the end of the 1984 fishing season.

An allocation of 15 st from the inseason adjustment amount would leave 89 st available for potential allocation to other gear categories later in the fishing season. Based on current landings data for all gear categories in the Atlantic bluefin tuna fishery, the 89 st remaining in the inseason adjustment amount should be more than sufficient to provide for potential shortages in other gear segments.

The Regional Director, therefore, increases the Harpoon Boat quota in § 285.22(b) from 60 st to 75 st and decreases the inseason adjustment amount in § 285.22(g) from 104 st to 89 st. When the adjusted Harpoon Boat quota is reached, the further taking and retention of Atlantic bluefin tuna by vessels permitted in this category will be prohibited for the remainder of 1984.

Notice of this action has been mailed to all Atlantic bluefin tuna dealers and vessel owners holding a valid vessel permit for this fishery.

Other Matters

This action is taken under the authority of 50 CFR 285.22, and is taken in compliance with Executive Order 12291.

(16 U.S.C. 971 *et seq.*)

Dated: August 16, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-22174 Filed 8-16-84; 4:43 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 163
Tuesday, August 21, 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

Animal and Plant Health Inspection Service

9 CFR Parts 72 and 73

[Docket No. 84-017]

Coumaphos (Co-Ral®)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to add the flowable form of coumaphos (Co-Ral®) to the list of pesticides officially approved for the treatment of cattle prior to interstate movement to rid them of fever ticks and to rid them of scabies mites. This action appears to be warranted since the flowable form of coumaphos is a safe and effective pesticide for such treatment of livestock.

DATE: Comments must be received on or before October 22, 1984.

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

FOR FURTHER INFORMATION CONTACT: Dr. G.O. Schubert, Special Diseases Staff, VS, APHIS, USDA, Federal Building, Room 820, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8438.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 72, among other things, regulate the interstate movement of certain cattle because of ticks which are vectors of splenetic or tick fever. Section 72.13(b) of the regulations sets forth certain permitted dips and procedures for the dipping of certain cattle before they are moved interstate in order to ensure that they are not infested with fever ticks. Also, the regulations in 9 CFR Part 73, among other things, regulate the interstate movement of certain cattle because of scabies, a contagious skin disease caused by mites. Section 73.10(a) of the regulations sets forth certain permitted dips for the treatment of cattle affected with or exposed to scabies.

The permitted dips are proprietary brands of specific pesticides at prescribed concentrations. Proprietary brands of the permitted dips are allowed to be used for the purposes of Parts 72 and 73 only when approved by the Deputy Administrator, Veterinary Services (VS), in accordance with the regulations. Before a permitted dip is specifically approved for such use, VS requires that, among other things, the product be registered for such use under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135 *et seq.*). In addition, before a dip can be specifically approved as a permitted dip, its efficacy and stability must have been demonstrated and trials must have been conducted to determine that its concentration can be maintained, and that under actual field conditions the dipping of cattle with a specific strength will effectually eradicate ticks and scabies infection without injury to the animals dipped. The permitted dips listed in § 72.13 for the treatment of cattle for fever ticks include approved proprietary brands of coumaphos (Co-Ral®), 25 percent wettable powder labelled for use as a 0.25 percent dip and used at a concentration of 0.125 to 0.250. The permitted dips listed in § 73.10(a) for the treatment of cattle for scabies include approved proprietary brands of coumaphos, 25 percent wettable powder used at a concentration of 0.30 percent.

In addition to the 25 percent wettable powder, coumaphos is now available in a flowable form. Veterinary Services of APHIS has been requested to grant permitted dip status to this form of coumaphos. When prepared in accordance with the regulations, the solutions from both the wettable powder and the flowable form of coumaphos are identically the same chemical. Coumaphos is an organophosphorous compound which is registered by the Environmental Protection Agency under the provisions of the FIFRA for use against mites and ticks. Both the efficacy and stability of the flowable form of coumaphos have been demonstrated. In trials conducted by the Department, it has been shown that the concentration of the flowable form of coumaphos can be maintained. Field trials have also demonstrated that dipping cattle with the flowable form of coumaphos in the prescribed concentrations effectively eradicates ticks and scabies mites without injury to the animals. Therefore, it is proposed to add the flowable form of coumaphos to the lists of pesticides officially approved for the treatment of cattle prior to interstate movement to rid them of fever ticks and to rid them of scabies mites.

Executive Order 12291 and Regulatory Flexibility Act

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

The regulations in 9 CFR Parts 72 and 73 already allow solutions of coumaphos (Co-Ral®) from the wettable powder form to be used for treatment of cattle prior to interstate movement to rid them to fever ticks and to rid them of scabies mites. As noted above, this document merely proposes to allow solutions from the flowable form of coumaphos to be used for such purpose. It does not appear that the adoption of the proposed rule would have a significant effect on the amount of coumaphos used under the regulations in 9 CFR Parts 72 and 73.

Therefore, Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not have a significant economic impact on a substantial number of small entities.

List of Subjects

9 CFR Part 72

Animal diseases, Animal pests, Cattle, Quarantine, Transportation, Texas fever, Splenetic fever, Ticks.

9 CFR Part 73

Animal diseases, Animal pests, Cattle, Quarantine, Transportation, Scabies, Mites.

Accordingly, it is proposed to amend 9 CFR Parts 72 and 73 as follows:

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

1. The authority for Part 72 reads as follows:

Authority: Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791, secs. 1–4, 33 Stat. 1264; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraph (b)(2) of § 72.13 would be amended by adding "or flowable form" after "wettable powder".

PART 73—SCABIES IN CATTLE

1. The authority for Part 73 reads as follows:

Authority: Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraph (a)(3) of § 73.10 would be amended by adding "or flowable form" after "wettable powder".

Done at Washington, D.C., this 15th day of August, 1984.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84–22166 Filed 8–20–84; 8:45 am]

BILLING CODE 3410–34–M

Food Safety and Inspection Service

9 CFR Parts 307, 350, 351, 354, 355, 362, and 381

[Docket No. 84–013P]

Fee Increase for Inspection Services

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat and poultry products inspection regulations to increase fees charged by FSIS to provide overtime inspection, identification, certification, or laboratory services to meat and poultry establishments. The proposed fees reflect the increased costs of providing these services in fiscal year 1985.

DATE: Comments must be received on or before September 20, 1984.

ADDRESSES: Written comments to Regulations Office, ATTN: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Washington, DC 20250. Oral comments as provided under the Poultry Products Inspection Act should be directed to Mr. West, (202) 447–3367. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. William L. West, Director, Budget and Finance Division, Administrative Management, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3367.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or 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.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because the fees provided for in this document are not new but merely reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and should bear a reference to the docket number located in the heading of this document. Any person desiring opportunity for an oral presentation of views should make such request to Mr. West so that arrangements may be made for the presentation. A transcript shall be made of all comments presented orally. Comments submitted pursuant to this document will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Each fiscal year, the fees for certain services rendered to operators of official meat and poultry establishments, importers, or exporters by the Food Safety and Inspection Service (FSIS) are reviewed and a cost analysis is performed to determine if such fees are adequate to recover the cost of providing the services.[1] The analysis relates to fees charged in connection with overtime and holiday inspection, identification, certification, or laboratory services. The fees to be charged for these services are determined by an analysis of data on the current cost of these services coupled with the increase in that cost due to the increase for salaries of Federal employees allocated by Congress under the Federal Pay Comparability Act of 1970.

Based on the Agency's analysis of the costs incurred in providing these services, the fees related to such services would be amended to reflect increased costs associated therewith in the upcoming fiscal year.

Mandatory inspection by U.S. Government inspectors of meat and poultry slaughtered and/or processed at official establishments is provided for under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*). Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products and the ordinary costs of providing for it are borne by the U.S. Government. However, other than ordinary costs for these inspection services may be incurred to accommodate the business needs of particular establishments. These costs are recoverable by the Government.

Currently, § 307.5 (9 CFR 307.5) of the meat inspection regulations provides that FSIS shall be reimbursed for the cost of meat inspection on holidays or on an overtime basis at the rate of $20.44 per inspector hour. Similarly, §381.38 (9 CFR 381.38) of the poultry products inspection regulations provides that FSIS will be reimbursed at the rate of $20.44 per inspector hour for overtime and holiday poultry inspection services.

[1] The cost analysis is on file with the FSIS Hearing Clerk. Copies may be requested from that office.

These fees would be increased to $21.00 per inspector hour.

FSIS also provides a range of voluntary inspection and certification services, the costs of which are totally recoverable by the Government. These services, provided under Subchapter B—Voluntary Inspection and Certification Service of Meat and Poultry, are provided under various statutes to assist in the orderly marketing of various animal products and byproducts not covered under the Federal Meat Inspection Act or the Poultry Products Inspection Act.

The basic hourly rate for providing such certification and inspection services is currently $17.72 per inspector hour (§§ 350.7, 351.8, 351.9, 354.101, 355.12, and 362.5). The overtime and holiday hourly rate is currently $20.44. The hourly rates for these services would be increased to $17.96 and $21.00, respectively. The rate for laboratory services would increase from $31.28 to $34.68.

These proposed fee increases do not include the increase resulting from a pay raise for Federal employees. Although the pay raise is normally effective at the beginning of each fiscal year and calculated into the fee increases, this fiscal year Congress is contemplating a delay in the pay increase. If Congress allocates the pay increase, FSIS will amend the regulations to reflect that increase in costs as well.

List of Subjects

9 CFR Part 307:

Meat inspection; Fee charges.

9 CFR Part 350:

Meat inspection; Fee charges.

9 CFR Part 351:

Meat inspection; Fee charges.

9 CFR Part 354:

Meat inspection; Fee charges.

9 CFR Part 355:

Animal foods; Fee charges.

9 CFR Part 362:

Poultry and poultry products; Fee charges.

9 CFR Part 381:

Poultry products inspection; Fee charges.

The proposed amendments to the Federal meat and poultry products inspection regulations are as follows:

PART 307—[AMENDED]

1. The authority citation for Party 307 reads as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 34 Stat. 1264, as amended; 21 U.S.C. 621; 62 Stat. 334; 21 U.S.C. 695, 7 CFR 2.15(a), 2.92.

2. Section 307.5(a) would be revised to read as follows:

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service $21.00 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

* * * * *

PART 350—[AMENDED]

3. The authority citation for Part 350 reads as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.15(a), 2.92.

4. Section 350.7(c) would be revised to read as follows:

§ 350.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of $17.96 per hour for base time, $21.00 per hour for overtime including Saturdays, Sundays, and holidays, and $34.68 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include, but will not be limited to, the time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

PART 351—[AMENDED]

5. The authority citation for Part 351 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

6. Section 351.8 would be revised to read as follows:

§ 351.8 Charges for surveys for plants.

Applicants for the certification service shall pay the Department for salary costs at the rate of $17.96 per hour for base time, $21.00 per hour for overtime, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of rendering plants or storage facilities for which certification service is requested.

7. Section 351.9(a) would be revised to read as follows:

§ 351.9 Charges for examinations.

(a) The fees to be charged and collected by the Administrator for examination shall be $17.96 per hour for base time and $21.00 per hour for ovetime including Saturdays, Sundays, and holidays, as provided for in § 351.14 and $34.68 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

* * * * *

PART 354—[AMENDED]

8. The authority citation for Party 354 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

9. Section 354.101(b) would be revised to read as as follows:

§354.101 On a fee basis.

* * * * *

(b) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be $17.96 for base time and $21.00 for overtime or holiday work.

* * * * *

PART 355—[AMENDED]

10. The authority citation for Part 355 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

11. Section 355.12 would be revised to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $17.96 per hour for base time, $21.00 per hour for overtime, including Saturdays, Sundays, and holidays, and $34.68 per hour for laboratory services to reimburse the Department for the cost of the inspection service furnished.

PART 362—[AMENDED]

12. The authority citation for Part 362 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

13. Section 362.5(c) would be revised to read as follows:

§ 362.5 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of $17.96 per hour for base time, $21.00 per hour for overtime including Saturdays, Sundays, and holidays, and $34.68 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

PART 381—[AMENDED]

14. The authority citation for Part 381 reads as follows:

Authority: 71 Stat. 447, 448, as amended, 21 U.S.C. 463, 468; 7 CFR 2.15(a), 2.92.

15. Section 381.38(a) would be revised to read as follows:

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service $21.00 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

* * * * *

Done at Washington DC, on August 15, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-22039 Filed 8-20-84; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 571

[84-399]

Policies Relating to Insurance of Accounts of de novo Institutions

August 2, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") proposes to codify and update certain policies regarding the proposed board of directors, management and controlling persons for *de novo* insured institutions. The proposed policies would apply to all *de novo* applications currently on file at the Board or at the Federal Home Loan Banks.

DATE: Comments must be received by September 18, 1984.

ADDRESS: Please send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Patrick G. Berbakos (202) 377-6712, Assistant Division Director, Applications Evaluation Division, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: With the recent increase in insurance-of-accounts applications, the Board has seen a growing number of applications which raise concerns regarding the proposed board of directors, management and/or controlling persons of new institutions. The frequency with which these concerns have been raised demonstrates that several questions need to be resolved and appropriate policies established. Accordingly, the Board is proposing that the following seven policies be added at § 571.6 of the Insurance Regulations, 12 CFR 571.6. These policies would apply to all pending *de novo* applications.

In November 1983, Board Resolution No. 83-653 (48 FR 54320, December 2, 1983) the Board adopted regulations imposing certain requirements on applicants for insurance of accounts for *de novo* institutions. Those regulations addressed capitalization requirements, net-worth requirements and the necessity for a three-year business plan for a *de novo* institution. Since that time the Board has received numerous applications for insurance of accounts that have raised other questions with such frequency that the Board finds it necessary to adopt formal policy guidelines rather than deal with these questions on a piecemeal basis.

The questions that have been raised most often deal with whether the proposed institution will serve the public interest, whether existing conflict-of-interest and corporate-opportunity rules can be complied with and whether or not there will be excessive risk to the Federal Savings and Loan Insurance Corporation ("FSLIC") notwithstanding the earlier rules. It appears that many applications may be the result of excess promotional activity by professionals and other advisors encouraging the continued operation of activities as real estate developers, brokers, syndicators, mortgage brokers and others in the guise of an insured institution, to take advantage of the lower cost of financing afforded by FSLIC insurance. Policies are necessary, therefore, to ensure that thrift institutions whose accounts are insured by the FSLIC will be primarily home mortgage lenders and that FSLIC insurance will not be used as a means to compete primarily in other businesses with a government-subsidized cost of money. In addition, the Board believes that at least some organizers may intend to obtain financing for their capital investment based upon future business generated by the association in favor of the lender.

1. Out-of-State Directors

Background: In April of 1982, the Board revised its policies relating to insurance of accunts to eliminate a long-standing requirement that proposed organizers and directors of *de novo* institutions must be representative of the community to be served by the institution. This former policy was intended to ensure a strong commitment to the local community by proposed management of a newly insured institution. The policy was eliminated in 1982 as apart of a broad set of policy changes adopted by the Board to deregulate restrictions on the organization and ownership of *de novo* institutions.

Under the Board's former policy, organizers of *de novo* state and federal associations were required to submit "evidence that the organizers . . . are or will be representative of the community to be served, or have direct interest such as a residence or place of business there . . . [and] that at least a majority of its proposed [directorate] have both their residences and their business or professional interests in the community to be served with the remainder having one or the other."

With the recent increase in insurance applications, the Board has seen a number of applications in which the proposed board of directors will have few if any members who have ties to the state where the institution will operate. This practice has raised concern that the proposed management of these institutions will lack adequate knowledge of and a commitment to serve the institutions' markets.

Therefore, the Board is proposing that a majority of the directors be representative of the state in which the institution is located. The Board generally would consider a director to be representative of the state if such director either resides, works or maintains a place of business in the state. For purposes of this policy, the institution's state generally would be considered to be the state where the proposed institution's home office is to be located. In addition, to accommodate interstate markets if the institution is to be located in a Metropolitan Statistical Area (MSA), Primary Metropolitan Statistical Area (PMSA) or Consolidated Metropolitan Statistical Area (CMSA) which incorporates portions of more than one state, the state generally would be considered to be the applicable MSA, PMSA or CMSA and the state where the institution will be located. Such a condition would apply until a change in control takes place at which time the condition would be reconsidered.

2. Composition of Directorate

Background: The Board currently has no established policy regarding the composition of the board of directors of a *de novo* institution. The only restrictions which currently apply to the composition of the directorate of a new institution are those that exist for all insured institutions: the Management Interlock regulations (Part 563f of the Insurance Regulations), and § 563.33 (the conflict-of-interest regulations) of the Insurance Regulations. The Management Interlock regulations prohibit certain interlocks among insured institutions, their affiliates and competing institutions. Section 563.33 provides that salaried officers and employees of an insured institution and its affiliates may not constitute a majority of the board, and limits the number of directors that may be from the same family or law firm.

The Board has received an increasing number of insurance applications raising the question of whether the composition of the proposed directorate will best serve the interests of the institution. In some cases, for example, the proposed board of directors will be composed primarily of individuals with the same professional and business background. In cases where the directorate will be composed largely of individuals in a closely related field (e.g., all directors are in the real estate development business), potential conflict-of-interest issues have been raised. These cases also have caused concern that the proposed board of directors will not have the diversification and depth of business experience necessary to successfully set policy for the institution's management.

The Board is therefore proposing that, for *de novo* institutions insured by the FSLIC, the board of directors must consist of individuals with varied business and professional experience. The background of each proposed director must reflect a history of responsibility and personal integrity, and must show a level of competence and experience sufficient to demonstrate that such individual has the ability to establish policy direction for the affairs of the institution in a safe and sound manner.

3. Evaluation of Major Stockholders as Management

Background: In connection with an application for insurance of accounts, the organizers of *de novo* institutions currently are required to disclose the following information for *each* proposed stockholder to the extent that the identity of proposed stockholders has been determined: name, address, prospective affiliation with the association, and the number of shares and dollar amount of stock to be purchased. Any proposed stockholder who is an organizer, proposed director or proposed officer of the institution also must submit a Biographical and Financial Report.

The Biographical and Financial Report is the primary source of information used by the Board to evaluate the character and qualifications of the proposed management of a *de novo* institution. The form requires detailed information concerning the individual's education, professional and business experience, past and present affiliations with other financial institutions, financial position and community involvement. The form also requires disclosure of any civil judgments or criminal charges currently pending or previously filed against the individual.

Prior to 1982, the Board's policies on stock ownership of *de novo* institutions essentially precluded control of a new institution's stock by an individual or group by requiring broad distribution of the stock. Since changing this policy, the Board has received several insurance applications in which it is proposed that the institution's stock will be controlled by one or a few individuals who will not hold management positions with the institution. Since these individuals often exert significant influence over an institution's management, all major stockholders should be included in the Board's evaluation of the proposed management of a *de novo* insurance applicant.

The Board therefore proposes to require evaluation of any individual who will own 10% or more, or maintain actual control, of a *de novo* institution's stock, as proposed management of the institution. This policy would necessitate the submission of a Biographical and Financial Report by all major stockholders.

4. Director's Fiduciary Responsibility Statement

Background: One important factor that the Board considers in its evaluation of the proposed board of directors of a *de novo* association is whether the directors have demonstrated that they understand their fidiciary duties and responsibilities and are willing to execute these duties in a responsible manner. In addition, the applicants are expected to demonstrate a level of competence and ability to adequately carry out these duties. Such demonstrations by proposed directors are particularly important when the directors will not hold stock in the institution, and thus provide the Board with no tangible evidence of personal investment in the institution.

Therefore, in order to ensure that all proposed directors are aware of their fiduciary duties and responsibilities to *de novo* associations, the Board now proposes to require each prospective director to execute a statement affirming his or her understanding of and intent to responsibly perform the duties of a director. Proposed directors will be required to file an oath obtainable from the supervisory agent. This oath will include a discussion of the following:

1. Each director's fiduciary duties and responsibility;

2. Any civil liability to which directors may be subject due to neglect of their duties;

3. Each director's responsibility to avoid conflicts of interest between his or her own business affairs and the affairs of the institution; and

4. Each director's responsibility to avoid usurpation of the association's corporate opportunity and any criminal liability to which he or she may be subject in the event he or she abuses the association's corporate opportunity.

In addition, the Board recommends that a fiduciary responsibility statement should be obtained from any new director who joins an institution for the entire period that an institution is insured by the FSLIC.

5. Pledging Stock as Collateral

Background: In several recent insurance applications, the organizers have proposed to finance the purchase of their stock with loans obtained using their stock in the institution as collateral. Since this practice allows minimal investment of an organizer's personal resources in the institution, concern has been raised that the proposed management will not have sufficient financial commitment to the success of the institution. In view of the current high level of interest in organizing new associations, questions have been raised regarding whether the Board should continue to allow organizers, directors and major stockholders (1) to borrow money to purchase stock in the institution and (2) to pledge their stock as collateral for loans used to finance the stock purchase.

Prior to April 1982, the Board had a general policy discouraging stockholders from borrowing money to purchase stock in a new institution and prohibiting them from using such stock as collateral. This policy was changed in connection with an effort to simplify insurance requirements and was based on the Board's view at that time that the Board should not interfere in a stockholder's decision on how to finance the stock purchase.

While the Board believes that proposed stockholders should be permitted to use borrowed money to purchase stock, in order to ensure that proposed management and major stockholders (any individual who owns 10% or more of the stock) will have a bona fide financial commitment to the institution, the Board is proposing a policy under which individuals would be restrained from using more than 50% of their stock in such institution to secure the financing for the stock purchase. The Board believes such a policy would be preferable to limiting the use of borrowed money to purchase stock, since it would not interfere with an individual's decision to use cash or borrow funds for the stock purchase but would ensure that the individual commits other personal resources (as collateral) to the investment. This policy will also deter possible conflicts of interests with outside lenders who finance stock purchases and later establish correspondent relationships with the insured institution.

6. Restrictions on Stock Ownership

Background: In April of 1982, the Board revised its policies on insurance of accounts to eliminate longstanding restrictions on the ownership of stock in a *de novo* association by individuals, families and businesses. Since that policy change, Board staff has become concerned about the increasing number of highly leveraged plans put forth by individuals proposing to organize and maintain sole control of *de novo* associations. Since these individuals generally do not have a significant investment of personal assets in the association, staff is concerned that management will not have a strong commitment to the long-term viability of the institution. This concern is amplified by the number of such associations insured since 1982 which now are problem cases.

Prior to 1982, the Board's policy guidelines on insurance of accounts for *de novo* institutions restricted individuals from owning more than 10% of a new association's total stock and limited a single family or business interest to ownership of 25% of the association's stock. The guidelines further prohibited individuals with maximum holdings (i.e., individuals with 10% stock/families and businesses with 25% stock) in the aggregate from constituting a majority interest. These restrictions only applied to the initial capitalization of the association, and were no longer enforced once the association was in operation.

The Board believes that, to ensure the safety and soundness of *de novo* institutions, any individual, group of individuals acting in concert to maintain a controlling interest, or controlling persons for a business, who will hold 25% or more of the stock of a *de novo* association, should personally guarantee the maintenance of the association's net worth at the regulatorily required level. The amount of the guarantee would be directly proportional to the percentage of stock owned. The Board believes this proposed policy is necessary to ensure financial commitment to the proposed association by controlling persons in order to protect the interest of the FSLIC. At the same time, the policy would not preclude single ownership of *de novo* associations by individuals or businesses that have the financial resources and willingness to make a bona fide financial commitment to long-term viability of the proposed institution. This policy, normally required of holding companies, would protect the FSLIC from excessively high-risk conduct.

In addition, at the time of the initial application for insurance, the Board would consider the financial position of any proposed stockholder who proposes to own 25% or more of the stock, and might not approve the proposed stock acquisition if such individual had not adequately demonstrated an ability to provide for maintenance of regulatory net worth.

7. Usurpation of Corporate Opportunity

Background: There has been a significant increase in the number of applications for *de novo* institutions in which the institution will be owned or controlled by individuals in businesses closely related to the savings and loan business (i.e., real estate developers, mortgage brokers, insurance underwriters). The Board is concerned that directors with occupations closely related to the savings and loan business may not have adequately determined how they will comply with the Board's corporate-opportunity and conflict-of-interest regulations, 12 CFR 571.9, 563.40—563.45. The Board, therefore, has considered ways to ensure compliance.

Applicable Board Regulations: The Board's regulation prohibiting usurpation of corporate opportunity in insured institutions (12 CFR 571.9) is general in scope and does not address specific types of corporate-opportunity abuses. The regulations for federal associations also contain two provisions (12 CFR 546.126 and 12 CFR 555.17) which prohibit certain types of transactions between federal associations and management persons in the insurance business. Section 545.126 generally prohibits the referral of insurance business by federal associations to any agency owned by management persons of the association unless the association's service corporation is precluded from engaging in the insurance business. Section 555.17, in part, contains certain exceptions to the above policy on referral of insurance business, including a provision to allow such referral if a "disinterested and independent majority" of the federal association's directorate rejected the opportunity to engage in the insurance business.

Since the potential for conflicts of interests and abuse of corporate opportunity will vary for each applicant depending upon the composition of its board of directors and the activities in which it plans to engage, the Board now proposes that each applicant be required to develop a plan for avoidance of conflicts of interest and usurpation of corporate opportunity by directors. The Board would require that each applicant

which has one or more proposed directors who are in businesses closely related to the savings and loan business include as part of its business plan a section dealing with corporate opportunity. This section would include an outline on how such abuses would be avoided and specific actions that would be taken against directors found using the institution's corporate opportunity for their own gain.

In addition, as already discussed, all directors would be asked to sign a fiduciary responsibility statement which, among other things, would address their responsibility to avoid usurpation of the association's corporate opportunities and describe any civil liability to which the director may be subject in this connection.

8. Examination and Supervision Capacity

Background: Because of economic conditions and vast changes in operations of insured institutions, the Board's examination and supervision staff has been operating under substantially increased workloads. The Board is concerned that its ability and that of state regulatory authorities to adequately supervise insured institutions could be diminished with the granting of insurance of accounts to large numbers of *de novo* institutions in any particular region of the country. While the Board recognizes the significant time, energy and financial resources expended by any organizing group in its pursuit of a charter and insurance, it must look to the broader picture of the safety and soundness of the entire industry when considering these applications.

Therefore, it is proposed that, if the Board determines that the approval of additional applications for insurance of accounts or the granting of additional federal charters would unduly burden the examination and supervision capability of the Board or a state examining authority, then to protect the public and the Federal Savings and Loan Insurance Corporation from excessive risk, the Board may delay action on some applications, until such time as the Board determines that there will be adequate staff to examine and supervise at both the state and federal levels.

Supervisory Exception. The Board would provide an exception from implementation of the foregoing proposed policies in the case of supervisory acquisitions or transfers. It is not the intention of the Board to apply the proposed policies to a newly chartered insured institution established for the purpose of continuing the business of an existing insured institution or of acquiring the accounts of an insured institution in a transaction instituted for supervisory purposes. In such cases, there are distinguishing factors that justify divergence from general rules and policies for newly chartered associations: (1) The continuity of an existing business and existing accounts; (2) the controls provided in such cases by the special conditions attached to their approval; and (3) the Board's discretionary authority to fashion the controls, safeguards, and incentives offered in connection with supervisory acquisitions to fit particular cases.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Board is providing the following initial regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying this proposed rule.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the proposed rule will apply.* The proposed rules on boards of directors and management would apply only to *de novo* savings and loan associations and mutual savings banks that are federally chartered ("federal associations") or which are insured by the Federal Savings and Loan Insurance Corporation.

3. *Impact of the proposed rule on small federal associations.* The proposed rules would not have an adverse impact on small federal associations. The proposed changes will strengthen the boards of directors and management of *de novo* institutions and thus would be expected to have a beneficial impact on large and small associations alike.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposed rules.

5. *Alternatives to the proposed rules.* The proposed rules are intended to raise the level of competence and commitment of *de novo* institution boards of directors and management and increase public confidence toward the regulated industry, and there are no alternative approaches that would have the intendd result with a lesser impact on small entities.

The Board is advising the public of its intention to use the proposal date as the date of effectiveness should the Board adopt the amendments as proposed, in order to, as expeditiously as possible, begin strengthening the boards of directors and management of *de novo* institutions, and to forestall precipitous filings by applicants seeking to avoid new requirements. Consistent with this intention, the Board is further advising the public that currently pending applications which have not received final approval prior to the adoption of a final rule, if any, will be required to comply with the provisions of any such final rule. For the reasons stated above and in order to expedite the processing of applications, the Board has determined to provide a 30-day public comment period for this proposal.

List of Subjects in 12 CFR Part 571

Accounting, Bank deposit insurance, Savings and loan associations.

Accordingly, the Board proposes to amend Part 571, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 571—STATEMENTS OF POLICY

Amend § 571.6 by redesignating paragraphs (c), (d) and (e) thereof as paragraphs (h), (i), and (j), respectively, and adding new paragraphs (c), (d), (e), (f) and (g) thereto, as follows:

§ 571.6 Policy considerations regarding "de novo" applications for insurance of accounts.

* * * * *

(c) *Composition of the board of directors.* (1) A majority of a *de novo* institution's board of directors must be representative of the state in which the institution is located. The Board generally will consider a director to be representative of the state if such director resides, works or maintains a place of business in the state in which the institution is located. If the institution is located in a Metropolitan Statistical Area (MSA), Primary Metropolitan Statistical Area (PMSA) or Consolidated Metropolitan Statistical Area (CMSA) which incorporates portions of more than one state, a director will be considered representative of the institution's state if he or she resides, works or maintains a place of business in the MSA, PMSA or CMSA in which the institution is located.

(2) The institution's board of directors must be diversified and composed of individuals with varied business and professional experience. The background of each director must reflect a history of responsibility and personal integrity, and must show a level of competence and experience sufficient to demonstrate that such individual has the ability to direct the policy of the institution in a safe and sound manner.

(d) *Policies pertaining to management officials.* (1) Proposed stockholders of ten percent or more of the stock of a *de novo* institution will be considered as management officials of the institution for the purpose of the Corporation's evaluation of the character and qualifications of the management of the institution. In connection with the Corporation's consideration of an institution's insurance-of-accounts application and subsequent to insurance of the institution's accounts by the Corporation, any individual who owns or proposes to acquire, directly or indirectly, ten percent or more of the stock of an institution subject to this policy must submit a Biographical and Financial Report to the Supervisory Agent.

(2) Each new director of an institution must sign an "Oath of Director for FSLIC-Insured Institutions". The original of the document, properly executed, must be submitted to the Supervisory Agent.

(3) No existing or proposed director, officer, or stockholder who proposes to own, directly or indirectly, ten percent or more of the institution's stock may pledge more than 50 percent of his or her stock for a period of three years following insurance of accounts to secure borrowed funds to finance his or her total stock purchase.

(4)(i) Any individual who will control, any group of individuals acting in concert to control, or any controlling person for a corporation that will control, directly or indirectly, 25 percent or more of the stock of an institution ("controlling persons") must personally guarantee the maintenance of the institution's net worth at the required regulatory level. In determining whether to approve a proposed stock acquisition, the Board will consider the financial position of any proposed controlling person and his or her ability to fulfill the net-worth maintenance agreement. The guarantee will be released upon the occurrence of a change of control, provided the net worth has been maintained. Controlling persons will execute an agreement with the Corporation that, in the event the institution fails to meet its net-worth requirement, they will pay to the institution an amount calculated as follows:

(*a*) *If the controlling person holds less than 80 percent of the total stock*: The required payment will equal the percent of the institution's total stock held by the controlling person multiplied by the total net-worth deficiency of the institution.

(*b*) *If the controlling person holds 80 percent or more of the total stock*: The required payment will equal 100 percent of the institution's total net-worth deficiency.

(ii) Upon disposition of the stock of an institution by a controlling person who has executed a guarantee agreement, pursuant to this section, the Corporation will release the guarantee upon a showing that:

(*a*) After accounting for all losses the institution's net worth exceeds three percent of its liabilities, or,

(*b*) The person or persons acquiring the stock have assumed the obligation under the guarantee agreement and have the financial capacity to perform such obligation.

(e) In connection with an application for insurance of accounts of a *de novo* institution, the applicant must include a plan for avoidance of conflicts of interest and usurpation of corporate opportunity in the business plan required pursuant to paragraph (b) of this section. The plan must:

(1) Identify specific areas where conflicts of interest and abuse of corporate opportunity may occur within the framework of the institution's current management structure;

(2) Describe specific policies and actions that the institution will institute to avoid potential conflicts of interest and corporate-opportunity abuses; and

(3) Establish specific procedures for dealing with directors and management officials who violate the institution's policies in these areas.

(f) If the Board determines that the approval of additional applications for insurance of accounts or the granting of additional federal charters would unduly burden the examination and supervision capability of the Board or a state examining authority, then to protect the public and the Federal Savings and Loan Insurance Corporation from excessive risk, the Board may delay action on some applications, until such time as the Board determines that there will be adequate staff to examine and supervise at both the state and federal levels.

(g) Except as otherwise provided herein, an institution that acquires, whether through merger, consolidation or bulk sale of assets, a *de novo* institution that is subject to the policies set forth in this section shall itself be subject to those policies.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR. 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 84–22024 Filed 8–20–84; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 632

Job Training Partnership Act; Indian and Native American Employment and Training Programs

AGENCY: Employment and Training Administration, Labor.

ACTION: Designation Procedures for Grantees; request for comments.

SUMMARY: The Department of Labor (DOL) is announcing the procedures by which it will designate grantees for Indian and Native American Employment and Training Programs under the Job Training Partnership Act. The next cycle of such designation actions will cover JTPA Program Years 1985 and 1986 (July 1, 1985, through June 30, 1987). This notice provides necessary information to prospective grant applicants to enable them to submit appropriate requests for designation.

DATE: Written comments on this notice are invited from the public. Written comments must be received by DOL no later than September 20, 1984.

ADDRESS: Send written comments to: Assistant Secretary for Employment and Training, Employment and Training Administration, U.S. Department of Labor, Room 6122, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213; Attention: Paul A. Mayrand, Director, Office of Targeted Programs.

FOR FURTHER INFORMATION CONTACT: Mr. Herbert Fellman, Chief, Division of Indian and Native American Programs. Telephone: 202–376–6442.

SUPPLEMENTARY INFORMATION: .

Table of Contents

Introduction; Scope and Purpose of Notice

Section 401 of the Job Training Partnership Act (JTPA) authorizes programs to serve the job training needs of Indians and Native Americans. Requirements for these programs are set forth in JTPA and in the regulations at 20 CFR Part 632. Pursuant to these requirements, DOL, through published procedures, selects entities for funding under JTPA section 401, designating such entities Native American Grantees, contingent on all other grant award requirements being met. The next cycle of such designation actions will cover JTPA Program Years (PY) 1985 and 1986 (July 1, 1985, through June 30, 1987. This notice describes how DOL plans to make such designation decisions, pursuant to the regulations at 20 CFR Part 632. It provides necessary information to prospective grant applicants to enable them to submit appropriate requests for designation. Although the PY 1985–PY 1986 designation process will be the second time designations have been made under JTPA, it will be the first time under the current regulations published on October 20, 1983 (48 FR 48754). The process described in this notice is supported directly by the regulations at 20 CFR Part 632. This notice does not involve additional requirements but simply describes, for all eligible organizations' benefit, the procedures which will be followed in making designation decisions.

The amount of JTPA S 401 funds to be awarded to designated Native American Grantees is determined under procedures described at 20 CFR 632.171 and not through this designation process.

The specific organizational eligibility and application requirements for designation are contained at 20 CFR 632.10 and 632.11. Any organization interested in being designated as a Native American Grantee must be aware of and comply with these requirements.

Comments will be accepted on these procedures for thirty calendar days following the date of publication in the **Federal Register**. DOL will consider any comments and publish a final notice before proceeding with the PY 1985–PY 1986 designations.

I. General Designation Principles

The following general principles, based on the JTPA and applicable regulations, are intrinsic to the designation process:

(1) All applicants for designation must comply with the requirements found at 20 CFR Part 632 regardless of their apparent standing in the preferential hierarchy. The basic eligibility application and designation requirements are found in Subpart B of those regulations.

(2) The nature of this program is such that Indians and Native Americans in an area are entitled to the program and that they are best served either by a responsible organization directly representing them or by one of their own choosing. JTPA and the governing regulations give clear preference to Native American controlled organizations. That preference is the basis for the steps which will be followed in designating grantees.

(3) A State or federally recognized tribe, band, or group on its reservation is given absolute preference over any other organization so long as it has the capability to administer the program and meets all regulatory requirements. This preference applies only to the area within the reservation boundaries. A reservation organization which may have its service area given to another qualified organization for reasons specified in the regulations will be given an opportunity in the future to reestablish itself as the designated grantee, should it so desire.

In the event that such a tribe, band, or group (including an Alaskan Native entity) is not designated, the DOL will consult with the governing body of such entity as provided at 20 CFR 632.10(e).

(4) In designating Native American grantees for off-reservation areas, the DOL will provide preference to Indian and Native American-controlled organizations as described in 20 CFR 632.10(f) and as further clarified in this notice.

(5) Special employment and training services for Indian and Native American people have been provided through an established service delivery network for the past ten years under the authority of JTPA section 401 and section 302 of the repealed Comprehensive Employment and Training Act (CETA). The DOL intends to exercise its designation authority in a way that will preserve the continuity of such services. Consistent with existing regulations and other provisions of this notice, this will include exercising preference for those Native American organizations with an existing capability to deliver employment and training services within an established service area. Such preference will be exercised through the recommendations on designation made by the Chief of DOL's Division of Indian and Native American Programs (DINAP) and the Director of DOL's Office of Special Targeted Programs (OSTP) and through the use of the rating system described in this notice. Unless a non-incumbent applicant in the same preferential hierarchy as an incumbent grantee can demonstrate that it is significantly superior overall to the incumbent, the incumbent will be redesignated if it otherwise meets all of the requirements for redesignation.

II. Advance Notice of Intent

By October 19 of the year preceding a designation year, all organizations interested in being designated as a section 401 grantee should submit a Standard Form (SF) 424. An organization may submit only *one* SF 424 for any and all areas for which it wants to be considered. A listing of areas to be served must be attached to the SF 424 (Block 21. *Remarks Added.*) A sample listing is shown below and should be closely followed so that DOL will know exactly what areas are to be served. Counties and reservations must be listed separately, by State, in alphabetical order. If a county appears on the list, the DOL will presume the applicant wants to serve the entire non-reservation part of the county, unless a short statement follows the county, such as ARLINGTON COUNTY (minus the Rosslyn area). Also, if the entire Native American population of the county is not to be served, an explanation such as the following should be stated: ARLINGTON COUNTY (minus the members of the Potomac Tribe), or ARLINGTON COUNTY (only the members of the Potomac Tribe).

If the applicant believes any additional information should be provided to avoid confusion, it should do so. For example, if it has served a county for many years, but has not served a city within that county and now wants to serve the city, it should make that point very clear.

If the applicant is not currently a section 401 grantee, it should provide a description of its legal status vis-a-vis the requirements for designation provided at 20 CFR 632.10.

This first step in the designation process will be used to determine which areas have more than one potential applicant for designation. For those areas for which more than one organization submits a SF 424, each such organization will be notified of the situation and will be apprised of the identity of the other organization(s) applying for that area. At this time, it is planned that such notification will consist of providing affected applicants with copies of all SF 424s, submitted for their areas. The notification will occur on or about November 15. The

announcement will state that organizations are encouraged to work out any jurisdictional disputes among themselves and submit a revised SF 424 for the required postmarked January 1 Notice of Intent deadline or withdraw their advance notice. For areas other than reservations, it is DOL policy that, to the extent possible, service areas and the organizations operating in those areas be determined by the community to be served by the program. In the event the Native American community cannot resolve differences, the November 15 notification will inform parties that they should take special care with their final Notices of Intent to ensure they are complete and fully responsive to all matters covered by the preferential hierarchy and rating systems discussed in this notice. Following is a sample listing of the attachment to the SF 424 which should be used for both the Advance Notice and the Final Notice of Intent:

Sample Hypothetical Attachment to SF 424 (Block 21) Showing Geographic Areas Requested

United American Indian Consortium, 1111 North Main St., Tucson, Arizona 55545
Phone: 703–123–4567
Contact Person: John Littlebull

This constitutes the sole official listing of areas requested to be served by this applicant during PY 1985–1986 in its JTPA program.

PY 1985–1986 Listing

ARIZONA COUNTIES

Ajax
Beaumont (only members of Aztec Tribe)
Clairmont
Douglas
Zimmer (all Indians except members of Tolmoc Tribe)

ARIZONA RESERVATIONS

Blue Lake
Green Hill
Black Mountain

NEW MEXICO COUNTIES

Arlington
Denfield (Except City of Brimson)
Edgar
Foobey
Yolo (Except Town of Coko)

NEW MEXICO RESERVATIONS

Gargola
Hamico
Managua

The Following Counties Are Requested Now But Were Not Served by This Grantee in Program Year 1984

ARIZONA COUNTIES

Beaumont
Douglas

ARIZONA RESERVATIONS

Blue Lake

This List for PY 1985–1986 Deletes the Following Areas Which Were Served in PY 1984

ARIZONA COUNTIES

Arcadia
Monroe

III. Notice of Intent

Postmarked by January 1, as required by the regulations, all applicants will submit final Notices of Intent consistent with the requirements at 20 CFR 632.11. Although organizations are encouraged to alter their area requests to minimize or avoid overlap with other organizations, they should not add territory to that identified in the October 19 advance notice. Unless currently designated for such area, any organization (other than a consortium) applying on January 1 for noncontiguous areas *must* prepare a separate, complete, Notice of Intent for each such area. In addition, it is the DOL's policy that no information affecting the panel review process (see Part V of this notice) will be accepted past the regulatory postmarked deadline of January 1, nor will DOL provide assistance, at any time, concerning any item involved in the panel review process. All information provided before the deadline must be in writing.

IV. Preferential Hierarchy for Determining Designations

In cases when only one organization is applying for a clearly identified geographic area and the organization meets the requirements at 20 CFR 632.10(b), the DOL shall designate the applying organization as the grantee for the area. In cases when two or more organizations apply for the same or an overlapping area, the DOL will utilize the following order of preference in determining the designee for the geographic area in question. The organization which falls into the highest category of preference will be designated, assuming all other regulatory and procurement requirements are met. In some cases population groups such as tribal membership may be identified as well as counties and reservations. The preferential hierarchy is:

(1) Indian tribes, bands, or groups on Federal or State reservations for their reservation; Oklahoma Indians (see **VII. Special Designation Situations**, below); and, Alaskan Native entities (see **VII. Special Designation Situations**, below).

(2) Native American-controlled, community-based organizations (with significant local Native American community support) for their existing DOL designated service area—unless a non-incumbent applicant qualified for this hierarchial group can demonstrate in its application, by verifiable information, that it is significantly superior overall to the incumbent grantees.

(3) Native American-controlled, community-based organizations new to the requested area but able to demonstrate the capability to achieve significant local Native American community support through verifiable information provided in the application.

(4) Organizations (private nonprofit or units of State or local government) having a significant Native American advisory process, such as a governing body chaired by a Native American and having a majority membership of Native Americans.

(5) Non-Native American-controlled organizations without an Indian advisory process. In the event such an organization is designated, it must subsequently develop an advisory process.

The Chief, DINAP, will advise the Grant Officer as to which position an organization holds in the hierarchy. The Chief, DINAP, may employ personal knowledge, reference checks or onsite reviews to make the determination. It is incumbent on the applying organization to supply sufficient information upon which the determination can be made. Organizations are encouraged to indicate the category into which they believe they fall and must adequately support that assertion. As indicated earlier, applicants will not be able to provide any information past the January 1 postmark deadline and no information will be solicited by DINAP.

V. Use of Panel Review Procedure

In the event the Chief, DINAP, determines that two or more organizations have equal status in the hierarchy, the Grant Officer may convene a review panel of Federal officials to score the information submitted with the Notice of Intent. The purpose for the panel is to evaluate an organization's capability, based on its application, to serve the area in question. The panel will be provided *only* the information described at 20 CFR 632.11 and submitted with the January Notice of Intent. The panel results will be advisory to the Grant Officer, not binding. In reviewing information submitted by the organization, the panel will not accept simple assertions. Any information must be supported by documentation and references, if possible. The following factors will be considered:

(1) *Operational Capability*, 50 points.

(20 CFR 632.10 & 632.11)

(i) Previous experience in successfully operating an employment and training program serving Indians or Native Americans of a scope comparable to that which the organization would operate if designated, 30 points.

(ii) Previous experience in operating other human resource development programs serving Indians or Native Americans or coordinating employment and training services with such programs, 10 points.

(iii) Ability to maintain continuity of services to Indian or Native American participants with those previously provided under JTPA, 10 points.

(2) *Planning Process*, 30 points.

(20 CFR 632.11)

(i) Private sector involvement, 10 points.

(ii) Community support, 20 points.

(3) *Administrative Capability*, 20 points.

(20 CFR 632.11)

(i) Previous experience in administering public funds under DOL or similar administrative requirements, 15 points.

(ii) Experience of senior management staff to be responsible for DOL grant, if designated, 5 points.

VI. Notification of Designation/ Nondesignation

The Grant Officer will make the final designation decision based on the review panel's recommendation, in those instances where a panel is convened; DINAP, OSTP, Office of Program and Fiscal Integrity, and Office of the Inspector General recommendations; and other available information regarding the organization's responsibility. The Grant Officer's decision will be provided to all applicants by March 1, as follows:

(1) *Designation Letter.* The designation letter signed by the Grant Officer will serve as official notice of an organizations designation. The letter will include the service area for which the designation is made. It should be noted that the Grant Officer is not required to adhere to the geographic area requested in the SF 424. The Grant Officer may make the designation applicable to all or to a portion of the area requested.

(2) *Conditional Designation Letter.* Conditional designations will include the nature of the conditions and the actions required to be finally designated.

(3) *Non-designation Letter.* Any organization not designated, in whole or in part, for an area requested will be notified formally of the nondesignation and given the basic reasons for the determination.

An application for designation which is refused such designation, in whole or in part, may file a Petition for Reconsideration in accordance with 20 CFR 632.13. If an area is not designated for service through the foregoing process, alternative arrangements for service will be made in accordance with 20 CFR 632.12.

VII. Special Designation Situations

(1) *Alaskan Native Entities.* DOL has established service areas for Alaskan Native employment and training programs based on: the boundaries of the regions defined in the Alaska Native Claims Settlement Act (ANCSA); the boundaries of major subregional areas where the primary provider of human resource development and related services is an Indian Reorganization Act (IRA) recognized tribal council; and the boundaries of the one Federal reservation in the State. Within these established service areas, DOL has designated the primary Alaskan Native-controlled human resource development services provider or an entity formally designated by such provider. These entities have been regional nonprofit corporations, associated corporations established by the regional nonprofit corporation, IRA-recognized tribal councils, and the tribal government of the Metlakata Indian Community. DOL intends to follow these principles in designating Native American grantees in Alaska for Program Years 1985 and 1986.

(2) *Oklahoma Indians.* DOL has established a service delivery system for Indian employment and training programs in Oklahoma based on a preference for federally recognized tribal governments and consortia of such governments to serve portions of the State other than the major urban area of Oklahoma County and the City of Tulsa. With one exception, involving the City of Tulsa, service areas have been designated geographically as countywide areas. Where a significant portion of the land area of an individual county lies within the traditional jurisdiction of more than one tribal government, the service area to a certain extent has been subdivided on the basis of tribal identification information in the most recent Federal Census of Population. However, where members of many different tribes reside in a given county, no attempt has been made to apportion those members among their respective tribes. Wherever possible, arrangements mutually satisfactory to grantees in adjoining or overlapping service areas have been honored by DOL. The DOL intends to follow these principles in designating Native American grantees in Oklahoma for Program Years 1985 and 1986.

VIII. Designation Process Glossary

In order to ensure that all interested parties share a like understanding of the process, the following are definitions for important terms.

(1) *Indian or Native American-Controlled Organization.* Any organization with a governing board, more than 50 percent of whose members are Indian or Native American people. Such an organization can be a tribal government, native Alaskan or native Hawaiian entity, consortium, private nonprofit corporation, or State agency as long as decisions regarding the program rest with such a governing Board.

(2) *Service Area.* The geographic area described as states, counties, and/or reservations for which a designation is made. In some cases, it will also show the specific population to be served. The service area is defined finally by the Grant Officer in the formal designation letter. Grantees must insure equitable access of services within the service area.

(3) *Established Service Area.* The area defined by geography or service population which DOL has previously designated as a service area for Indian and Native American CETA or JTPA purposes.

(4) *Community Support.* Evidence of active participation and/or endorsement from Indian or Native American-controlled organizations within the geographic area for which designation is requested. All such evidence must be verifiable by independent DOL review, including an onsite review.

Signed at Washington, D.C., this 15th day of August 1984.

Paul A. Mayrand,

Director, Office of Special Targeted Programs.

Edward A. Tomchick,

Grant Officer, Acquisition and Assistance.

[FR Doc. 84-22175 Filed 8-20-84; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 20, and 25

Exemption for Certain Amateur Athletic Organizations; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this document is to withdraw a notice of proposed rulemaking relating to the exemption of certain amateur athletic organizations from tax and the deductibility of contributions to them. A notice of proposed rulemaking under sections 170(c)(2), 501(c)(3), 2055(a), and 2522(a) of the Internal Revenue Code of 1954 appeared in the **Federal Register** on May 10, 1979 (44 FR 27446). This notice is being withdrawn.

FOR FURTHER INFORMATION CONTACT: Janet Painter of the employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3544) (not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is being withdrawn proposed amendments to the Income Tax Regulations (26 CFR Parts 1, 20, and 25) under sections 170, 501, 2055, and 2522 as added to the Internal Revenue Code of 1954 by section 1313 of the Tax Reform Act of 1976 (90 Stat. 1730). These four provisions were amended by section 286 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 569), which substantially changed the tax law relating to the exemption of amateur athletic organizations and the deductibility of contributions to such organizations. The changes in the tax law made by the Tax Equity and Fiscal Responsibility Act of 1982 apply retroactively to October 5, 1976.

The Internal Revenue Service does not anticipate issuing a new notice of proposed rulemaking under the amended sections.

Withdrawal of Proposed Amendments

Accordingly, the notice of proposed rulemaking relating to the exemption of certain amateur athletic organizations from tax and the deductibility of contributions to them which was published in the **Federal Register** on May 10, 1979 (44 FR 27446), is hereby withdrawn.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 84–22066 Filed 8–20–84; 8:45 am]

BILLING CODE 4830–01–M

26 CFR Parts 1, 53, and 301

[EE–35–81]

Simplification of Private Foundation Return and Reporting Requirements; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to private foundation and nonexempt charitable trust return and reporting requirements. Changes to the applicable law were made by the Act of December 28, 1980 (Pub. L. 96–603). The regulations would provide private foundations and non-exempt charitable trusts with the guidance needed to comply with the Act, and would primarily affect such organizations.

DATE: Written comments and requests for a public hearing must be delivered or mailed by October 22, 1984. The amendments are proposed to be effective after December 31, 1980, and would apply to taxable years beginning after December 31, 1980.

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attention: CC:LR:T:EE–35–81, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Monice Rosenbaum of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 Attention: CC:LR:T:EE–35–81, (202–566–3422) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1); the Foundation and Similar Excise Tax Regulations (26 CFR Part 53); and the Regulations on Procedure and Administration (26 CFR Part 301), under sections 6011, 6012, 6034, 6104, 6652, 6685, and 7207 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 1 of the Act of December 28, 1980 (Pub. L. 96–603, 94 Stat. 3503). These regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Simplification of Private Foundation Return and Reporting Requirements

Prior to the enactment of Pub. L. 96–603, private foundations (including nonexempt charitable trusts described in section 4947(a)(1) that were treated as private foundations) having at least $5,000 of assets were required to file both an annual report (Form 990–AR) pursuant to Code section 6056 and an annual information return (Form 990–PF or Form 1041–A) pursuant to Code section 6033 or Code section 6034. Much of the information required on the annual report was duplicated by the information required on the annual return. Pub. L. 96–603 eliminated the requirement that private foundations file an annual report and amended Code section 6033 to provide that information formerly furnished on the annual report, and not already furnished on the annual information return, must now be so furnished. The combined annual information return is subject to the public inspection requirements of section 6104(d). Private foundations are no longer required to report the name and address of a needy or indigent recipient (other than a disqualified person) of a gift or grant made by the foundation where the total of the gifts or grants received by the person during the year from the foundation does not exceed $1,000.

Filing Requirements for Nonexempt Charitable Trusts and Nonexempt Private Foundations

Prior to the enactment of Pub. L. 96–603, nonexempt charitable trusts described in Code section 4947(a)(1) having gross income of at least $600 or any taxable income were required to file income tax returns (Form 1041). These tax returns were not available for public inspection. In addition, a nonexempt charitable trust which was not required to distribute all of its net income currently, was required to file an annual information return (Form 1041–A). This information return was open to public inspection. Furthermore, if a nonexempt charitable trust was a private foundation, it was required to file an information return (Form 5227) which was not open to public inspection and an annual report (Form 990–AR) which was available for public inspection.

Code section 6033 has been amended to provide that nonexempt charitable trusts described in section 4947(a)(1) and nonexempt private foundations must comply with the reporting and disclosure requirements of that section in the same manner as exempt charitable organizations. Nonexempt private foundations and trusts described in section 4947(a)(1) that are treated as private foundations must file Form 990–PF. Other section 4947(a)(1) trusts must file Form 990. Although section

4947(a)(1) trusts must continue to file Form 1041 if they have taxable income, they no longer need to file Form 5227 or Form 1041–A. Section 4947(a)(2) trusts are not included in the term "nonexempt private foundations" for purposes of these requirements.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is to be held, notice of the time and place will be published in the **Federal Register**.

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for I.R.S., New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of that Order dated April 29, 1983.

Drafting Information

The principal author of these proposed regulations is James McGovern of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.6001–1–1.6109–2

Income taxes, Administration and procedure, Filing requirements.

26 CFR Part 53

Excise taxes, Foundations, Investments, Trusts and trustees.

26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crimes, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Parts 1, 53, and 301 are as follows:

PART 1—[AMENDED]

Income Tax Regulations

Paragraph 1. Paragraph (a)(7) of § 1.6012–3 is revised to read as follows:

§ 1.6012–3 Returns by fiduciaries.

(a) *For estates and trusts.* * * *

(7) *Certain trusts described in section 4947(a)(1).* For taxable years beginning after December 31, 1980, in the case of a trust described in section 4947(a)(1) which has no taxable income for a taxable year, the filing requirements of section 6012 and this section shall be satisfied by the filing, pursuant to § 53.6011–1 of this chapter (Foundation Excise Tax Regulations) and § 1.6033–2(a), by the fiduciary of such trust of—

(i) Form 990–PF if such trust is treated as a private foundation, or

(ii) Form 990 if such trust is not treated as a private foundation.

When the provisions, of this paragraph (7) are met, the fiduciary shall not be required to file Form 1041.

* * * * *

Par. 2. The heading of § 1.6033–2 is revised to read as follows:

Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980).

Par. 3. The following new subparagraph (4) is added at the end of § 1.6033–2(a):

§ 1.6033–2 Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980).

(a) *In general.* * * *

(4) For taxable years beginning after December 31, 1980, trusts described in section 4947(a)(1) and nonexempt private foundations shall comply with the requirements of section 6033 and this section in the manner as organizations described in section 501(c)(3) which are exempt from tax under section 501(a). This section shall be applied for taxable years beginning after December 31, 1980 as if trusts described in section 4947(a)(1) and nonexempt private foundations were described in section 501(c)(3). Therefore, for purposes of this section, all references to exempt organizations shall include section 4947(a)(1) trusts and nonexempt private foundations and all references to private foundations shall inlcude section 4947(a)(1) trusts that would be private foundations if they were described in section 501(c)(3) and all nonexempt private foundations. Similarly, for purposes of paragraph (a)(2)(ii)(d), the purposes for which a section 4947(a)(1) trust or a nonexempt private foundation is organized shall be treated as the purposes for which it is exempt. For purposes of this section, the term "nonexempt private foundation" means a taxable organization (other than a section 4947(a)(1) trust) that is a private foundation. See section 509(b) and § 1.509(b)–1. See also section 642(c)(6) and § 1.642(c)–4.

* * * * *

Par. 4. Paragraph (j) of § 1.6033–2 is removed and paragraph (k) of § 1.6033–2 is redesignated as paragraph (j).

Par. 5. The following new § 1.6033–3 is added immediately after § 1.6033–2:

§ 1.6033–3 Additional provisions relating to private foundations.

(a) *In general.* The foundation managers (as defined in section 4946(b)) of every organization (including a trust described in section 4947 (a)(1)) which is (or is treated as) a private foundation (as defined in section 509) the assets of which are at least $5,000 at any time during a taxable year shall include the following information on its annual return in addition to that information required under § 1.6033–2(a):

(1) An itemized statement of its securities and all other assets at the close of the year, showing both book and market value,

(2) An itemized list of all grants and contributions made or approved for future payment during the year, showing

the amount of each such grant or contribution, the name and address of the recipient (other than a recipient who is not a disqualified person and who receives, from the foundation, grants to indigent or needy persons that, in the aggregate, do not exceed $1,000 during the year), any relationship between any individual recipient and the foundation's managers or substantial contributors, and a concise statement of the purpose of each such grant or contribution.

(3) The address of the principal office of the foundation and (if different) of the place where its books and records are maintained.

(4) The names and addresses of its foundation managers (within the meaning of section 4946(b)), that are substantial contributors (within the meaning of section 507(d)(2)) or that own 10 percent or more of the stock of any corporation of which the foundation owns 10 percent or more of the stock, or corresponding interests in partnerships or other entities, in which the foundations has a 10 percent or greater interest.

For purposes of subparagraph (2) of this paragraph, the business address of an individual grant recipient or foundation manager may be used by the foundation in its annual return in lieu of the home address of such recipient or manager, and the term "relationship" shall include, but is not limited to, any case in which an individual recipient of a grant or contribution by a private foundation is (i) a member of the family (as defined in section 4946(d)) of a substantial contributor or foundation manager of such foundation, (ii) a partner of such substantial contributor or foundation manager, or (iii) an employee of such substantial contributor or foundation manager or of an organization which is effectively controlled (within the meaning of section 4946(a)(1)(H)(i) and the regulations thereunder), directly or indirectly, by one or more such substantial contributors or foundation managers.

(b) *Notice to public of availability of annual return.* A copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual returns), and proof of publication thereof, shall be filed with the annual return required by § 1.6033–2(a). A copy of such notice as published, and a statement signed by a foundation manager stating that such notice was published, setting forth the date of publication and the publication in which it appeared, shall be sufficient proof of publication for purposes of this paragraph.

(c) *Special rules*—(1) *Furnishing of copies of State officers.* The foundation managers of a private foundation shall furnish a copy of the annual return required by section 6033 and § 1.6033–2 to the Attorney General of:

(i) Each State which the foundation is required to list on its return pursuant to § 1.6033–2(a)(2)(iv),

(ii) The State in which is located the principal office of the foundation, and

(iii) The State in which the foundation was incorporated or created.

The annual return shall be sent to each Attorney General described in paragraph(c)(1) (i), (ii), or (iii) of this section at the time as it is sent to the Internal Revenue Service. Upon request the foundation managers shall also furnish a copy of the annual return to the Attorney General or other appropriate State officer (within the meaning of section 6104(c)(2)) of any State.

The foundation managers shall attach to each copy of the annual return sent to State officers under this subparagraph a copy of the Form 4720, if any, filed by the foundation for the year.

(2) *Cross-reference.* For additional rules with respect to private foundations' returns and the public inspection of such returns, see section 6104(d) and the regulations thereunder.

(d) *Special rules for certain foreign organizations.* The provisions of paragraphs (b) and (c) of this section shall not apply with respect to an organization described in section 4948(b). The foundation managers of such organizations are not required to publish notice of availability of the annual return for inspection, to make the annual return available at the principal office of the foundation for public inspection under section 6104(d), or to send copies of the annual return to State officers.

(e) *Effective date.* The provisions of this section shall apply with respect to returns filed for taxable years beginning after December 31, 1980.

Par. 6. In § 1.6034–1, the heading of that section, the second sentence of paragraph (a), and the entire text of paragraph (b) are revised to read as follows:

§ 1.6034–1 Information returns required of trusts described in section 4947(a)(2) or claiming charitable or other deductions under section 642(c).

(a) *In general* * * * In addition, for taxable years beginning after December 31, 1969, every trust (other than a trust described in paragraph (b) of this section) described in section 4947(a)(2) (including trusts described in section 664) shall file such return for each taxable year, unless all transfers in trust occurred before May 1969. * *

* * * * *

(b) *Exceptions*—(1) *In general.* A trust is not required to file a Form 1041–A for any taxable year with respect to which the trustee is required by the terms of the governing instrument and applicable local law to distribute currently all of the income of the trust. For this purpose, the income of the trust shall be determined in accordance with section 643(b) and §§ 1.643(b)–1 and 1.643(b)–2.

(2) *Trusts described in section 4947(a)(1).* For taxable years beginning after December 31, 1980, a trust described in section 4947(a)(1) is not required to file a Form 1041–A.

§ 1.6056–1 [Removed]

Par. 7. Section 1.6056–1, relating to annual reports by private foundations, is removed.

PART 53—[AMENDED]

Foundation and Similar Excise Taxes

Par. 8. Paragraph (d) of section 53.6011–1 is revised to read as follows:

§ 53.6011–1 General requirement of return, statement, or list.

* * * * *

(d) For taxable years ending on or after December 31, 1975, every trust described in section 4947(a)(2) which is subject to any of the provisions of Chapter 42 as if it were a private foundation shall file an annual return on Form 5227. For taxable years beginning after December 31, 1980, every trust described in section 4947(a)(1) which is a private foundation shall file an annual return on Form 990–PF.

PART 301—[AMENDED]

Procedure and Administration

Par. 9. Section 301.6034–1 is revised to read as follows:

§ 301.6034–1 Returns by trusts described in section 4947(a)(2) or claiming charitable or other deductions under section 642(c).

For provisions relating to the requirement of returns by trusts described in section 4947(a)(2) or claiming charitable or other deductions under section 642(c), see § 1.6034–1 of this chapter (Income Tax Regulations).

Par. 10. Section 301.6104(d)–1 is amended by removing the word "report" wherever it appears and adding in its place the word "return"; by removing the word "reports" wherever it appears and adding in its place the word "returns"; and removing the language "6056" wherever it appears and adding in its place the language "6033".

Par. 11. Subparagraph (1) of section 301.6104(d)-1(b) is removed, subparagraph s (2) and (3) are renumbered as (3) and (4), respectively and the following new subparagraphs (1) and (2) are added:

§ 301.6104(d)-1 Public inspection of private foundations' annual returns.

* * * * *

(b) *Definitions and special rules*—(1) *Private foundation.* For purposes of this section, the term, "private foundation" includes both exempt and nonexempt private foundations and also includes trusts described in section 4947(a)(1) that are treated as private foundations for purposes of section 6033.

(2) *Manner of making annual return available for public inspection.* The foundation managers of a private foundation which has no principal office, or whose principal office is in a personal residence, may satisfy the requirement that the annual return be made available for public inspection at the foundation's principal office by having the return available for public inspection at an appropriate substitute location or by furnishing a copy free of charge (including postage and copying) to persons who request inspection in the manner and at the time prescribed therefor in section 6104(d) and the regulations thereunder. In addition to its principal office, a private foundation may designate an addtional location at which its annual report shall be made available in the manner and at the time prescribed therefor in section 6104(d).

Par. 12. Section 301.6652-2 is amended by revising the section heading, subparagraph (1) of paragraph (a) and subparagraphs (1), (2) and (3) of paragraph (c) to read as follows:

§ 301.6652-2 Failure by exempt organizations and certain nonexempt organizations to file certain returns or to comply with section 6104(d) for taxable years beginning after December 31, 1969.

(a) *Exempt organization or trust.* In the case of a failure to file a return required by—

(1) Section 6033, relating to returns by exempt organizations, trusts described in section 4947(a)(1) and nonexempt private foundations,

* * * * *

(c) *Public inspection of private foundations' annual returns*—(1) *In general.* In the case of a failure to comply with the requirements of section 6104(d), relating to public inspection of private foundations' annual returns, within the time and in the manner prescribed for complying with section 6104(d), unless it is shown that such failure is due to reasonable cause, there shall be paid by the person or persons responsible for failing to comply with section 6104(d) $10 for each day during which such failure continues. However, the total amount imposed under this subparagraph on all persons responsible for any such failure with regard to any one annual return shall not exceed $5,000.

(2) *Amount imposed.* The amount imposed under section 6652(d)(3) is $10 per day for a failure to comply with section 6104(d). For example, assume that an annual return must be filed by private foundation X on or before May 15, 1982, for the calendar year 1981. The foundation without reasonable cause does not comply with section 6104(d) by publishing notice of the availability of the annual return until July 30, 1982. In this case, the person failing to comply with section 6104(d) within the prescribed time is required to pay $760 for complying with section 6104(d) 76 days late.

(3) *Cross reference.* For the penalty for willful failure to comply with section 6104(d), see § 301.6685-1.

* * * * *

Par. 13. Section 301.6685-1 is amended by revising the section heading and paragraphs (a) and (d) to read as follows:

§ 301.6685-1 Assessable penalties with respect to private foundations' failure to comply with section 6104(d).

(a) *In general.* In addition to the penalty imposed by section 7207, relating to fraudulent returns, statements, or other documents, any person (as defined in paragraph (b) of this section) who is required to comply with the requirements of section 6104(d), relating to public inspection of private foundations' annual returns, and who fails so to comply, if such failure is willful, shall pay a penalty of $1,000 with respect to each such return with respect to which there is a failure so to comply.

* * * * *

(d) *Cross reference.* For the amount imposed for failure to comply with section 6104(d), see paragraph (c) of § 301.6652-2.

§ 301.7207-1 [Amended]

Par. 14. Section 301.7207-1 is amended by removing the words ", after December 31, 1969, section 6056 or" from the second sentence and adding in their place the word "section".

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 84-22178 Filed 8-20-84; 8:45 am]

BILLING CODE 4830-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-785; RM-4717]

FM Broadcast stations in Indio and Desert Center, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: Action taken herein, at the request of Lynn A. Christian, proposes the assignment of Channel 272A to Indio, California, as the community's second FM allocation. In addition Channel 288A must be substituted for 272A at Desert Center, California.

DATES: Comments must be filed on or before October 5, 1984, and reply comments on or before October 22, 1984.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Indio and Desert Center, CA; MM Docket No. 84-785; RM-4717.

Adopted: August 7, 1984.

Released: August 14, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by Lynn A. Christian ("petitioner") proposing the assignment of Channel 272A to Indio, California, as the community's second FM allocation. In order to accomplish this assignment Channel 288A must be substituted for unoccupied Channel 272A at Desert Center, California. Petitioner has expressed an intention to apply for the channel, if assigned.

2. The channel can be assigned in compliance with the minimum distance separation requirements provided Channel 288A is substituted for Channel 272A at Desert Center, California, in order to avoid a short spacing.[1] Since

[1] There is an application pending for Channel 272A at Desert Center filed by Desert Center Broadcasters, File No. BPH-831122AI. If the proposed channel assignment is allocated the applicant will be required to amend its application to specify operation on Channel 288A.

Indio and Desert Center are located within 320 kilometers (199 miles) of U.S.—Mexican border, the proposal requires concurrence by the Mexican government.

3. In view of the fact that the proposed assignment could provide a second FM service to Indio, California, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the following communities:

City	Channel No.	
	Present	Proposed
Indio, CA	224A	224A, 272A.
Desert Center, CA	272A	288A.

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

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

5. It is ordered, That the Secretary shall send a copy of this *Notice of Proposed Rule Making* by CERTIFIED MAIL, RETURN RECIEPT REQUESTED to Bill Harling, 313 19th Street, Manhattan Beach, California 90266, the applicant for Channel 272A at Desert Center.

6. Interested parties may file comments on or before October 5, 1984, and reply comments on or before October 22, 1984 and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows: Lynn A. Christian, 10445 Scenario Lane, Los Angeles, CA 90024.

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

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

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

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

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

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

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

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

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

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

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

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

[FR Doc. 84–22091 Filed 8–20–84; 3:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 49, No. 163
Tuesday, August 21, 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.

ACTION

Mini-Grant program

AGENCY: ACTION.

ACTION: Proposed revision of guidelines for Mini-Grant Program.

SUMMARY: These proposed revisions would change the current Mini-Grant Guidelines in the following two areas:

1. The ratio of expected volunteer hours to federal dollars.

2. Procedurs pertaining to the place of submission and the instructions for completing the application.

These guidelines are being revised to make the criteria more realistic and to include ACTION's State and Regional Offices in the application review process.

These proposed changes revise the current guidelines which were published in the **Federal Register**, Vol. 47, No. 162, on August 20, 1982.

DATE: Comments must be received by September 20, 1984.

ADDRESS: Send comments to Mini-Grant Program, ACTION, OVL—Room M207, 806 Connecticut Ave, NW., Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Mr. Levon Buller, Program Manager, (202) 634–9772 or (800) 424–8867.

SUPPLEMENTARY INFORMATION: Paragraph 3.d. is amended to change the expected ratio of volunteer hours to Federal dollars, from one hour for every dollar to one-hour for every dollar.

Based upon the performance of past Mini-Grant projects, it is unrealistic to expect that a grantee can generate, for example, 10,000 hours of volunteer service for a $10,000 grant. Organizations often indicate in their grant application packages that they plan to meet this "one-for-one" ratio, but in practice, projects consistently fall well short of this goal. A ratio of ½ volunteer hour to every Federal dollar is more achievable and additionally deters applicant from creating an unrealistic number merely to satisly grant requirements. The intent of this particular criterion is to solicit proposals for realistic projects that are volunteer-intensive and that mobilize a large number of human resources within their communities.

Paragraph 4.a. and 2.b. are amended (1) to make the ACTION State Offices, rather than the Office of Volunteer Liaison in Washington, D.C., the office to which grant applications should be submitted and (2) to eliminate the listing of specific grant application forms.

When the Mini-Grant Program originated, applications were submitted to ACTION State Offices for review and forwarding to ACTION Regional Offices for further review. Then, based upon these two appraisals, recommendations were forwarded to headquarters where final selections were made. Grants were awarded out of the Regional Offices.

In 1982 these procedures were modified so that applications were submitted directly to the Office of Volunteer Liaison at headquarters in an effort to make the grant-awarding process more responsive and efficient; however, this has not happened.

ACTION State and Regional Offices are located closer to applicant organizations and are therefore better able to work with applicants and to monitor projects once a grant has been awarded. Regional Offices have grant-making capabilities and most ACTION grants are awarded and coordinated through field offices.

The listing of specific forms used in the grant application has been eliminated because these forms are subject to change. Under the proposed guidelines, once the availability of funds is announced in the **Federal Register** each year, interested parties may call or write the Office of Voluntees Liaison for an application package. This package will contain the forms that are to be used and will specify the selection criteria, due dates, selection process, and instructions for completing the forms and proposal.

ACTION has determined that this revision is not a major rule as defined by E.O. 12291. The size and purpose of the grants awarded under these guidelines will not have the economic impact contemplated by E.O. 12291.

The revised paragraphs of the Mini-Grant Guidelines are as follows:

3. Scope of Grant.

d. Mini-Grants are basically a vehicle by which volunteers can be mobilized to help alleviate community problems. It is expected that for each Federal dollar awarded, at least one-half hour of volunteer service will be generated. If the project is of a nature where numbers of volunteers and volunteer hours cannot be documented, then the grantee is asked to describe the impact of the project on the larger issue of volunteer activity in the organization/community.

4. Procedures. a. After the notice which requests Mini-Grant applications appears in the **Federal Register**, application packages will be mailed out to those requesting them. The package will contain the grant application forms, instructions on completing the forms, selection criteria, the application review process, and application due dates. Applications will be submitted to the appropriate ACTION State Office by the due date.

b. These procedures may not apply to grants funded either through Federal Inter-Agency Agreements or non-federal contributions.

(42 USC 4993)

Signed in Washington, D.C., on August 15, 1984.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 84-22142 Filed 8-20-84; 8:45 am]

BILLING CODE 6050-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement Regarding the Arizona State Office, Bureau of Land Management, General Historic Preservation Compliance

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Arizona State Office, Bureau of Land Management, and the Arizona State Historic

Preservation Officer, providing protection for historic and cultural properties in connection with the Bureau of Land Management's routine and general land management activities. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historic and cultural properties will be identified, evaluated and protected in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

DATE: Comments due September 19, 1984.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401.

FOR FURTHER INFORMATION CONTACT: Robert Fink, Chief, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 84-22143 Filed 8-20-84; 8:45 am]

BILLING CODE 4310-10-M

Programmatic Memorandum of Agreement Regarding the U.S. Army Corps of Engineers, Vicksburg District, Red River Waterway Project, Arkansas and Louisiana

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Vicksburg District, U.S. Army Corps of Engineers and the Arkansas and Louisiana State Historic Preservation Officers, providing protection for historic and cultural properties in connection with the construction of the Red River Waterway in Arkansas and Louisiana. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historic and cultural properties will be identified, evaluated and protected in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

DATE: Comments due September 19, 1984.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401.

FOR FURTHER INFORMATION CONTACT: Robert Fink, Chief, Western Division of Project Review, 730 Simms Street, Room 450, Golden, CO 80401.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 84-22144 Filed 8-20-84; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1984 Tobacco Price Support Levels

AGENCY: Commodity Credit Corporation (CCC).

ACTION: Notice of Determination of 1984 Tobacco Price Support Levels.

SUMMARY: The purpose of this notice is to affirm the July 3, 1984 announcement made with respect to the levels of price support for all eligible kinds of tobacco (except flue-cured) for the 1984 marketing year. These determinations are made in accordance with the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: July 3, 1984.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, Room 3736, South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447-5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of impelmenting each option is available on request from Robert L. Tarczy.

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

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

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

The determinations set forth in this notice have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from tobacco producers and other interested persons pursuant to a Notice of Proposed Determination which was published on May 7, 1984 (49 FR 19365).

Discussion

Price support is required to be made available for each crop of a kind of tobacco for which marketing quotas are in effect or for which marketing quotas have not been disapproved by producers at a level which is determined in accordance with a formula prescribed in section 106 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445). Section 106(f)(3) of the 1949 Act provides that, with respect to the 1984 crop of any kind of tobacco (other than flue-cured tobacco) for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers, the Secretary of Agriculture shall establish the support price at such level as will not narrow the normal price support differential between flue-cured tobacco and such other kind of tobacco.

Section 106(f)(1) also provides that for the 1984 crop of flue-cured tobacco, the level of price support shall be the level at which the 1982 crop was supported.

Section 106(f)(3) requires that, in determining the 1984 levels of price support for all kinds of tobacco (except flue-cured), the Secretary shall take into consideration for each kind of tobacco the cost of production, supply and demand factors, the comments received in response to the public notice of the proposal, and other relevant factors as the Secretary deems appropriate.

A detailed analysis of the key factors used in determining the support level for each kind of tobacco for the 1984 marketing year is set forth in the following table:

Kind and type	See footnotes for explanation of columns				
	(1)	(2)	(3)	(4)	(5)
Burley, type 31	3.27	25.1	4.9	25.9	0.90
Virginia fire-cured, type 21	2.71	3.8	27.0	28.7	.95

Kind and type	See footnotes for explanation of columns				
	(1)	(2)	(3)	(4)	(5)
Kentucky-Tennessee fire-cured, types 22-23	2.47	8.0	52.0	5.8	1.10
Dark air-cured, types 35-36	3.23	.7	42.3	25.3	1.0
Virginia sun-cured, type 37	3.17	4.4	30.6	0	1.0
Cigar filler and binder, tupes 42-44, 54-55	4.39	−4.3	24.3	16.6	.90
Puerto Rican filler, type 46	6.5	16.9	0	86.4	NA

[1] Estimated 1983 supply-use ratio.
[2] The amount, in cents per pound, that the 1983 support level exceeds the 1984 estimate of cost of production.
[3] The amount, in cents per pound, that the projection of 1984 grower price exceeds the 1983 support level.
[4] The percentage of tobacco pledged as collateral for CCC loans compared to 1983 total ending stocks.
[5] 1984 National quota factor.

During the comment period, a total of 37 comments were received from farmers, members of the trade (including associations), farm groups, and State departments of agriculture.

Of the twenty comments received which pertained to the support level for the 1984 crop of burley tobacco, 4 desired an increase in the support level, 14 recommended no change and 2 comments addressed issues unrelated to the support level. The 4 comments which recommended an increase in the support level pointed to a need to offset increased production costs. Those who opposed an increase pointed to the oversupply of burley tobacco.

Under Section 106 of the 1949 Act the normal price support differential between flue-cured tobacco and burley tobacco cannot be narrowed. Since the basic level of price support for burley tobacco exceeds the level for flue-cured tobacco, the 1984 burley crop support level cannot be decreased. An increase in the level of support would make foreign-grown tobacco more attractive to domestic purchasers of tobacco and increase the current over-supply of burley tobacco. In addition, the support level for burley tobacco is already in excess of the 1984 estimate of cost of production. Accordingly, the support level for the 1984 burley tobacco crop will remain at 175.1 cents per pound, the same as the 1983 level.

For all other kinds of tobacco, 17 comments were received. Five comments advocated an increase in the 1984 support levels while the other 12 comments recommended that support levels remain the same. In accordance with Section 106 of the 1949 Act, the normal price support differential between flue-cured tobacco and these kinds of tobacco cannot be narrowed. Since the basic support levels for these kinds of tobacco are less than the level for flue-cured tobacco, the 1984 support levels for these kinds of tobacco can be decreased but not increased. Accordingly, for all other kinds of tobacco, except Puerto Rican filler (type 46), the 1984 levels of price support will remain at their respective 1983 levels.

The one comment pertaining to Puerto Rican filler (type 46) tobacco recommended that the support level remain at the 1983 support level because tobacco is the sole income source for many Puerto Rican producers. However, the high level of support has resulted in an increased forfeiture of Puerto Rican tobacco pledged as collateral for CCC price support loans thereby resulting in losses to the Corporation and a corresponding increase in the assessment which must be paid by Puerto Rican tobacco producers. Accordingly, it has been determined that the 1984 support level for Puerto Rican filler (type 46) tobacco will be reduced from 90.9 cents per pound to 74 cents per pound, the estimated cost of production in 1984.

In addition to these comments, other comments were received which were outside the scope of this rule making and were not considered.

Determinations

Accordingly, it has been determined that the following support levels will be applicable for the following kinds of 1984-crop tobacco:

Kind and type	Support (cents per pound)
Burley, type 31	175.1
Virginia fire-cured, type 21	118.8
KY-TN fire-cured, types 22-23	123.0
Dark air-cured, types 35-36	105.7
Virginia sun-cured, type 37	109.4
Cigar filler and binder, types 42-44, 53-55	90.7
Puerto Rican filler, type 46	74.0

Signed at Washington, D.C. on August 13, 1984.

Richard E. Lyng,

Acting Secretary of Agriculture.

[FR Doc. 84-22164 Filed 8-20-84; 8:45 am]

BILLING CODE 6717-01-M

Food and Nutrition Service

Food Stamp Program; Electronic Benefit Transfer Alternative Issuance Demonstration Project

AGENCY: Food and Nutrition Service, USDA.

ACTION: Amended General Notice.

SUMMARY: The Department is hereby amending its General Notice for the Electronic Benefit Transfer (EBT) Alternative Issuance Demonstration Project to provide additional details on the operational procedures of the project. The demonstration will test the application of electronic funds transfer technologies to the delivery and control of program benefits. The test of this system which delivers program benefits without the use of food stamp coupons will take place in Reading, Pennsylvania. The project is being conducted under the authority of Section 17 of the 1977 Food Stamp Act, as amended.

DATE: Comments must be received by September 20, 1984, to ensure consideration.

ADDRESS: Comments should be submitted to M. Patricia Warner, Chief, Legislative Policy, Planning, and Demonstration Branch; Program Planning, Development and Support Division; Family Nutrition Programs; Food and Nutrition Service, USDA; Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 am to 5:00 pm, Monday through Friday) at 3101 Park Center Drive; Alexandria, Virginia, Room 714.

FOR FURTHER INFORMATION CONTACT: If you have any questions, contact Ms. Warner at the above address or by telephone at (703) 756-3383.

SUPPLEMENTARY INFORMATION:

Classification

This notice has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1521-1, and has been classified "not major." The notice 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 notice will not have a major effect on the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This notice has also been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354. Mr. Robert E. Leard, Administrator of the Food and Nutrition Service (FNS), has certified that this action will not have a significant economic impact on a substantial number of small entities because it will be conducted in a limited area. The State and local welfare agencies will be affected to the extent that they are involved in administering this alternative system. Food retailers

and banks will be affected to the extent that they agree to participate in the test. Individuals participating in the Food Stamp Program and living within a four zip-code area of Reading, Pennsylvania, will be affected to the extent that they will be using a new benefit issuance instrument and be subject to new issuance procedures.

Note.—This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Introduction

On July 8, 1983, the Department of Agriculture published a General Notice in the Federal Register (48 FR 31431) which, in accordance with 7 CFR 282.5, established the specific operational procedures and explained the basis and purpose for the Alternative Issuance Demonstration Projects, the EBT demonstration and the Kentucky Issuance Demonstration.

On July 1, 1983, just prior to that Notice's publication, the Department selected a proposal for the EBT demonstration and awarded a contract to Planning Research Corporation of McLean, Virginia, to develop and operate their proposed alternative issuance system in Reading, Pennsylvania. Due to the timing of this award, certain specific details of the EBT demonstration were unknown at the time the July 8 notice was drafted and, consequently, were not fully described in that publication. Instead, the July 8 notice described the EBT demonstration in more general terms. This publication will more fully provide those details. For additional information on the background and purpose of this demonstration, readers should consult the July 8, 1983 General Notice.

Although the July 8 notice solicited comments from the public, the general nature of the EBT demonstration description resulted in few comments on the EBT demonstration. Generally, those that did comment were in favor of the Department's effort to test the application of this new technology to food stamp benefit issuance. There were some questions and concerns expressed regarding specifics which this more detailed notice should answer. Concerns were also expressed regarding the ability of recipients to remember their personal identification numbers (PIN) and to keep track of the amount of benefits remaining in their file. The Department shares these concerns and steps are being taken to help the recipients avoid any problems. Households will be able to select their own PINs to facilitate easy recall. (The PIN may be any combination of four alphanumeric characters.) Recipients will also be able to obtain their account balances any time of the day by calling a local number, and entering their case number in PIN. A synthesized voice will then provide the household's account balance in either English or Spanish, depending on the arrangement made with the State agency at the time of certification. In addition, households will receive a receipt following each purchase which documents the purchase amount and the account balance after the purchase. Households will receive detailed training on these and other aspects of the new system prior to or at the time of their initial certification. Follow-up training will also be available for those having problems with any system feature. The Department has made a great effort to contact local client groups and identify in advance any special problems which might be experienced by particular groups of recipients (e.g., handicapped, elderly, non-English speaking).

The procedures for use of the back-up system presented in this notice deviate to a degree from those identified in the July 8 General Notice. The July 8 notice provided, under General Food Stamp Requirements, that a manual back-up system would be available for emergency use when the alternative system is inoperative for any reason. For the most part, this will still be the case for the EBT demonstration. Should point-of-sale devices break down or the computer system become inoperable between 6 A.M. and 12 midnight, the latter of which is expected to be a rare occurrence, manual back-up procedures, identified in this notice, will be available for use by the retailers to enable the household to continue making purchases. However, there will be no back-up system available when telephone lines are inoperable. In addition, the back-up system will not be available from 12 midnight to 6 A.M. when the computer center will not be staffed to handle system deviations and only purchases up to 35 dollars will be permitted when the 6 A.M. to 12 midnight back-up system is in use.

Both the EBT on-line system and the manual back-up system rely on the use of telephone lines. Neither system will be operable if the telephone lines are unavailable for use. Consequently, under such a circumstance, purchases cannot be made with food stamp benefits. While all on-line systems are susceptible to system disruption by phone line failure, the Department anticipates that the probability of this occurring is very small. This factor will, however, be monitored very closely during the course of this demonstration.

The Department has chosen to limit the hours of manual backup-system availability to between 6 A.M. and 12 midnight because a review of retailers in the Reading area has shown that very few stores are open between 12 midnight and 6 A.M. Each of the retailers that are open during these six hours will be provided with at least two point-of-sale devices to minimize the chance of not having at least one device in operation at all times. The probability of having problems with the main computer system is very small at any time of the day since there will be two completely redundant computers. One computer will always be available and able to operate the system should a problem arise with the other computer. Because of these added protections and the resulting small probability of the need for the manual back-up system during the off-hours, the Department believes that the limited hours of manual back-up availability will not have a negative impact on recipients or retailers. Except in the unlikely event that a breakdown occurs in a store's two point-of-sale devices or both of the main-frame computers between 12 midnight and 6 A.M., the EBT system will be available for purchases 24 hours per day.

The Department has also placed a 35 dollar per day limit on purchases which may be made under the manual back-up system in order to limit possible losses which could occur when the back-up system is in use. There is an increased risk of security breach when the point-of-sale device is inoperable since the household's PIN cannot be verified at the time of sale. Under such a circumstance, the 35 dollar limit per day will serve to protect a household's account against being accessed for a sizeable purchase by anyone who does not know the household's PIN. Point-of-sale devices will be repaired or replaced within three business hours from the time their breakdown is reported. There is an increased risk of account overdrawing when the computer system is down because the cashier cannot determine whether the amount of benefits remaining in a household's account is sufficient to cover a particular purchase. On such an occasion, the 35 dollar limit will offer some protection against large overdrawings of household accounts. The Department believes 35 dollars is a sufficient amount to cover a household's necessary purchases under those rare occurrences when use of the manual back-up system is necessary and, as a

result, certain security-related information cannot be verified.

Retailers who, as a matter of course, do not have immediate access to telephones when they collect payment for purchases will be able to use a form of the manual back-up system to complete EBT transactions. These retailers include stationary food stores which opt to make home deliveries to food stamp households and retail route vendors which operate on standing orders from customers, such as retailers which deliver milk and bread. Under this form of the manual back-up system, which is described herein, these retailers will not have any means to verify, at the time of payment, that the purchaser knows the household's PIN or that the household's account has sufficient benefits to cover the purchase. Consequently, those retailers which choose to use this form of the manual back-up system will assume the risk of not receiving payment in full. The Department does not believe this will cause an undue burden for these retailers. Retail route vendors which operate on standing orders currently assume this same risk when they opt to delay the collection of payment until the end of a delivery period. Home deliveries are not a usual business activity of stationary retailers, but a special service for certain customers, provided at the retailer's option. In addition, with both home deliveries and retail route vendors, the retailer knows the customer and has the means to follow up for full payment.

The contract for the EBT demonstration consists of three phases. Phase I is the final design of the demonstration, Phase II is the development of that design and completion of a successful functional test of the system, and Phase III is the actual implementation and operation of the system. It is anticipated that implementation will take place in late summer 1984. Phase III will last for 18 months and will include a period for phase-in and phase-out of project-wide operations. Full operations will begin in the fall of 1984.

An evaluation contractor, Abt Associations of Cambridge, Massachussetts, has been hired by the Department to conduct the evaluation of the EBT demonstration. The final report is due in the summer of 1986. The report will present the study findings on the process of implementing the demonstration system, the comparative costs and other impacts of the EBT demonstration system for major constituencies, and the feasibility of extending the demonstration system or variations of the system to a non-demonstration setting.

In accordance with the General Notice requirements of 7 CFR 282.5, FNS is providing the following description of the operational procedures for the EBT demonstration project. Public comment is invited.

Electronic Benefit Transfer (EBT) Demonstration Project

The EBT issuance demonstration will totally eliminate the paper food stamp and rely instead on the electronic transfer of benefits for delivery to recipients and redemption at the retailers. The Department expects that this system will convey benefits more securely than the current coupons. The test will take place within a limited area of Reading, Pennsylvania. All food stamp households living within the zip codes 19601, 19602, 19603, and 19604 will use a benefit card and personal identification number (PIN) to buy food instead of food stamp coupons. The intention of this system is that only the members of authorized representatives of those households to which the benefit card and PIN were issued will be able to use the benefit device. Food stamp coupons contain no household identifying information to ensure that this limitation of use is currently the case at the point-of-sale.

Retailers participating in this demonstration will receive all the equipment necessary to participate from FNS. All currently authorized retailers within the zip codes 19601, 19602, 19603, and 19604 will be eligible to participate in the demonstration. All currently authorized retailers outside these zip codes but within a five mile radius of center-city Reading will als be eligible to participate. However, if it is shown that any in this latter group have not transacted any EBT business during a two month span, FNS reserves the right to remove the equipment necessary for EBT transactions. In such a situation, the retailer will be notified in writing that the equipment will be removed and his/her account made inaccessible as of a particular date. Currently operating and authorized retailers will be permitted to begin participating in the EBT project any time prior to the final three months of the project. After this point, retailers will not be permitted to begin participation.

Retailer appeals would follow the procedures of 7 CFR Part 278. If at any time following the removal or denial of equipment, a retailer shows FNS that it is losing food stamp business as a result of its exclusion from the demonstration, the equipment may be returned to that retailer provided the EBT demonstration is still in operation. All retailers participating in the demonstration will continue to accept food stamp coupons from recipients living outside the test area.

Currently, food stamp households in Reading receive Authorization-to-Participate (ATP) cards by mail and pick up their benefits by presenting the ATPs to issuing agents. Under EBT, ATPs and monthly trips to pick up benefits will no longer be necessary. Households will go to the Berks County Assistance Office upon notice of initial certification to obtain their benefit card, select a PIN number, and be trained on usage of the card. The actual issuance of benefits will take place when the household's dollar value of benefits are electronically loaded each month into the household's computer file. At that point, the benefits will be available for use by the household at the retailer. Households will be notified in advance of the exact date benefits will be available. For each month's issuance, the same card will suffice and additional visits to the county assistance office for issuance purposes will not be necessary. For the purpose of project implementation, all certified households in the project area will receive thorough training on the system during the two months prior to the project's implentation.

The benefit card will be the standard Pennsylvania photo ID card used elsewhere in the State which has a photo of the head of the household and the household's account number laminated on the card. For EBT, the magnetic stripe already existing on the back of the card will be encoded with the account number and other security-related information.

A household member will need to establish, before a purchase can be made at a store, that he/she is entitled to use the benefit card. Verification of the cardholder's identity will be accomplished by requiring that the cardholder enter the proper PIN on a small electronic number pad located at the point-of-sale. This pad is connected to another device at the cash register which will verify that the PIN is correct. In addition, the household will be issued an Alternate Shopper Card which will enable members of the household, other than the head of household whose picture is on the photo ID, or an authorized representative to access the household's account. These cards will be imprinted with the household's case name and number, and must be presented with the household's benefit card and correctly-entered PIN in order for the alternate shopper to make a

purchase with the benefit card. Upon verification of the cardholder's right to use the benefit card, the cashier will enter the amount of the purchase and the point-of-sale device will link up on-line with the household's computer file. Following verification that the benefit card is valid and that the account has a sufficient benefit amount to cover the purchase, the file will be updated to reflect the purchase. A receipt documenting the purchase amount and the account balance after the purchase will be printed for the purchaser. A copy of this receipt will be available for retention by the retailer to document each EBT transaction.

If the presenter of the benefit card is not entitled to use the card by virtue of his/her failure to correctly enter the PIN after three attempts or as a result of the household's account being closed to that card, the system will display a message indicating that the card cannot be accepted for use in the purchase and the presenter should go to the food stamp office to resolve any problem. In the event that an authorized card holder has temporarily forgotten the PIN and later remembers it or has it written down at home, it will be possible for him/her to go back to the store and enter the correct PIN to make a purchase.

If there are not sufficient funds available to make the entire purchase, a message will appear which indicates that this is the case and provides the amount of cash needed to complete the purchase. A purchase which is supplemented by the necessary amount of cash or which does not exceed the available balance can then be made by re-initiating the transactions. If the purchaser questions the accuracy of the message, he/she will be instructed to go to the food stamp office to resolve the problem.

Retailers are responsible for adhering to the operating procedures of this demonstration, as specified herein. Failure by the retailer to respond appropriately to a non-acceptance message displayed on the point-of-sale device by accepting the referenced purchase will leave the retailer liable for that purchase. In such an instance, no electronic credit for that particular purchase will be forwarded to the retailer's account, regardless of the action taken by the retailer.

Should the system become unavailable due to mechanical failure of the point-of-sale devices or computer system failure, manual back-up procedures will be used to permit the retailer to accept purchases of up to 35 dollars. Point-of-sale devices which have become inoperable will be repaired or replaced by the EBT center staff within three business hours of the time notice has been provided to the EBT center. For the purpose of this activity, business hours constitute those hours that both the retailer and the EBT center are open for business. EBT center business hours are between 6 a.m. and 12 midnight. Computer system failure is anticipated to be a rare occurrence since there will be two completely redundant systems at the EBT center. In the event one computer fails, the second will be available to operate the system.

On occasions when a manual back-up system is necessary, the cashier will use three-part sales slips, resembling those used for credit card purchases, to copy down information from the benefit car and register the purchase. The cashier will telephone the computer center to clear the purchase. If the cause for using the manual back-up system is a point-of-sale device failure and the EBT center computer is operating, the back-up system will consist of the computer center operator verifying that there are sufficient funds remaining in the household's account to cover the purchase of up to 35 dollars and making a temporary debit of the household's account to reflect the purchase. If the cause for using the manual back-up system is failure of the computer system, the back-up system will consist of the operator checking the latest daily printout of household balances to verify that there were sufficient funds in the household's account at the time of that printout to authorize the desired purchase up to 35 dollars and copying down the necessary information for subsequent entry of the temporary debit. Under both types of manual back-up systems, a temporary debit will freeze the amount of household benefits used in the purchase until the time that the debit is made final or the debit is canceled.

Households shall be authorized up to 35 dollars per day, not to exceed the limit of the household's account, for purchases made under the manual back-up system. Households shall be responsible for limiting their purchases to the amount available in their accounts and shall be held liable for any overdrawn amounts made when the manual back-up for computer system failure is in effect. Under both types of back-up systems, the operator will authorize the cashier to accept the purchase and provide an authorization number to be entered on the three-part sales slip. Without such clearance and authorization number, the retailer will not receive payment for purchase accepted. Upon completion of the transaction, the retailer and household will each receive a portion of the sales slip, and the third portion will be sent to the EBT computer center. The final debt of the household's account and credit to the retailers account will be made when the EBT computer center receives its portion of the three-part sales slip. The computer center will be open and available for operating the manual back-up system 18 hours a day from 6 a.m. to 12 midnight. Should the system become inoperable outside of these hours, the household will be unable to make a purchase. Each retailer open during these off-hours will be provided with at least two point-of-sale devices to further diminish the chance of any downtime.

Telephone lines are necessary for both the on-line EBT system and the manual back-up system. Should the telephone lines become unavailable for use by the EBT system for any reason, there will be no back-up system available and, consequently, EBT transactions cannot occur.

Retailers who, as a matter of course, do not have immediate access to telephones when they collect payment for purchases will be accommodated by a form of the manual back-up system. These include stationary food stores which opt to make home deliveries to food stamp households and retail route vendors which operate on standing orders from customers, such as those retailers which deliver milk and bread. When making home deliveries to food stamp households, the stationary retailer shall complete the three-part sales slip at the home to document the transaction. Upon returning to the store, the retailer shall telephone the EBT center of log the transaction and obtain an authorization code, as is done with back-up transactions for system or equipment failure. A temporary debit shall then be placed on the household's account until the documentation of the sale reaches the EBT center. To be eligible for using the back-up system under these circumstances, retailers must indicate at the time they are equipped for EBT transactions, or at some time prior to making the first home delivery transaction, that they intend to offer home deliveries.

When retail route vendors collect payment from food stamp households for standing orders, the three-part sales slip will be completed to reflect the order payment. Upon returning to the home office following such collection, the transaction shall be logged with the EBT center which shall provide an authorization code and place a temporary debit on the household's account until the documentation of the sale reaches the EBT center.

There shall be no limit on the purchase amount for either home deliveries or retail route vendors operating on standing orders. However, these retailers shall assume the risk of not receiving payment in full. In either of these operations, FNS shall not assume liability for unpaid amounts if households have either fraudulently presented a card or have insufficient benefits in their food stamp accounts to fully settle their debt. Retailers may, with the household's consent, perform preliminary verification of a household's account balance by calling the EBT center prior to making a home delivery. If this is done, the retailer shall only receive a yes/no response regarding the sufficiency of the household's account to cover the purchase amount. The retailer would still need to log the transaction with the EBT center and receive an authorization code following delivery and completion of the three-part sales slip in order to initiate the temporary debit on the household's account.

Due to the nature of the EBT system, cash change for purchases will not be necessary. The recipient's unused benefits will remain stored in the household's computer file, awaiting the next purchase.

If a household loses its benefit card or has it stolen, the household will need to report this as soon as possible to either the EBT computer center or the Berks County Assistance Office. At that time, the lost or stolen card shall be identified as such in the computer and promptly blocked from being used to access the household's account. The head-of-household will then need to bring positive identification to the food stamp office in order to obtain a new benefit card or, if the household finds the card after a report is filed, to authorize use of the existing card. Lost or stolen cards shall be replaced by the Berks County Assistance Office within 10 days of presentation of positive identification by the food stamp household. Once the household has obtained a new benefit card, benefits which are remaining in the account will again be available. However, if any benefits which were in the account at the time the card was lost or stolen are drawn from the account before access to the account could be blocked, those benefits shall be treated as lost and shall not be replaced. Once benefits have been issued to the household (i.e., placed on the household's computer account), the household shall be responsible for those benefits and liable for any which household members have lost or have had stolen.

Should a card become damaged to the extent that it is not accepted by the system, the recipient will need to report this as soon as possible, in person, to the Berks County Assistance Office. Normally, damaged cards will be replaced by the Assistance Office the same day that presentation of positive identification is made by the food stamp household. In no case shall replacement of a damaged card take more than two working days following presentation of positive identification.

The EBT redemption and reconciliation process will differ from the current process by using electronic funds transfer technology for payment in lieu of the current coupon cycle used by financial institutions and the Federal Reserve. The financial institutions and the Federal Reserve will no longer be processing coupons. The information generated by the on-line interaction between the cashier and the computer center will be used to develop payment tapes to initiate payments to the financial institutions of the respective retailers. Consequently, this system will entail different roles and/or procedures for retailers, wholesalers, financial institutions and the Federal Reserve than those provided in 7 CFR Part 278. For purpose of applying the requirements and sanctions of 7 CFR 278.6 to this demonstration, food stamp benefits in the EBT demonstration shall be the equivalent of coupons.

The EBT system will permit reconciliation and reporting at each point in the issuance cycle. The audit trail will be able to establish when and where benefits were transacted. The final reporting will be able to reconcile those benefits issued with those benefits redeemed by households at the retailers, as well as with payments made by FNS to retailers through the Federal Reserve system. Since the EBT system will not use coupons, the coupon production, inventory storage and management, and destruction requirements for the test system will differ from those requirements for the current system provided in 7 CFR Part 274. Security will be maintained through measures tailored to on-line computer systems and communications. Coupons will continue to circulate within the test area since retailers within the test area will continue to accept coupons from households living outside the test area. These coupons will continue to be processed as required by 7 CFR Part 274.

General Food Stamp Requirements

The EBT demonstration will meet certain general requirements. These include:

1. Provision for minimal disruption of recipient's access to retail outlets by ensuring the cooperation of a wide variety of currently participating retailers.

2. Assurance that recipients receive equal treatment at the retailers when transacting benefits. While there may be some limitation to the number of check-out lanes which have equipment for transacting benefits, excessive waiting time for recipients beyond that for other shoppers will be unacceptable. In addition, "food stamp only" check-out lanes are prohibited.

3. The ability to meet expedited service requirements.

4. The ability to convert benefits into regular coupons when a household moves out of test area. In such instances, the household will go to the Berks County Assistance Office to make an exchange.

5. The reporting to FNS of information regarding such areas as issuance, participation and redemption, similar or equivalent to what is currently received.

Implementation

Implementation of the EBT system will be phased in over a three month period. During those months, some households will experience a short delay in the receipt of their benefits due to the need to accommodate their training on the system. However, benefits shall not be issued more than 36 days from the household's previous regular issuance. Thirty days prior to each implementation month, each household shall be provided notice of the possibility of delay in receipt of benefits. This notice shall be by mail, accompanying the regular issuance of their monthly Authorization to Participate cards. Delays in the availability of benefits beyond the regular issuance date shall not occur subsequent to the household's implementation month.

In addition, prior to implementation of the demonstration, the following steps will be taken:

1. Notice will be provided to retailers formally announcing project implementation and describing responsibilities.

2. A new agreement will be arranged with the Federal Reserve covering new methods to be used for Treasury payments.

3. Training on the new system will be provided for recipients, State agency and Berks County Assistance Office staff, retailers, financial institutions, and the staffs of community agencies that serve food stamp households.

4. Evaluation plan will be finalized and baseline data collected.

The EBT demonstration project is expected to become fully operational in fall 1984.

Dated: August 16, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84-22101 Filed 8-20-84; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OBM)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.

Title: Shipper's Export Declaration and Continuation Sheet.

Form Numbers: Agency—7525-V, OMB—0607-0018.

Type of Request: Revision of a currently approved collection.

Burden: Unknown respondents; 1,189,000 reporting hours.

Needs and Uses: The Shipper's Export Declarations are the basic sources of the official U.S. export statistics compiled by the Bureau of the Census. The documents are required to be filed for virtually all shipments valued over $500 from the United States, Puerto Rico, or Puerto Rican Foreign Trade Zones. The revised form was designed to align with the United Nations Layout Key thus satisfying efforts of the National Committee on International Trade Documentation. This Form is considered to be the basic Shipper's Export Declaration.

Affected Public: Individuals or households; Business or other for profit institutions; Federal agencies or employees, Non-profit institutions; Small businesses or organizations.

Frequency: On Occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census.

Title: Shipper's Summary Export Declaration (SSED).

Form Numbers: Agency—7525-M, OMB—0607-0150.

Type of Request: Revision of a currently approved collection.

Burden: 67 respondents; 4,690 reporting hours.

Needs and Uses: The Shipper's Export Declarations are the basic sources of the official U.S. export statistics compiled by the Bureau of the Census. The Shipper's Summary Export Declaration is used by large volume exporters of repetitive type shipments by one method of transportation. Users are authorized by the Bureau and the Office of Export Enforcement to file monthly summaries in lieu of individual SED's

Affected Public: Individuals or households; Business or other for profit institutions; Federal agencies or employees, Non-profit institutions; Small businesses or organizations.

Frequency: Monthly.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Tomothy Sprehe, 395-4814.

Agency: Bureau of the Census.

Title: Shipper's Export Declaration-Alternate (Intermodal).

Form Numbers: Agency—7525-V-Alternate (Intermodal), OMB—0607-0152.

Type of Request: Revision of a currently approved collection.

Burden: Unknown respondents; 463,000 reporting hours.

Needs and Uses: The Shipper's Export Declarations are the basic sources of the U.S. export statistics compiled by the Bureau of the Census. The Alternate (Intermodal) form is used primarily for waterborne shipments to simplify documentation by allowing the simultaneous preparation of commercial and governmental shipping documents (e.g., bill of lading, dock receipts, Customs drawback forms). This form may be used in lieu of the basic Shipper's Export Declaration.

Affected Public: Individuals or households; Business or other for profit institutions; Federal agencies or employees, Non-profit institutions; Small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: August 15, 1984.

Edward Michals,

Department Clearance Officer.

[FR Doc. 84-22083 Filed 8-20-84; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of the Census

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Determination for Surveys

In conformity with Title 13, United States Code, sections 182, 224, and 225 and due notice of consideration having been published on May 22, 1984 (49 FR 21556), I have determined that a 1984 Company Organization Survey is needed to update the multiestablishment companies in the Standard Statistical Establishment List. The survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multiestablishment companies. These data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the form are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: August 15, 1984.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 84-22129 Filed 8-20-84; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Spectrophotometers; University of California, Berkeley CA, et al.

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-186. Applicant: University of California, Berkeley, CA 94720. Instrument: Spectrophotometer, Model RA-401/RA-414 with Accessories. Manufacturer: Union Giken

Company, Japan. Intended Use: See notice at 49 FR 23095.

Docket No. 84–194. Applicant: University of Illinois, Urbana Champaign Campus, Urbana, IL 61801. Instrument: Spectrophotometer System. Manufacturer: Atago Bussan Company, Ltd., Japan. Intended Use: See notice at 49 FR 23095.

Comments: None received. Advice Submitted by: National Institutes of Health, July 10, 1984. Decision: Approved. No instrument of equivalent scientific value to the foreign instruments, for such purposes as they are intended to be used, is being manufactured in the United States. Reasons: The foreign instruments provide precise measurement of small rapid changes in absorbance providing an ultra-fast response (1.0 microseconds) and a time resolution (dead time) of 500 microseconds. The National Institutes of Health advises in its memoranda that (1) the capability of the foreign instruments described above is pertinent to the applicants' intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instruments for the applicants' intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instruments which is being manufactured in the United States.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–22147 Filed 8–20–84; 8:45 am]

BILLING CODE 3510–DS–M

Printed Vinyl Film From Brazil; Final Results of Administrative Review of Antidumping Finding and Revocation in Part

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

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding and Revocation in Part.

SUMMARY: On February 24, 1984, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on printed vinyl film from Brazil. The review covered the two known manufacturers and/or exporters of this merchandise to the United States, Plasticos Plavinil, S.A. and Vulcan Material Plasticos, S.A., and the period August 1, 1982 through July 31, 1983. There were no known shipments of this merchandise to the United States during the period and there were no known unliquidated entries.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and tentative determination to revoke. We received no comments. We also determined that there were no shipments of this merchandise during the period August 1, 1983 through the date of the tentative determination to revoke. We advised all interested parties that there were no shipments and we provided an additional opportunity to comment.

We received one comment from the petitioner. Based on our analysis, these final results cover up to the date of our tentative determination to revoke and we revoke the antidumping finding on printed vinyl film from Brazil with respect to one exporter, Plasticos Plavinil.

EFFECTIVE DATE: August 21, 1984.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–1130/2209.

SUPPLEMENTARY INFORMATION: .

Background

On February 24, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 6958) the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on printed vinyl film from Brazil (38 FR 22794, August 24, 1973). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated.

The review covered the two known manufacturers and/or exporters of Brazilian printed vinyl film to the United States, Plasticos Plavinilyl, S.A. and Vulcan Material Plasticos, S.A., and the period August 1, 1982 through July 31, 1983. There were no known shipments of this merchandise to the United States during the period and there were no known unliquidated entries. The Department has also determined that there were no shipments of this merchandise to the United States during the period August 1, 1983 thorugh February 24, 1984, the date of publication of the tentative determination to revoke.

Analysis of Comment Received

We invited interested parties to comment on the preliminary results and tentative determination to revoke. We received no comments or requests for a hearing. The Department provided all interested parties further preliminary results for the period up to the date of the tentative revocation determination, and gave interested parties an additional opportunity to comment. In response to the additional opportunity to comment, the petitioner, Dynamit Nobel, submitted one comment.

Comment: Dynamit Nobel objects to our intention to revoke this finding. It argues that the present market conditions remain unchanged from eleven years ago when the Treasury Department conducted its investigation and found dumping margins, and that if we revoke the finding now we will worsen the current market situtation. Dynamit Nobel indicates that the Department is currently conducting an investigation of sales at less than fair value on Brazilian plain vinyl film and argues that there is every logical reason to believe printed vinyl film will also be sold at dumped prices if we were now to revoke the finding.

Department's Position: Dynamit Nobel did not present any quantifiable data to support its objection. Plasticos Plavinil has met our requirements for revocation and has submitted the written agreement required by § 353.54(e) of the Commerce Regulations, and, absent such quantifiable evidence from the petitioner, we believe it appropriate to revoke the finding with respect to that firm, However, because Vulcan did not submit the agreement, we will not revoke the finding on our own initiative as we tentatively determined with respect to that firm.

Final Results of the Review and Revocation in Part

Based on our analysis of the comments received, in accordance with § 353.54 of the Commerce Regulations, we revoke the antidumping finding on printed vinyl film with respect to Plasticos Plavinil and we determine not to revoke the finding with respect to Vulcan. For the reasons set forth in the preliminary results, we are satisfied that there is no likelihood of resumption of sales by Plasticos Plavinil at less than fair value. The partial revocation applies to all unliquidated entries of Brazilian printed vinyl film manufactured and

exported by Plasticos Plavinil and entered, or withdrawn from warehouse, for consumption on or after February 24, 1984, the date of our tentative determination to revoke the finding.

As provided for in § 353.48(b) of the Commerce Regulations, no cash deposit of estimated antidumping duties shall be required. This requirement is effective for all shipments of Brazilian printed vinyl film entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt for the requested information.

This administrative review, revocation in part, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and § 353.53, and 353.54) of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: August 14, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-22146 Filed 8-20-84; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

Implementors of ISO/NBS Open Systems Interconnection; Announcing a Workshop

The Institute for Computer Sciences and Technology at the National Bureau of Standards (NBS) announces a three-day workshop to discuss the continued development of ISO/NBS computer network protocols. The workshop will be held on September 5, 6 & 7, 1984, at the Marriott Hotel, 620 Lakeforest Blvd., Gaithersburg, Maryland (301) 977-8900.

The workshop will cover Protocols in six layers of the ISO Reference Model.

Attendance at the workshop is limited due to space requirements and the size of the conference facility; therefore, registration is on a first come, first served basis with recommended limitation of two participants per company. A registration fee will be charged for attending the workshop. Participants are expected to make their own travel arrangements and accommodations. NBS reserves the right to cancel any part of the workshop.

To register, companies should telephone (301) 921-3537 or send a request on company letterhead to:

Second OSI Workshop Series, Attn: Mary Lou Fahey

or

Joan Wyrwa, National Bureau of Standards, Bldg. 225, Rm B218, Gaithersburg, MD 20899.

The registration request must name the company representative(s) and specify the business address and telephone number for each participant. Registration requests must be received by close of business Thursday, August 30, 1984. An NBS representative will confirm workshop registration reservations by telephone. For additional information, contact John Heafner (301) 921-3537.

Dated: August 14, 1984.

Ernest Ambler,

Director.

[FR Doc. 84-22128 Filed 8-20-84; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Adriatic Sea World; Modification No. 2 to Permit No. 298

Notice is hereby given that pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Public Display Permit No. 298 issued to Adriatic Sea World, SNC Lungomare Della Repubblica, 47036 Riccione, Italy on July 16, 1980, as modified on November 3, 1982 (47 FR 49881), is further modified to extend the period of authorized taking for two years.

Accordingly, section B-3 is deleted and replaced by:

"3. This permit is valid with respect to the taking authorized herein until December 31, 1986."

This modification becomes effective upon publication in the **Federal Register**.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C., and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: August 15, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-22172 Filed 8-20-84; 8:45 am]

BILLING CODE 3510-22-M

All-Union Research Institute of Marine Fisheries and Oceanography, USSR Ministry of Fisheries; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant

a. Name: All-Union Research Institute of Marine Fisheries and Oceanography, USSR Ministry of Fisheries (P194C).

b. Address: 17, V. Krasnoselskaya, Moscow, B-140, 107140 USSR.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:

Pacific walrus (*Odobenus rosmarus*)—200

Ribbon seal (*Phoca fasciata*)—200

Harbor seal (*Phoca vitulina*)—200

Ringed seal (*Phoca hispida*)—100

Bearded seal (*Erignathus barbatus*)—300

Steller sea lion (*Eumetopias jubatus*)—100

4. Type of Take: To collect from the wild by killing for the purpose of studying the abundance, distribution, and dynamics of rookeries under ice conditions, as well as the age-sex composition and reproductive capacity of walrus and ice seals.

5. Location of Activity: Bering Sea.

6. Period of Activity: Four (4) months total.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of

such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Alaska Region, National Marine Fisheries Service, Federal Building, 709 West 9th Street, Juneau, Alaska 99802; and

Chief, Wildlife Permit Office, U.S. Fish and Wildlife Service, 1000 North Glebe Road, Arlington, VA. 22203.

Dated: August 15, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-22173 Filed 8-20-84; 8:45 am]

BILLING CODE 3510-22-M

Morris Museum of Arts and Sciences; Modification No. 1 to Permit No. 475

Notice is hereby given that pursuant to the provisions of §§ 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Parts 18 and 216), Public Display Permit No. 475 issued to the Morris Museum of Arts and Sciences, P.O. Box 125, Convent, New Jersey 07961, on July 3, 1984 (49 FR 28303) is modified to extend the period of authorized taking.

Accordingly, section B.4 is added:

"4. This Pemit is valid with respect to the taking/importing authorized herein until December 31, 1985."

This modification becomes effective upon publication in the **Federal Register.**

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930; and

Chief, U.S. Fish and Wildlife Service Permit Office, Department of the Interior, 1000 Glebe Road, Arlington, Virginia 22203.

Dated: August 15, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-22171 Filed 8-20-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Limits for Certain Cotton Textile Products Produced or Manufactured in Sri Lanka

August 16, 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 22, 1984. For further information contact Kyle Poole, Trade Reference Assistant (202) 377-4212.

Background

On May 20, 1984 a notice was published in the **Federal Register** (49 FR 19886) which established import restraint limits for cotton dresses in Category 336 and women's, girls' and infants' knit shirts and blouses in Category 339, produced or manufactured in Sri Lanka and exported during the ninety-day period which began on April 30, 1984 and extended through July 28, 1984. To facilitate implementation the specific limits established for the categories during the twelve-month period which began on June 2, 1984, the ninety-day period is being cancelled and specific limits are being established for the period which began on April 30, 1984 and extended through May 31, 1984.

Consultations are continuing concerning these categories, but no solution has been reached on mutually satisfactory limits. The United States Government has decided, therefore, to control imports of cotton textile products in Categories 336 and 339 exported during the periods and at the levels described above at levels of 2,966 dozen for Category 336 and 27,574 dozen for Category 339. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of Sri Lanka, further notice will be published in the **Federal Register.**

In the event the limits established for the April 30—May 31, 1984 period have been exceeded, such excess amounts, if allowed to enter, will be charged to the levels established for the twelve-month period which began on June 1, 1984.

The letter published below cancels and supersedes the directive of May 4, 1984 to the Commissioner of Customs and establishes modified restraint limits for cotton textile products in Categories 336 and 339, produced or manufactured in Sri Lanka and exported during the period April 30—May 31, 1984.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended 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 26, 1984 (49 FR 26622), and July 26, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

August 16, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive cancels and supersedes the directive of May 4, 1984.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 10, 1983, between the Governments of the United States and Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on August 22, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 336 and 339, produced or manufactured in Sri Lanka, and exported during the period which began on April 30, 1984 and extended through May 31, 1984, in excess of the following levels:

Category	Restraint Level (dozen) (Apr. 30, 1984-May 31, 1984 [1])
336	2,966
339	27,574

[1] The levels have not been adjusted to account for any imports exported after April 29, 1984.

Textile products in Categories 336 and 339 which have been exported to the United States prior to April 30, 1984 shall not be subject to this directive.

Textile products in Categories 336 and 339 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or

1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), 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).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Sri Lanka and with respect to imports of cotton textile products from Sri Lanka have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-22082 Filed 8-20-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the return of 24 kilograms of highly enriched uranium of United States origin contained in irradiated research reactor fuel from the JMTR test reactor in Japan for reprocessing and storage in Department of Energy facilities.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. The return of highly enriched uranium to the U.S. is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 14, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-22078 Filed 8-20-84; 8:45]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the return of 50 kilograms of highly enriched uranium of United States origin contained in irradiated fuel elements from the FRJ-1 and FRJ-2 research reactors in the Federal Republic of Germany for reprocessing and storage in Department of Energy facilities.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. The return of highly enriched uranium (HEU) to the U.S. is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 14, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-22079 Filed 8-20-84; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Expanded Residential Weatherization Program; Availability of Final Environmental Impact Statement

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice is hereby given that the Bonneville Power Administration (BPA), in compliance with the National Environmental Policy Act of 1969 (NEPA), has prepared the final environmental impact statement (EIS) on its proposed Expanded Residential Weatherization Program.

SUMMARY: The EIS assesses the environmental effects of BPA's proposal to expand its present residential weatherization program to include offering cost-effective, air infiltration-reducing (tightening) measures to all electrically heated residences in the BPA service area. Currently, tightening measures (caulking, weatherstripping, wall insulation, storm windows and doors, and electric outlet and switchplate gaskets) are restricted to residences with particular structural characteristics in order to avoid major indoor air pollutant sources and subsequent indoor air quality degradation.

In September 1983, EPA distributed the draft EIS for public comment. The final EIS incorporates the suggestions and comments received. The final EIS evaluates five alternative actions for expanding the weatherization program:

1. *No-Action*—Would not provide tightening measures to residences currently excluded from receiving them, and would continue operating the present program.

2. *Proposed Action*—Provide tightening measures to all eligible residences with no restrictions on house characteristics.

3. *Delayed Action*—Postpone until some later date (approximately 3 to 5 years) the availability of tightening measures to residences currently excluded from them and complete further research to answer more of the questions concerning indoor air quality.

4. *Environmentally Preferred Alternative*—Provide tightening measures and air-to-air heat exchangers to all eligible residences.

5. *BPA Preferred Alternative*—Provide tightening measures and radon monitoring to all eligible residences. If residence is monitored and results are above Action Level established by BPA, provide financial incentive for air-to-air heat exchangers.

The BPA Preferred Alternative allows the homeowner to make an informed choice regarding monitoring of radon within the residence and the possibility of receiving an air-to-air heat exchanger. This alternative would allow maximum flexibility of the weatherization program, but would still ensure

minimum health effects for the occupants within the residence.

The final EIS available for public review at many libraries in Idaho, Montana, Oregon, and Washington, and at locations listed below.

Reading Rooms

Library FOI—Public Reading Room 1E-190, Forrestal Building, 1000 Independence Avenue SW, Washington, DC;

USDOE—BPA Reference Room, 414 Federal Building, 915 2nd Avenue, Seattle, Washington 98174;

Bonneville Power Administration (BPA), Washington, DC, Office, Room 5317, Federal Building, 12th and Pennsylvania Avenue NW, Washington, DC.

Additional Review Locations

The document may be inspected at the following BPA offices:

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE Irving Street, Portland, Oregon 97208; 503-230-4551

Mr. Ladd Sutton, District Manager, Federal Building, Room 206, 211 East 7th Street, Eugene, Oregon 97401; 503-687-6952

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201; 509-456-2518

Mr. George Eskridge, District Manager, 800 Kensington, Missoula, Montana 59801; 406-329-3060

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington 98801; 509-329-662-4377, extension 379

Mr. Richard Casad, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109; 206-442-4130

Mr. Frederick D. Rettenmund, District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707; 208-334-9137

Mr. Thomas Wagenhoffer, Area Manager, West 101 Poplar, Walla Walla, Washington 99362; 509-522-6226, extension 701

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401; 208-554-6324

FOR FURTHER INFORMATION CONTACT: Questions or requests for copies of the EIS should be directed to Anthony R. Morrell, Environmental Manager, Bonneville Power Administration, PO Box 3621-SJ, Portland, Oregon 97208; phone 503-230-5136.

Issued in Portland, Oregon, July 17, 1984.

Robert E. Ratcliffe,

Acting Administrator.

[FR Doc. 84-22168 Filed 8-20-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER84-583-000]

Consolidated Edison Co.; Filing

August 15, 1984.

The filing Company submits the following:

Take notice that on August 8, 1984, Consolidated Edison Company (Con Edison) tendered for filing as an initial rate schedule, on behalf of itself and GPU Service Corporation (GPU), and agreement to exchange interruptible power sales service. The agreement provides for a capacity of $3.00 per megawatthour and an energy charge based on the incremental cost of providing energy.

Con Edison requests an effective date of July 31, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon GPU.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 29, 1984. Protests will be considered by the Commission in determing 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. 84-22153 Filed 8-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP79-28-005]

High Island Offshore System; Petition for Declaratory Order or, in the Alternative, for Waiver

August 15, 1984.

Take notice that on August 3, 1984, High Island Offshore System (HIOS) tendered for filing its "Petition For Declaratory Order Or, In The Alternative, For Waiver" in the above-captioned docket. This petition is in response to the Secretary of the Federal Energy Regulatory Commission's (Commission) letter of July 19, 1984 advising HIOS that its June 27, 1984 filing of Tenth Revised Sheet No. 4 would not be processed until a fee of $2000.00 was paid or a Petition for Waiver filed.

HIOS argues that the letter calling for a filing fee reflects an erroneous interpretation of the Commission's Order No. 361. The etensive process of public notice, analysis and review does not apply to the HIOS tariff filing at issue here. HIOS states that: (1) A single tariff sheet is involved and only two components (the demand rate and overrun rate) are affected; (2) HIOS is not a long-line pipeline system with numerous zones and rate schedules for each zone. No cost allocation and rate design analysis is necessary in reviewing HIOS' filing; (3) any analysis of the mathematical derivation of the rate requires only an examination of a single page appendix, which shows the derivation of the .04 cent reduction; and (4) that this filing represents no more than passthrough of reduced costs in compliance with a Commission-approved settlement agreement.

HIOS requests that the Commission issue an order declaring that a filing fee is not required pursuant to Section 381.204 of the Commission's rules because of the circumstances of this case, or alternatively, that the Commission issue an order waiving the filing fee requirement.

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 of 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. 84-22154 Filed 8-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-69-002]

High Island Offshore System; Petition for Declaratory Order or, in the Alternative, for Waiver

August 15, 1984.

Take notice that on August 3, 1984, High Island Offshore System (HIOS) tendered for filing its "Petition For Declaratory Order Or, In The Alternative, For Waiver" in the above-captioned docket. This petition is in response to the Secretary of the Federal Energy Regulatory Commission's (Commission) letter of July 19, 1984 advising HIOS that its June 26, 1984 filing of Ninth Revised Sheet No. 4 would not be processed until a fee of $2000.00 was paid or a Petition for Waiver filed.

HIOS argues that the letter calling for a filing fee reflects an erroneous interpretation of the Commission's Order No. 361. The extensive process of public notice, analysis and review does not apply to the HIOS tariff filing at issue here. HIOS states that: (1) A single tariff sheet is involved and only two components (the demand rate and overrun rate) are affected; (2) HIOS is not a long-line pipeline system with numerous zones and rate schedules for each zone. No cost allocation and rate design analysis is necessary in reviewing HIOS' filing; (3) any analysis of the mathematical derivation of the rate requires only an examination of a single page appendix, which shows the derivation of the 8 cents reduction; and (4) that this filing represents no more than passthrough of reduced costs in compliance with a Commission-approved settlement agreement.

HIOS requests that the Commission issue an order declaring that a filing fee is not required pursuant to Section 381.204 of the Commission's rules because of the circumstances of this case, or alternatively, that the Commission issue and order waiving the filing fee requirement.

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 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. 84-22155 Filed 8-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-344-001]

Maine Yankee Atomic Power Co.; Order Accepting for Filing and Suspending Rates, Granting Late Intervention, Denying Requests To Reject, Ordering Summary Disposition, and Establishing Hearing Procedures

Issued August 14, 1984.

Before Commissioners: Raymond J. O'Connor, Chairman; A.G. Sousa and Charles G. Stalon.

On June 15, 1984, Maine Yankee Atomic Power Company (Maine Yankee) completed its filing [1] of a proposed rate increase to its ten sponsoring utilities, who purchase Maine Yankee's entire power output under formulary rates.[2] The proposed rates represent an increase of about $26 million, based on a calendar 1982 test year. The filing results from Maine Yankee's proposal to increase annual nuclear plant decommissioning charges by approximately $16.1 million (approximately $8.2 million of which represents Federal income tax liability) and to increase its return on common equity from 10% to 17.5%. Additionally, Maine Yankee proposes to change its accounting and billing practices to expense and bill currently the carrying costs associated with (1) all construction projects other than those specifically undertaken to increase the output of its nuclear generating facility, and (2) nuclear fuel in process and in inventory.[3] Maine Yankee requests an effective date of August 15, 1984. However, in the event that a maximum suspension is imposed in this docket by the Commission, Maine Yankee requests that it be applied only to those portions of the proposed increase found to be unjustified, and that the balance of the filing be suspended, if necessary, for no more than one day.[4]

On July 18, 1984, the President of the United States signed legislation which, under stated criteria, exempts payments to a decommissioning trust fund from Federal income tax liability.[5] On July 31, 1984, Maine Yankee filed an amendment to its rate filing to reflect the new statute. Until the Internal Revenue Service (IRS) indicates the appropriate amount of decommissioning charges eligible for the new deduction, Maine Yankee proposes to defer collection of the entire portion of its decommissioning charges representing potential Federal income tax liability. The remaining $9.7 million would be collected immediately. Maine Yankee requests expedited determination of the allowable decommissioning charges in order to facilitate an IRS determination of the allowable deduction.

Notice of the company's original filing was published in the **Federal Register** on April 9, 1984, with protests and motions to intervene due on or before April 18, 1984.[6] Timely notices of intervention were filed by the Maine Public Utilities Commission and the Department of Public Utilities of the Commonwealth of Massachusetts (DPU). Timely motions to intervene were filed by the Public Advocate of the State of Maine (Public Advocate),[7] jointly by Bangor Hydro-Electric Company and Maine Public Service Company (Companies), and by a group of 22 municipal and 2 cooperative customers of Maine Yankee's sponsoring companies (collectively, the Municipals). On April 20, 1984, Holyoke Gas & Electric Department (Holyoke)

---

[1] The filing was originally submitted on March 23, 1984. By letter dated May 16, 1984, the Director of the Commission's Office of Electric Power Regulation advised Maine Yankee that the filing was deficient. The company submitted additional workpapers and supporting data on June 15, 1984.

[2] The sponsoring utilities are: Bangor Hydro-Electric Co., Central Maine Power Co., Central Vermont Public Service Corp., Cambridge Electric Light Co., Connecticut Light & Power Co., Western Massachusetts Electric Co., New England Power Co., Public Service Company of New Hampshire, Maine Public Service Co., and Montaup Electric Co. *See* Attachment for rate schedule designations.

[3] Maine Yankee's proposed change in accounting and billing practices represents a decision to include all construction work in progress (CWIP) and nuclear fuel in process of fabrication (NFIP) in the company's rate base. In response to the May 16, 1984 deficiency letter, Maine Yankee submitted revised cost of service statements reflecting only 50% inclusion of CWIP and NFIP in rate base, as required by § 35.26 of the Commission's regulations (18 CFR 35.26). However, the company did not amend its formulary rate to comport with such treatment. The formulary rate contained in Maine Yankee's May 20, 1968 Power Contract provides that the company's net unit investment includes CWIP and that fuel inventory includes NFIP. Based on this provision, Maine Yankee contends that its proposed change in accounting and billing policy does not require sponsor or Commission approval.

[4] Maine Yankee also proposes, *inter alia*, that: (1) Decommissioning funds be collected even if the unit is terminated before January 1, 2003; (2) future changes in the total decommissioning amount may be made unilaterally without contract amendment; and (3) balances remaining unpaid over 30 days be charged simple interest at the lowest Boston commercial loan prime rate plus 2%.

[5] Deficit Reduction Act of 1984, Pub. L. No. 98-369, Section 91 (1984).

[6] 49 FR 13,912 (1984).

[7] The Public Advocate amended its pleading on July 23, 1984, after the new legislation regarding taxability of decommissioning costs was enacted, but before Maine Yankee revised its filing to reflect that statute.

filed a motion for leave to intervene out of time, alleging that it had been inadvertently omitted from the group of Municipals.

The Municipals move to reject all or portions of the company's filing. In the alternative, they request that the filing be found deficient. Absent rejection, the Municipals request a five month suspension and a hearing. The Municipals allege various deficiencies in the company's filing, including: (1) Failure to provide cost data purportedly required under § 35.13 of the Commission's regulations; (2) failure to show the revenue impact of the proposed change in accounting policy; and (3) failure to apply tax normalization in calculating decommissioning charges.[8] Additionally, the Municipals allege that Maine Yankee's requested return on common equity is excessive, that the decommissioning charges are overstated, and that the company has apparently included in rate base an amount of CWIP which exceeds the 50% allowed under § 35.26 of the Commission's regulations. Holyoke adopts the position of the Municipals.

Neither the Maine Commission nor Companies has raised any particular substantive issues. The Massachusetts DPU alleges an excessive return on common equity and excessive decommissioning charges. The Public Advocate requests a five month suspension or rejection of the company's filing, referring to the July 18, 1984 tax legislation,[9] and alleging that Maine Yankee's requested return on common equity is excessive.

On May 3, 1984, Maine Yankee filed a response in opoposition to the motions for a five month suspension and to the Municipals' request for a deficiency letter or motion to reject. The company maintains that its requested return on common equity is not excessive, in light of the special regulatory and financial risks faced by such a single asset company. Maine Yankee also asserts that its proposed decommissioning charges are supportable, because (1) costs have risen rapidly since its 1980 decommissioning study filed in Docket No. ER82-15-000, and (2) its nuclear fuel disposal contract with the Department of Energy does not deal with all costs actually involved in disposal of reactor components and fuel.

With respect to its inclusion of CWIP in rate base, Maine Yankee contends that the construction work involved is not related to new or extra capacity. The company asserts that the Commission's CWIP limitations should not and do not apply to construction for the maintenance of existing facilities. Further, Maine Yankee states that its present Power Contract allows all CWIP to be included in the company's net unit investment. However, Maine Yankee later amended its cost of service statements, in response to the May 16, 1984 deficiency letter, to treat all CWIP pursuant to § 35.26 of the regulations. The company states that it will include in rate base only that CWIP which the Commission affirmatively authorizes in this proceeding. However, the company requests that the Commission indicate that construction undertaken for purposes other than capacity expansion is not subject to the 50% limitation of § 35.26.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely interventions of the Maine Commission, the Massachusetts DPU, the Public Advocate, Companies, and the Municipals serve to make them parties to this proceeding. Furthermore, given the early stage of this proceeding, the apparent similarity of interest as between Holyoke and the Municipals, the stated reason for Holyoke's delay, and the absence of any undue prejudice or delay, we find that good cause exists to grant Holyoke's motion to intervene out of time.

We note that Maine Yankee's election to file only Period I data is permitted under §35.13 of the Commission's regulations, inasmuch as its wholesale customers (Maine Yankee's sponsors) have consented to the proposed rate increase. Further, we find that Maine Yankee has substantially complied with the requirements of § 35.13, in light of the additional information provided in response to the May 16, 1984 deficiency letter. Thus, we shall deny the Municipals' motion to reject.

We shall also deny Maine Yankee's request that the Commission state that construction undertaken for purposes other than capacity expansion is not subject to the Commission's CWIP regulations and may be afforded full rate base treatment. The Commission's allowance of 50% of a utility's total CWIP in rate base represents a departure from a long-standing prior practice which precluded recovery of *any* construction costs during the period of construction (except, of course, in the case of serious financial distress or CWIP associated with pollution control and fuel conversion).[10] In other words, the new CWIP rule did not place a limitation on otherwise allowable CWIP recovery; instead, it provided for an increase in otherwise allowable CWIP costs, up to a prescribed 59% cap. To suggest, as does Maine Yankee, that our rule implicitly sanctions total recovery of some CWIP that would not have been recoverable before the rule, while applying the 50% limit only to other forms of CWIP, misreads the intent of that rule. Stated simply, the rule did not add a distinction between construction for the purpose of maintaining or improving existing facilities and construction undertaken for capacity expansion; the rationale for permitting some CWIP recovery while imposing a 50% limitation applies in either case.

Maine Yankee's present contract provides that the company's net investment includes all CWIP and NFIP. This treatment, however, was in violation of the Commission's CWIP policy and regulations in effect when the contract was entered into and violates the Commission's current policy. Our decision to allow 50% of CWIP in rate base rests on broad policy considerations rather than company-specific circumstances. Here, Maine Yankee apparently proposes to implement for the first time the treatment of CWIP provided for in its contract. Although the Company has amended its cost statements to comply with § 35.26, Maine Yankee has not amended its rate schedule to reflect such treatment. Given our conclusions above, we shall order Maine Yankee to file rate schedule amendments which reflect CWIP treatment pursuant to the Commission's regulations, within 30 days of the date of this order.

We also note that Maine Yankee has included accumulated deferred investment tax credits (ADITC) and accumulated deferred income taxes (ADIT) in its capital structure. In addition, the company has not appropriately deducted from or added to rate base amounts representing its ADIT balances as required by § 35.25 of our regulations. Similar treatments of ADITC and ADIT were summarily rejected in *Empire District Electric Co.*, Docket No. ER82-465-000, 19 FERC ¶ 61,303 (1982). We shall also reject Maine Yankee's treatment and order the company to file revised rates and cost of

[8] The Municipals' tax normalization issue appears to have been mooted by the July 18, 1984 tax legislation and Maine Yankee's subsequent modificaiton to its filing noted above.

[9] No further action is necessary with regard to the Public Advocate's decommissioning tax issue, in light of Maine Yankee's July 31, 1984 filing to implement the new tax legislation.

[10] *See* Construction Work in Progress for Public Utilities, Inclusion of Costs in Rate Base, Order No. 298, Docket No. RM81-38-000, 48 FR 24,323 (1983), 3 FERC Stat. & Reg. ¶ 30,455.

service statements reflecting this decision.[11]

Our preliminary review of Maine Yankee's filing and the pleadings indicates that the submittal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, as modified by summary disposition, and suspend them as ordered below.

In *West Texas Utilities Co.*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed rates may be unjust and unreasonable and may generate substantially excessive revenues, as defined in *West Texas*. Our preliminary review suggests that Maine Yankee's filing may result in substantially excessive revenues. Accordingly, we shall suspend the proposed rates for five months from 60 days after completion of the filing, to become effective on January 15, 1985, subject to refund.[12] As requested by Maine Yankee on July 31, 1984, collection of the tax-related portion of its decommissioning charges shall be deferred until further Commission order.

The Commission orders

(A) Holyoke's untimely motion to intervene is hereby granted, subject to the Commission's Rules of Practice and Procedure.

(B) The motions to reject Maine Yankee's filing are hereby denied.

(C) As discussed in the body of this order, Maine Yankee's request that the Commission exempt "non-expansion" CWIP from the CWIP treatment mandated by § 35.26 of the regulations is hereby denied; the company is directed to file within thirty (30) days of the date of this order an amendment to its Power Contract to implement the CWIP treatment mandated by the regulations.

(D) As discussed in the body of this order, Maine Yankee is directed to file revised rates and revised cost of service statements which reflect: (1) Exclusion of ADITC and ADIT balances from the capital structure; and (2) rate base treatment of ADIT balances, consistent with § 35.25 of the regulations; the company is also directed to file within thirty (30) days of the date of this order an amendment to its Power Contract reflecting the rate base treatment of ADIT mandated by section 35.25.

(E) Maine Yankee's proposed rates are hereby accepted for filing, as modified by summary disposition, and are suspended for five months from 60 days after completion of the filing, to become effective, subject to refund, on January 15, 1985. Collection of the tax-related portion of Maine Yankee's proposed decommissioning charges shall be deferred until further Commission order.

(F) Pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by 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 (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of Maine Yankee's rates.

(G) The Commission staff shall serve top shets in this proceeding within ten (10) days of the date of this order.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

MAINE YANKEE ATOMIC POWER COMPANY, RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER84–344–001) FILED: JUNE 15, 1984

Designation	Description
(1) Supplement No. 5 to rate schedule FPC No. 1.	Amendment No. 1 dated (Mar. 1, 1984).
(2) Supplement No. 1 to supplement No. 5 to rate schedule FPC No. 1.	Statement of decommissioning charges.
(3) Supplement No. 6 to rate schedule FPC No. 1.	Amendment No. 2 dated (Jan. 1, 1984).
(4) Supplement No. 1 to supplement No. 6 to rate schedule FPC No. 1.	Statement of equity return.

[FR Doc. 84–22156 Filed 8–20–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP84–44–000]

Mobile Oil Exploration & Producing Southeast Inc.; Petition of Mobile Oil Exploration & Producing Southeast Inc., for Issuance of a Declaratory Order To Remove Uncertainty

Issued: August 16, 1984.

On July 23, 1984, Mobil Oil Exploration & Producing Southeast Inc. (MOEPSI) filed a petition for a declaratory order to remove an uncertainty which MOEPSI claims exists regarding section 503(d) of the Natural Gas Policy Act of 1978 (NGPA)[1] and § 275.205 of the Commission's regulations.[2]

MOEPSI is the operator of the Main Pass 73 Field, offshore Louisiana. On April 7, 1976, MOEPSI spudded the OCS–6–3195 No. 1 expendable well in the Main Pass 73 Field and drilled to the J–6 sand. Subsequently, MOEPSI drilled the following wells: The A–2 well was spudded August 8, 1977, and completed June 22, 1979; the A–4A well was spudded October 21, 1979, and completed April 7, 1981; the A–12A well was spudded September 8, 1980, and completed March 26, 1981; and the C–17 well was spudded October 6, 1981, and completed July 13, 1982.

MOEPSI states that production from the A–2 and C–17 wells was treated as NGPA section 104 gas [3] rather than NGPA section 102(d) gas because geological data showed these wells had penetrated the same reservoir as the #1 expendable well. However, based on the

[11] Maine Yankee's Power Contract is silent on the treatment of ADIT balances. The company shall therefore also submit a contract amendment reflecting the appropriate treatment of ADIT balances.

[12] As noted, the Company has suggested that we stratify the suspension and suspend for five months only that portion of the filing which we find may yield substantially excessive revenues. In essence, Maine Yankee is proposing to have the Commission place lower, interim rates into effect during the five month suspension period we shall order. Further, without proposing any specific phased increase, the company has, in effect, requested the Commission to determine what such interim rates should be. The Commission has not bifurcated utility filings for suspension purposes in the absence of unusual circumstances and we find no reason to design a rate for the company in this case.

We also decline to formally expedite a determination of the allowable decommissioning charges, as requested by Maine Yankee to facilitate an IRS ruling on the allowable tax deduction. The company has not shown that expedition in this docket would expedite the IRS's determination and has not shown that proceeding at a normal pace would cause any specific harm to itself or its customers. However, while we decline to expedite at this time, we shall leave further scheduling of this proceeding to the discretion of the presiding judge designated pursuant to this order.

[1] 15 U.S.C. 3301–3432 (1982).

[2] 18 CFR 275.205 (1983).

[3] Gas qualifying under NGPA section 104 is gas which was dedicated to interstate commerce on November 8, 1978 and for which there was a just and reasonable rate under the Natural Gas Act in effect on November 8, 1978.

geological interpretation at the time MOEPSI drilled the A–4A and A–12A wells, MOEPSI applied for and received NGPA section 102(d) determinations for these wells from the United States Geological Survey (USGS).[4] In order to qualify production under NGPA section as 102(d) "new gas", production must come from an old Outer Continental Shelf (OCS) lease from a reservoir not discovered before July 27, 1976.

MOEPSI states that the initial determination that the A–4A and A–12A wells qualified under NGPA section 102(d) was based on the most reasonable interpretation of the available data at the time of the original filings. MOEPSI states that because these wells have different water contacts, it believed it had penetrated different fault-separated reservoirs in the J–6 sand. However, subsequent geological data shows that the J–6 sand has only one reservior, with separate lobes with different water contacts, rather than separate faults blocks having different water contacts.

MOEPSI now seeks a declaratory order that under the facts of this petition, the A–4A and A–12A well determinations by the USGS are final and not subject to Commission review. MOEPSI argues that both Congress and the Commission intend that only geological information available at the time of filing and not subsequent information is to be relied upon when determining whether a reservoir is a separate reservoir for qualification under NGPA section 102(d).

Any person who desires to be heard or to make any protest to this petition should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–22157 Filed 8–20–84; 8:45 am]

BILLING CODE 6717–01–M

[4] The USGS is the jurisdictional agency which made the well category determination for the subject well.

[Docket No. RP84–001

Montana-Dakota Utilities Co.; Tariff Filing

August 15, 1984.

Take notice that on August 3, 1984, Montana-Dakota Utilities Co. (MDU) filed the following revised tariff sheets to be a part of its FERC Gas Tariff, Original Volume No. 4:

First Revised Sheet No. 5R.3
First Revised Sheet No. 20E.5
First Revised Sheet No. 20 E.6

The proposed effective date for all three tariff sheets is July 21, 1984.

MDU states that the purpose of this filing is to modify MDU's filing of June 20, 1984 in Docket No. RP84–93–00. That filing contained MDU's proposed Rate Schedules S–3 and T–4 together with a Form of Service Agreement for each proposed rate schedule. By order of July 18, 1984, the Federal Energy Regulatory Commission accepted MDU's Rate Schedules S–3 and T–4 for filing and suspended those tariff sheets for one day permitting them to become effective, subject to refund, on July 21, 1984.

MDU asserts that these tariff sheets reflect no change in the rates for or the terms of the services to be performed under proposed Rate Schedules S–3 and T–4, and since the proposed tariff changes either increase the benefits to MDU's ratepayers or are purely clerical in nature, MDU requests waiver of the 30-day notice period for such tariff changes, and further requests that these revised tariff sheets be made effective on July 21, 1984, the date MDU's Rate Schedules S–3 and T–4 became effective.

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 21, 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. 84–22158 Filed 8–20–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. G–4616–001, et al.]

Texaco Inc., et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates[1]

August 15, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 29, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G–4616–001, July 16, 1984	Texaco Inc., P.O. Box 3109, Midland, Texas 79702	El Paso Natural Gas Company, Labors 14 and 15, League 46, Edwards and Scurry Counties School Lands Survey, Hockley County, Texas.	[1]	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-5716-017, D, July 25, 1984	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Hugoton Field, Haskell, Finney and Stevens Counties, Kansas.	[2]	
G-5716-018, D, Aug. 3, 1984	Mobil Producing Texas and New Mexico Inc. (Successor to Northern Natural Gas Producing Company), Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, West Panhandle Field, Carson and Gray Counties, Texas.	[3]	
G-5716-019, D, Aug. 3, 1984	do	Northern Natural Gas Company, West Panhandle Field, Carson and Gray Counties, Texas.	[4]	
G-6619-001, July 20, 1984	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880.	El Paso Natural Gas Company, Levelland Gasoline Plant, Levelland Field, Cochran and Hockley Counties, Texas.	[5]	
G-6658-000, D, July 20, 1984	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880.	Southern Natural Gas Company, Gwinville Field, Jefferson Davis County, Mississippi.	[6]	
G-11122-002, D, July 20, 1984	do	Colorado Interstate Gas Co., Mocane-Laverne Field, Harper County, Oklahoma.	[7]	
G-16563-001, D, Apr. 24, 1984	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	United Gas Pipe Line Company, NW Corpus Christi Bay Area, Nueces County, Texas.	[8]	
G-18725-000, July 30, 1984	Mobil Producing Texas and New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transwestern Pipeline Company, Kermit Field, Winkler County, Texas.	[9]	
G-18726-000, July 30, 1984	do	Transwestern Pipeline Company, Kermit Field, Winkler County, Texas.	[9]	
G-18729-000, July 30, 1984	Mobil Producing Texas and New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transwestern Pipeline Company, Kermit Field, Winkler County, Texas.	[9]	
CI61-1431-000, July 30, 1984	do	Transwestern Pipeline Company, Kermit Field, Winkler County, Texas.	[9]	
CI61-1431-000, July 30, 1984	do	Transwestern Pipeline Company, Sid Richardson Gas Processing Plant, NW/4 of Section 5, PSL, Block 2, Winkler County, Texas.	[9]	
CI62-347-000, D	Monsanto Oil Company, 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	El Paso Natural Gas Company, Marble Wash Field, Montezuma County, Colorado.	[10]	
CI62-1016-000, D, July 23, 1984	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77252.	Texas Gas Transmission corporation, Ramos Field, St. Mary Parish, Louisiana.	[11]	
CI65-739-002, D, Aug. 1, 1984	Shell Western E and P Inc., P.O. Box 4684, Houston, Texas 77210.	ANR Pipeline Company, Kings Bayou Field, Cameron Parish, Louisiana.	[12]	
CI69-438-000, D, July 2, 1984	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880.	Natural Gas Pipeline Company of America, South Hope Field, Eddy County, New Mexico.	[13]	
CI75-427-000, D, July 20, 1984	do	Texas Gas Transmission Corporation, Ship Shoal Block 23 Field, Terrebonne Parish, Louisiana.	[14]	
CI77-38-003, July 23, 1984	Mobil Oil Exploration and Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Eastern Transmission Corporation, South Marsh Island Block 142 (Eugene Island Block 333, West Half).	[15]	
CI77-40-001, July 23, 1984	do	Texas Eastern Transmission Corporation, Eugene Island Block 333 (Eugene Island Block 333, E/2).	[15]	
CI78-317-001, E, July 20, 1984	Phillips Petroleum Company (Successor in interest to Phillips Oil Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	Columbia Gas Transmission Corporation, East Cammeron Block 34, Offshore Louisiana.	[16]	
CI79-640-002, June 18, 1984	Texas Gas Exploration Corporation	Texas Gas Transmission Corporation, High Island Area, Block A-573 "B" and "C" Platform, Offshore Texas.	[17]	
CI84-168-003, July 26, 1984	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, W. Delta Block 58, D Platform Wells, OCSG-145, Offshore Louisiana.	[18]	
CI84-504-000 (CI67-1271) B, July 17, 1984	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160	Florida Gas Transmission Corporation, Vatican Field, Lafayette Parish, Louisiana.	[19]	
CI84-505-000, B, July 18, 1984	K. D. Lankford, Jr., B. J. Nance, A. W. Langston, 1303 Commercial National Bank Building, Shreveport, Louisiana 71101.	United Gas Pipeline Company, Monroe Field, Union Parish, Louisiana.	[20]	
CI84-507-000, F, July 23, 1984	TXO Production Corp. (Partial successor in interest to C.H.C. Gerald) First City Center LB 10, 1700 Pacific Avenue, Dallas, Texas 75201-4696.	Arkansas Louisiana Gas Company, South Drew Area, Ouachita Parish, Louisiana.	[21]	
CI84-508-000, A, July 23, 1984	Stephens Production Company, Post Office Box 2407, Fort Smith, Arkansas 72902.	Arkansas Louisiana Gas Company, State "C" #1 Well, Latimer County, Oklahoma.	[22]	
CI84-509-000, A, July 23, 1984	do	Arkansas Louisiana Gas Company, Bonanza and Massard Fields, Sebastian County, Arkansas.	[22]	
CI84-511-400, B, July 19, 1984	Appalachian Energy Inc., 200 Roessler Road, Pittsburgh, Pennsylvania 15220.	Consolidated Natural Gas Corp., Clark District, Harrison County, West Virginia.	[23]	
CI84-512-000, B, July 23, 1984	Energy Reserves Group, Inc., 217 North Water Street, P.O. Box 1201, Wichita, Kansas 67201.	Tennessee Gas Pipeline Company, East Riverside Field, Nueces County, Texas (Gulf Coast Area).	[24]	
CI84-513-000, B, July 26, 1984	J. Paul Karcher, 1700 First National Bank Building, Midland, Texas 79701.	Phillips Petroleum Company, Geraldine Field, Reeves County, Texas.	[25]	
CI84-514-000, A, July 25, 1984	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120-7309.	Natural Gas Pipeline Company of America, Block 277, Vermilion Area, Offshore Louisiana.	[26]	
CI84-515-000, A, July 25, 1984	do	Natural Gas Pipeline Company of America, Block 541, West Cameron Area, Offshore Louisiana.	[27]	
CI84-516-000, A, July 25, 1984	The Louisiana Land and Exploration Company, 225 Baronne Street, Post Office Box 60350, New Orleans, Louisiana 70160.	Tennessee Gas Pipeline Company, Blocks 141 and 144, South Marsh Island Area, Offshore Louisiana.	[28]	
CI84-517-000, B, July 26, 1984	Hunter Run Oil and Gas Co	Consolidated Gas Transmission Corp., McKin District, Pleasants County, West Virginia.	[29]	
CI84-518-000 (CI71-699), B, July 27, 1984	The Superior Oil Company, P.O. Box 1521, Houston, Texas 77251.	Tennessee Gas Pipeline Company, South Grand Chenier Field, Cameron Parish, Louisiana.	[30]	
CI84-519-000 (G-3968) B, July 27, 1984	Kerr-McGee Corporation, P.O. Box 26861, Oklahoma City, Oklahoma 73125.	Tennessee Gas Pipeline Company, South Crowley Field, Acadia Parish, Louisiana.	[31]	
CI84-520-000, B, July 30, 1984	J. P. Ownes Company, Inc., Transco Gas Purchase Contract	Transcontinental Gas Pipe Line Corporation, Johnson Bayou Field, Cameron Parish, Louisiana.	[32]	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI84-521-000, F, Aug. 1, 1984	Energy Resources Group, Inc. (Partial successor in interest to Kenneth C. English), 217 North Water Street, P.O. Box 1201, Wichita, Kansas 67201.	Tennessee Gas Pipeline Company, East Placedo Field, Victoria County, Texas.	[33]	
CI84-522-000, A, July 30, 1984	Samedan Oil Corporation, P.O. Box 909, Ardmore, Oklahoma 73402.	Tennesee Gas Pipeline Company, West Cameron Block 67, Offshore Louisiana.	[34]	
CI84-523-000, B, July 30, 1984	Duncan Drilling Company	Phillips Petroleum Company, Geraldine Field, Reeves County, Texas.	[35]	
CI84-524-000, B, Aug. 6, 1984	J. M. C. Ritchie	Phillips Petroleum Company, Geraldine Field, Reeves County, Texas.	[35]	
CI84-525-000 (G-17239), B, Aug. 6, 1984	Mobil Producing Texas and New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	United Gas Pipeline Company, Redfish Bay Field, San Patricio and Nueces Counties, Texas.	[36]	
CI84-527-000, B, Aug. 6, 1984	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas Texas 75221.	Champlin Petroleum Company, Section 8-T23N-R6W, Garfield County, Oklahoma.	[37]	
CI84-528-000, B, Aug. 6, 1984	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Warren Petroleum Company, Sable San Andres Unit, Yoakum County, Texas.	[38]	
CI84-529-000, B, Aug. 6, 1984	Rsddatz Corporation	Phillips Petroleum Company, Geraldine Field, Culberson County, Texas.	[39]	

[1] Applicant is filing to change in delivery point and delivery pressure.
[2] To release gas for irrigation fuel.
[3] By assignment and Bill of Sale dated December 30, 1983, to be effective August 2, 1983, Mobil Producing Texas & New Mexico Inc. (Successor to Northern) assigned to Lynx Exploration Company a certain lease and said assignment.
[4] By assignment and Bill of Sale dated December 8, 1983, to be effective September 3, 1983, Mobil Producing Texas & New Mexico Inc. (Successor to Northern) assigned to J.C. Daniels Energy a certain lease and said assignment.
[5] Applicant is filing to establish a new point of delivery.
[6] Units have been cancelled.
[7] E. M. Wolf Unit Well No. 1 was plugged and abandoned on June 9, 1984.
[8] All wells on Tract No. 14, Corpus Christi Bay in Nueces County, Texas State Lease No. M-30455 have been plugged and abandoned and the lease has expired of its own terms.
[9] Applicant is filing for change in delivery point.
[10] 10 Property subject hereto has been assigned to Tricentrol Resources, Inc.
[11] Gulf no longer owns an interest in leases covered by the original contract between Gulf and Texas Transmission Corporation dated January 19, 1961, as amended, which are not covered by the rollover contract between the parties dated July 15, 1983.
[12] Leases released to lessors effective June 4, 1984.
[13] Partial Assignment and Bill of Sale executed June 5, 1984, wherein Sun assigned its interests in Lease No. 977319 (N. M. State No. E-7901) and Lease No. 977320 (N. M. State No. K-848), to Sage Energy Company, but only down to 8,700 feet.
[14] The 14,200' RB SUA; LL&E Well No. 3 was plugged and abandoned on June 8, 1984. The 14,200' RA SUA; S. L. 4847 Well No. 1 was plugged and abandoned on June 17, 1984. The 14,200' RC SUA; S. L. 4847 Well No. 2 was plugged and abandoned on June 7, 1984.
[15] Applicant is filing for additional delivery point.
[16] Effective December 1, 1983, Phillips Oil Company assigned to Applicant, its interest in East Cameron Block 34, Offshore Louisiana.
[17] Applicant is filing under Gas Purchase Contract dated September 28, 1979, amended by amendment dated June 8, 1984.
[18] Applicant is filing for additional delivery point.
[19] All Texaco acreage committeed to this Gas Rate Schedule has been assigned to South Oak Production Company.
[20] Depletion of the reservoir and the consequent termination of the leases and subleases.
[21] By an Assignment dated August 11, 1983, Applicant acquired from C.H.C. Gerard, a certain property that had been previously committed to a Gas Purchase Contract dated February 15, 1974.
[22] Applicant is filing under Gas Purchase contract dated April 27, 1984.
[23] Unproductive and therefore it is economically unfeasible to continue to operate this well.
[24] Unproductive.
[25] Purchaser (Phillips Petroleum Company) has discontinued operation of the Gathering System due to unprofitability.
[26] Applicant is filing under Gas Purchase Contract dated June 4, 1984.
[27] Applicant is filing under Gas Purchase Contract dated June 19, 1964.
[28] Applicant is filing under Gas Purchase Contract dated June 4, 1984.
[29] Low-volume.
[30] The only committed well has been plugged and abandoned.
[31] Applicant no longer has the right to explore or develop the acreage covered by the certificate.
[32] After re-working the well SL 5556 #1 we were able to deliver sand-free or commercial gas. The well SL 5556 #1 pressure declined and required compression.
[33] Assignment effective July 2, 1984, Applicant acquired an interest in the subject area from Kenneth C. English, a small producer and a working interest owner in the property.
[34] Applicant is filing under Gas Purchase Contract dated July 25, 1984.
[35] Purchaser (Phillips Petroleum Company) has discontinued operation of the Gathering System due to unprofitability.
[36] Last production was in September 1978. All wells have been plugged and abandoned, the reservoir has been depleted, the leases have expired, and the units have terminated.
[37] Primary term of Contract expired December 31, 1983. The Dalke Well #1 holding the lease has ceased to produce, the acreage was released in 1965.
[38] The CO_2 content is expected to increase to the extent that it is unprofitable to process the gas after February 1, 1985.
[39] Purchaser (Phillips Petroleum Company) has discontinued operation of the Gathering System due to unprofitability.

Filing Code: A—Initial Service. B—Abandoned. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 84-22159 Filed 8-20-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-2-18-001]

Texas Gas Transmission Corp.; Tariff Filing

August 15, 1984.

Take notice that on August 3, 1984, Texas Gas Transmission Corporation (Texas Gas) tendered the following to be a part of its FPC Gas Tariff, Third Revised Volume No. 1:

Revised Forty-Sixth Revised Sheet No. 7. (Superseding Revised Forty-Fifth Revised Sheet No. 7).

Texas Gas requests an effective date of August 1, 1984.

Texas Gas states that it is responding to Ordering Paragraph (B) of the Federal Energy Regulatory Commission's (Commission) order of July 31, 1984 and that no Order Nos. 93 or 93-A costs are included in the Account No. 191 balances contained in the subject filing.

Texas Gas further states that it is voluntarily reducing rates to reflect revised PGA rate changes from two of its pipeline suppliers: United Gas Pipe Line Company and Texas Eastern Transmission Corporation.

Texas Gas requests waiver of § 154.22 of the Comission's regulations to permit the revised tariff sheet to become effective on August 1, 1984.

Texas Gas has mailed copies of this filing to all of its jurisdictional sales customers, interested state commissions and parties of record in this proceeding.

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 21, 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. 84-22100 Filed 8-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA84-23-000]

Texas Sea Rim Pipeline, Inc.; Petition for Adjustment

Issues August 13, 1984.

On July 30, 1984, Texas Sea Rim Pipeline, Inc. (Sea Rim) filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment under section 502(c) of the Natural Gas Policy Act, wherein Sea Rim sought relief from the Commission's regulations governing transportation by intrastate pipelines as set forth in 18 CFR 284.123(b)(1)(ii). Sea Rim seeks such an adjustment to allow Sea Rim to collect for Section 311 transportation a rate which does not exceed the rate on file with the Texas Railroad Commission for the transportation of intrastate gas between the same two points.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any persons desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of such Subpart K. All petitions to intervene must be filed within fifteen days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22182 Filed 8-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-45-000]

Exxon Corp.; Petition To Reopen and Vacate Well Category Determination

Issued: August 16, 1984.

In the matter of U.S. Department of Interior, Minerals Management Service, Exxon Corporation, NGPA Section 102 Determination, OCS-62969 No. A-1 well, FERC J.D. No. 80-23033.

On July 27, 1984, Exxon Corporation (Exxon) filed a petiton with the Federal Energy Regulatory Commission (Commission) to reopen and vacate the final well category determination and to permit Exxon to withdraw its application for that determination that the OCS-G 2969 No. A-1 well, located in the Mississippi Canyon Block 311 Filed, Offshore Louisiana, qualifies under section 102(d) of the Natural Gas Policy Act of 1978 (NGPA).[1] An affirmative determination was made by the U.S. Department of Interior, Minerals Management Service, (MMS) that the OCS-G 2969 No. A-1 well qualified under NGPA section 102(d) and became final on May 12, 1980.[2]

Under NGPA section 102(d), natural gas produced from an old lease on the Outer Continental Shelf qualifies for the new natural gas ceiling price if such gas is produced from a reservoir which was not discovered before July 27, 1976.

Exxon states that the OGC-G 2969 No. A-1 well is completed in the W-10 sand reservoir D. Exxon further states that it made an application for an NGPA section 102(d) determination for the subject well based on a geological intepretation indicating that the W-10 D reservoir was not penetrated before July 27, 1976.

Exxon states that the revised geological interpretation based on data collected from additional drilling in the W-10 sand indicates that the OCS-G 2969 No. A-1 well produced from the same reservoir penetrated in 1975 by the OCS-G 2970 No. 1 well.

Exxon wishes to withdraw its application for an NGPA section 102(d) determination for the OCS-G No. 2069 No. A-1 well and has calulated and made a refund to the Southern Natural Gas Company, its gas purchaser.[3]

The Commission gives notice that the calculation of refunds, plus interest, computed under § 154.102(c), is a matter subject to review and final determination by the Commission.

Any person may file a protest to Exxon's petition, or a petition to intervene, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washingon, D.C. 20426, within 30 days after the publication of this notice in the **Federal Register.** If you wish to become a party, you must file a petition to intervene. *See* Rules 211 and 214.[4]

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-22161 Filed 8-20-84; 8:45 am]

BILLING CODE 6717-01-M

---

[1] 15 U.S.C. 3301-3432 (1982).

[2] NPGA section 503(d) and 18 CFR 275.202(a).

[3] Exxon must refund the difference between the price collected and the applicable ceiling price plus interest determined in accordance with § 154.102(c) of the Commission's regulations. Exxon states that the over-collections amount to $997,746.96, and the interest amounts to $288,729.00

[4] 18 CFR 385.211 and .214 (1983).

ENVIRONMENTAL PROTECTION AGENCY

[SAB-FRL-2657-4]

Science Advisory Board; Announcement of Procedure and Request for Nomination of Members

The Environmental Protection Agency (EPA) wishes to broaden the nomination process for selecting members of its Science Advisory Board, including the Clean Air Scientific Advisory Committee, to incorporate greater public participation. To further this end the Science Advisory Board will annually publish a Notice in the **Federal Register** describing the purpose of the Science Advisory Board and inviting the public to nominate appropriate candidates to fill upcoming vacancies. This process supplements existing EPA efforts to identify qualified candidates. Members of the Science Advisory Board are appointed by the Administrator to serve staggered terms of two years each.

Any interested person or organization may nominate qualified persons for membership. Nominees should be qualified by education, training and experience to evaluate scientific and technical information on issues referred to the Board. Areas of particular interest at this time to the Board include, but are not limited to, the following: analytical chemistry, hazardous waste characterization and assessment, ground water, exposure assessment, biostatistics, environmental measurements, marine science, environmental transport and fate, control technology, wastewater treatment, solid waste disposal, environmental economics research management, risk assessment, and science policy analysis.

Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should include a resume of the nominee's background, experience and qualifications.

There will be approximately 10-15 appointments made to the SAB in the next year. Given the small number of openings available, this request for nominations does not imply any commitment by the Agency to select all qualified nominees. A list of the current membership can be obtained by calling Cheryl Bentley, of the Science Advisory Board on (202) 382-4126.

Nominations should be submitted to Dr. Terry F. Yosie, Director, Science Advisory Board (A-101), Environmental Protection, Science Advisory Board 401 M Street, SW., Washington, D.C. 20460, no later than September 28, 1984. The

Agency will not formally acknowledge or respond to nominations. However, an announcement regarding the names and affiliations of the new members will be published in the **Federal Register** at a later date following their appointment by the Administrator.

The Charter of the Science Advisory Board is included in this announcement to provide the public with a fuller understanding of the Board's role and objectives within EPA.

Dated: August 9, 1984.

Terry F. Yosie,

Staff Director, Science Advisory Board.

United States Environmental Protection Agency Advisory Committee Charter

Organization and Functions—Committees, Boards, Panels, and Councils

Science Advisory Board

1. *Purpose and authority.* This Charter is reissued for the Science Advisory Board in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (App. I) 9(c). The former Science Advisory Board, administratively established by the Administrator of EPA on January 11, 1974, was terminated in 1978 when the Congress created the statutorily mandated Science Advisory Board by the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA) of 1978, 42 U.S.C. 4365. The Science Advisory Board charter was renewed October 31, 1979 and November 19, 1981.

2. *Scope of activity.* The activities of the Board will include analyzing problems, conducting meetings, presenting findings and making recommendations, forming study groups, and other activities necessary for the attainment of the Board's objectives, including the use of consultants as necessary.

3. *Objectives and responsibilities.* The objective of the Board is to provide advice to EPA's Administrator on the scientific and technical aspects of environmental problems and issues. While the Board reports to the Administrator, it may also be requested to provide advice to the U.S. Senate Committee on Environment and Public Works or the U.S. House Committees on Science and Technology, Interstate and Foreign Commerce, or Public Works and Transportation. The Board will review scientific issues, provide independent advice on EPA's major programs, and perform special assignments as requested by Agency officials and as required by the Environmental Research, Development, and Demonstration Authorization Act of 1978 and the Clean Air Act Amendments of 1977. Responsibilities include the following:

—Reviewing and advising on the adequacy and scientific basis of any proposed criteria document, standard, limitation, or regulation under the Clean Air Act, the Federal Water Pollution Control Act, the Resource Conservation and Recovery Act of 1976, the Noise Control Act, the Toxic Substances Control Act, or the Safe Drinking Water Act, or under any other authority of the Administrator;

—Reviewing and advising on the scientific and technical adequacy of Agency programs, guidelines, methodologies, protocols, and tests;

—Recommending, as appropriate, new or revised scientific criteria or standards for protection of human health and the environment;

—Through the Clean Air Scientific Advisory Committee, providing the scientific review and advice required under the Clean Air Act, as amended;

—Reviewing and advising on new information needs and the quality of Agency plans and programs for research, and the five-year plan for environmental research, development and demonstration.

—Advising on the relative importance of various natural and anthropogenic polution sources;

—As appropriate, consulting and coordinating with the Scientific Advisory Panel established by the Administrator pursuant to section 21(b) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended; and

—Consulting and coordinating with other Agency advisory groups, as requested by the Administrator.

4. *Composition.* The Board will consist of a body of independent scientists and engineers of sufficient size and diversity to provide the range of expertise required to assess the scientific and technical aspects of environmental issues. The Board will be organized into an executive committee and several specialized committees, all members of which shall be drawn from the Board.

The Board is authorized to constitute such specialized standing member committees and ad hoc investigative panels and subcommittees as the Administrator and the Board find necessary to carry out its responsibilities. The Administrator will review the need for such specialized committees and investigative panels at least once a year to decide which should be continued. These committees and panels will report through the Executive Committee.

The Administrator also shall appoint a Clean Air Scientific Advisory Committee on the Board to provide the scientific review and advice required by the Clean Air Act Amendments of 1977. This Committee, established by a separate charter, will be an integral part of the Board, and its members will also be members of the Science Advisory Board.

5. *Membership and meetings.* The Administrator appoints individuals to serve on the Science Advisory Board for staggered terms of one to four years and appoints from the membership a Chair of the Board. The Chair of the Board serves as Chair of the Executive Committee. Chairs of standing committees or ad hoc specialized subcommittees serve as members of the Executive Committee during the life of the specialized subcommittee. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board. No member of the Board shall be a full-time employee of the Federal Government.

There will be approximately 60 meetings of the specialized committees per year. A full-time salaried officer or employee of the Agency will be present at all meetings and is authorized to adjourn any such meeting whenever this official determines it to be in the public interest.

Support for the Board's activities will be provided by the Office of the Administrator, EPA. The estimated annual operating cost will be approximately $1,273,700 and 14.1 person years to carry out support staff duties and related assignments.

6. *Duration.* The Board shall be needed on a continuing basis. This Charter will be effective until November 8, 1985, at which time the Board Charter may be renewed for another two-year period.

7. *Supersession.* The former charter for the Science Advisory Board, signed by the Administrator November 19, 1981, is hereby superseded.

Approval Date

Date Filed with Congress

William D. Ruckelshaus,

Administrator.

[FR Doc. 84-22131 Filed 8-20-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Grant County Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in sectio 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 any 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 12, 1984.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Grant County Bancorp, Inc.*, Williamstown, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Grant County Deposit Bank, Williamstown, Kentucky.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Citizens Corp.*, Onconta, Alabama; to acquire 100 percent of the voting shares of First Citizens Bank of Etowah, Glencoe, Alabama.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Central Mortgage Bancshares, Inc.*, Warrensburg, Missouri; to acquire 100 percent of the voting shares of Citizens State Bank, Nevada, Missouri.

2. *Midland Capital Co.*, Oklahoma City, Oklahoma; to acquire 80 percent of the voting shares of OMB Bancorp, Inc., Chickasha, Oklahoma, thereby indirectly acquiring Oklahoma National Bank, Chickasha, Oklahoma.

3. *United Banks of Colorado, Inc.*, Denver, Colorado; to acquire at least 89.145 percent of the voting shares of Garden of the Gods Bank, Colorado Springs, Colorado.

4. *United Bancorporation of Wyoming, Inc.*, Jackson, Wyoming; to acquire at least 95 percent of the voting shares of Shoeshone-First National Bank, Cody, Wyoming.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Schreiner Bancshares, Inc.*, Kerrville, Texas; to acquire 100 percent of the voting shares of Bandera Bancshares, Inc., Bandera, Texas, thereby indirectly acquiring First State Bank, Bandera, Texas.

2. *University National Bancshares of San Antonio, Inc.*, San Antonio, Texas; to acquire 100 percent of the voting shares of Union Bank, San Antonio, Texas.

Board of Governors of the Federal Reserve System, August 15, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-22092 Filed 8-20-84; 8:45 am]

BILLING CODE 6210-01-M

Norstar Bancorp Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than September 12, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Norstart Bancorp Inc.*, Albany, New York; to acquire Discount Brokerage of America, New York, New York, and its subsidiary, Tweedy Browne Clearing Corporation, New York, New York, thereby engaging in buying and selling securities as agent for the account of customers (including engaging in such activities through the "Investors Access" program of the subsidiary; extending credit pursuant to the Board's Regulation T; providing clearing and settlement services for executed transactions by the company, the subsidiary and third parties; paying interest on customers' net free balances awaiting investment; providing custodial services consisting of the safekeeping of customers' securities, accounting for dividends or interest received on such securities and other ancillary services; providing cash management services, including offering customers' interest on net free balances combined with customer access through debit cards and checking accounts offered under an arrangement with an unaffiliated bank and "Sweep" services pursuant to which idle customer balances exceeding a predetermined minimum are automatically invested in an unaffiliated money market fund, in all cases in accordance with the requirements of and to the extent permitted by law; offering individual retirement accounts ("*IRAs*") and owner-employee ("*KEOGH*") plans; borrowing and lending securities with other brokerage and clearing firms; and acting as an "inadvertent principal" in the event of the mistaken purchase of securities not authorized by customers.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President)

925 Grand Avenue, Kansas City, Missouri 64198:

1. *Community Bancshares of Tulsa, Inc.*, Tulsa, Oklahoma; to acquire Southwest Pioneer Life Insurance, Inc., Tulsa, Oklahoma, thereby engaging in underwriting credit life insurance to be offered to persons borrowing funds from Community Bank & Trust Company, a wholly-owned subsidiary of Community Bancshares of Tulsa, Inc., Tulsa, Oklahoma, and to engage in the sale of credit life insurance. This activity would be conducted in the Tulsa standard metropolitan statistical area and surrounding communities.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *University National Bancshares of San Antonio, Inc.*, San Antonio, Texas; to continue to engage through U.B.I. Life Insurance Company, San Antonio, Texas, in the activities of a credit insurance company, engaging in the underwriting of credit life, health and accident insurance policies. These activities would be confined to borrowers of Applicant's subsidiary banks.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp*, Los Angeles, California; to acquire Commercial Alliance Corporation, New York, New York, and thereby engage in commercial financing, leasing, and credit-related insurance sales activities.

Board of Governors of the Federal Reserve System, August 15, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-22093 Filed 8-20-84; 8:45 am]

BILLING CODE 6210-01-M

North Fork Bancorporation Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 10, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *North Fork Bancorporation, Inc.*, Mattituck, New York; to engage *de novo* through its subsidiary, North Fork Leasing Corp., in leasing personal or real property and acting as agent, broker or advisor in leasing such property.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Exchange Financial Corporation*, Mt. Sterling, Kentucky; to engage *do novo* through its subsidiary, Exchange Financial Leasing Company, Mt. Sterling, Kentucky, in leasing personal or real property or acting as agent, broker, or advisor in leasing such property.

Board of Governors of the Federal Reserve System, August 15, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-22094 Filed 8-20-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84M-0267]

Abbott Laboratories; Premarket Approval of Abbott CEA-EIA Monoclonal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Abbott CEA-EIA Monoclonal sponsored by Abbott Laboratories, North Chicago, IL. After reviewing the recommendation of the Immunology Devices Panel (formerly the Immunology Device Section of the Immunology and Microbiology Devices Panel), FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by September 20, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Center for Devices and Radiological Health (HFZ-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On November 9, 1983, Abbott Laboratories, North Chicago, IL 60064, submitted to FDA an application for premarket approval of the Abbott CEA-EIA Monoclonal. The Abbott CEA-EIA Monoclonal is an in vitro device indicated for the quantitative measurement of carcinoembryonic antigen (CEA) in serum or plasma, as an aid in the prognosis and management of cancer patients in whom changing concentrations of CEA are observed. The application was reviewed on January 17, 1984, by the then Immunology Device Section of the Immunology and Microbiology Devices Panel, an FDA advisory committee, which recommended approval of the application. (On April 24, 1984, the Immunology and Microbiology Devices Panel was terminated. Concurrently,

FDA established the Immunology Devices Panel (see 49 FR 17446; April 24, 1984).) On July 26, 1984, FDA approved the application by a letter to the sponsor from the Director of the Office of Device Evaluation of the Center for Devices and Radiological Health.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Center for Devices and Radiological Health—contact Charles H. Kyper (HFZ–402), address above. Requests should be identified with the name of the device and docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 20, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 14, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–22035 Filed 8–20–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 80N–0012]

Ciba-Geigy Corp.; Iodochlorhydroxyquin and Hydrocortisone; Notice of Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs is granting a hearing on the proposal to withdraw approval of the new drug application for Vioform-Hydrocortisone Cream, Ointment, and Lotion containing iodochlorhydroxyquin and hydrocortisone. The drugs are intended for treatment of various dermatologic conditions. In view of the recommendation of the Director of the Center for Drugs and Biologics, the issue of the new drug status of certain iodochlorhydroxyquin-hydrocortisone products shall not be included in the hearing.

DATES: Notice of participation shall be filed with the Dockets Management Branch no later than September 20, 1984. Disclosure of data and information and submission of narrative statements by October 22, 1984. Prehearing conference on November 7, 1984, at 10:00 a.m.

ADDRESSES: Written notices of participation, disclosures, and statements to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. (Submissions should be identified with docket number 80N–0012 and clearly labeled "Vioform HC Hearing.") Prehearing conference in the FDA Hearing Room, Rm. 4A–35, 56 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert J. Rice, Jr., Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION:

Background of This Proceeding

In a notice (DESI 10367) published in the Federal Register of June 20, 1972 (37 FR 12171), the Food and Drug Administration (FDA) evaluated the effectiveness of certain anti-infective prescription drug products for topical use, including Vioform-Hydrocortisone Cream and Ointment (Vioform HC) containing iodochlorhydroxyquin and hydrocortisone. Vioform HC is approved under a new drug application (NDA 10–412) held by Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901. (Five Vioform HC products are approved under NDA 10–412: a cream and an ointment composed of 3 percent iodochlorhydroxyquin with 1 percent hydrocortisone, a "mild" cream and a "mild" ointment composed of 3 percent iodochlorhydroxyquin with ½ percent hydrocortisone, and a lotion composed of 3 percent iodochlorhydroxyquin with 1 percent hydrocortisone. As discussed below, all five Vioform HC products are subject to this notice.)

The 1972 notice, part of the Drug Efficacy Study Implementation (DESI) program, stated that FDA had evaluated reports received from the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group, together with other available evidence, and had concluded that the reviewed products, including Vioform HC, were possibly effective for all of their labeled indications relating to use in various dermatologic and anogenital conditions. With respect to anti-infective-corticosteroid combinations such as Vioform HC, the agency questioned the usefulness of the anti-infective component (iodochlorhydroxyquin) in the treatment of corticosteroid-sensitive dermatoses. Accordingly, Vioform HC was classifed as less-than-effective.

Subsequently, in a notice published in the Federal Register of October 9, 1974 (39 FR 36365), the Commissioner of Food and Drugs announced that certain anti-infective-corticosteroid drugs, including Vioform HC, would be permitted to remain on the market beyond the time limits prescribed for implementation of the DESI program. This continued marketing was contingent upon the fulfillment of certain conditions set out in the notice. With respect to the nonantibiotic anti-infective-corticosteroid products, these conditions were (1) that the corticosteroid in the product be present in an amount not less than .5 percent (if it is hydrocortisone); (2) that the product be appropriately labeled, as set forth in the notice; (3) that, within 90 days of the date of the notice, the drug's manufacturer or distributor submit to FDA for approval protocols for two single investigator studies (or one multicenter study) designed to show that the product is effective for its claimed indications and that it satisfies FDA's policy for fixed combination prescription drugs (21 CFR 300.50); (4) that the effectiveness studies begin within 6 months of the agency's approval of the protocols; (5) that the manufacturer of distributor submit progress reports to FDA at 6-month

intervals; and (6) that the manufacturer or distributor submit data from the studies to FDA within 18 months of FDA's approval of the protocols.

Following publication of the October 9, 1974 notice, Ciba-Geigy conducted and submitted the results of two multicenter trials of the effectiveness of Vioform HC. Upon review of these data and other available information, the Director of the Bureau of Drugs (now the Center for Drugs and Biologics) concluded that there is a lack of substantial evidence that Vioform HC is effective for its labeled indications (21 U.S.C. 355(d), 21 CFR 314.11(a)(5)), and, further, that the submitted data do not demonstrate that each component of Vioform HC makes a significant contribution to the claimed effects of the drug (21 CFR 300.50(a)). Accordingly, by notice in the **Federal Register** of September 25, 1981 (46 FR 47408), the Director announced his conclusions concerning the effectiveness data for Vioform HC, revoked the temporary exemption for continued marketing of the drugs, reclassified the drugs as lacking substantial evidence of effectiveness, proposed to withdraw approval of the NDA for the products, and offered an opportunity for a hearing on the proposed withdrawal.

Requests for a Hearing

On October 22, 1981, Ciba-Geigy requested a hearing, and, on November 24, 1981, filed data and other information in support of its hearing request.

In addition to Ciba-Geigy, the following organizations (principally drug manufacturers) filed hearing requests in response to the Director's proposal of September 25, 1981:

Ambix Laboratories, 210 Orchard St., East Rutherford, NJ 07073
Byk-Gulden, Inc., 60 Baylis Rd., Melville, NY 11747
Dermik Laboratories, Inc., 1777 Walton Rd., Blue Bell, PA 19422
Hyrex Pharmaceuticals, P.O. Box 18385, Memphis, TN 38118
Lemmon Co., Sellersville, PA 18960
Mallard, Inc., 3021 Wabash Ave., Detroit, MI 48216
Marnel Pharmaceuticals, Inc., 206 Luke Dr., Lafayette, LA 70506
Mayrand Pharmaceuticals, Inc., P.O. Box 20246, 4 Dundas Circle, Greensboro, NC 27420
Miles Laboratories, Inc., 400 Morgan Lane, West Haven, CT 06516
NMC Laboratories, Inc., 70–32 83d St., Glendale, NY 11385
Reid-Provident Laboratories, Inc., 25 Fifth St. NW., Atlanta, GA 30308
Saron Pharmacal Corp., P.O. Box 25436, Tampa, FL 33622
UAD Laboratories, Inc., 1400 Commerce St., Minden, LA 71055
National Pharmaceutical Alliance, Suite 800, 2550 M St. NW., Washington, DC 20037
American Academy of Dermatology, Council on Government Liaison, University of Virginia School of Medicine, Charlottesville, VA 22901

Ciba-Geigy submitted two principal studies, as well as other information, to establish that the effectiveness criteria of the statute and regulations are satisfied for Vioform HC. Several manufacturers of generic versions of iodochlorhydroxyquin with hydrocortisone also filed data and information with FDA to support the effectiveness of their products. In addition, Ciba-Geigy, as well as Dermik Laboratories, Byk-Gulden, and Lemmon, requested a hearing on the new drug status of their products under 21 U.S.C. 321(p). Dermik has also claimed that one of its Vytone products, the 3 percent/½ percent combination, is exempt from the effectiveness requirements by virtue of the grandfather clause of the Drug Amendments of 1962 (sec. 107, Pub. L. No. 87–781, 76 Stat. 780).

In support of its request on the new drug issue, Ciba-Geigy filed statements from nine dermatologists and further relied upon the recommendation of FDA's Advisory Review Panel on OTC Antimicrobial (II) Drug Products (the "OTC panel") concerning Vioform HC (47 FR 12480; March 23, 1982). Dermik Laboratories, manufacturer of Vytone Cream, cited the OTC panel's recommendation and two published studies of Vioform HC (Carpenter, C. L., et al., "Combined Steroid-Anti-infective Topical Therapy in Common Dermatoses: A Double-Blind, Multi-Center Study of Iodochlorhydroxyquin-Hydrocortisone in 227 Patients," *Current Therapeutic Research*, 15(9):649–659, September 1973, Maibach, H. L., "Iodochlorhydroxyquin-Hydrocortisone Treatment of Fungal Infections, Double-Blind Trial," *Archives of Dermatology*, 114(12):1773–1775, December 1978) in support of its request. Byk-Gulden, in support of its request, cited both widespread use of the combination and the OTC panel's recommendation. Finally, Lemmon filed nothing to support its request for a hearing on the new drug status of its product.

Review of the Hearing Requests by the Director of the Center for Drugs and Biologics

The Director of the Center for Drugs and Biologics evaluated the requests for a hearing on the issue of whether there is substantial evidence (21 U.S.C. 355(d)) of the effectiveness of Vioform HC and its various generic copies, and recommended that a hearing be granted on this issue. The Director also considered the requests for a hearing on the new drug status of the various iodochlorhydroxyquin-hydrocortisone products and concluded that none of the manufacturers had demonstrated that there is a genuine and substantial issue of fact concerning the new drug status of these products that requires a hearing. Therefore, the Director recommended that a hearing be denied on the issue of the status of these products under 21 U.S.C. 321(p). The basis of the Director's denial recommendation is set out below.

The Director's Recommendation Concerning a Hearing on the New Drug Status of Certain Iodochlorhydroxyquin-Hydrocortisone Products

For the reason set out below, the Director concluded that the manufacturers that requested a hearing on the new drug status of their products failed to establish that there is a genuine and substantial issue of fact and, accordingly, recommended that a hearing be denied as to this issue.

Under the Federal Food, Drug, and Cosmetic Act, any drug is a "new drug" unless its composition "is such that such drug is * * * generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof, * * *" (21 U.S.C. 321(p)(1)). Even if such recognition exists "as a result of investigations to determine [the drug's] safety and effectiveness of use under [specified] conditions," the "new drug" character persists if the drug "has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions." Importantly, the general recognition question is to be determined on an individual product basis and not on a family or class of drugs basis. *Premo Pharmaceutical Laboratories, Inc.* v. *United States*, 629 F.2d 795, 803 (2d Cir. 1980). See *United States* v. *Generix Drug Corp.*, 460 U.S. 453 (1983). Furthermore, a product is a new drug, as labeled, unless there is expert general recognition of the safety and effectiveness of all of its labeled conditions. See *United States* v. *An Article of Drug * * * 4,680 Pails*, 725 F.2d 976, 986 (5th Cir. 1984).

To establish that its product is generally recognized within the meaning of 21 U.S.C. 321(p), a manufacturer must make a three-part showing. First, there must be a consensus among qualified experts as to both the safety and

effectiveness of the drug. *United States* v. *An Article of Drug * * * 4,680 Pails, supra,* 725 F.2d 985. Accordingly, there must be no "severe conflict" in the expert opinion of a drug's safety and effectiveness. *United States* v. *an article of Drug * * * 4,680 Pails, supra,* 725 F.2d at 990; *United States* v. X-Otag Plus Tablets, 441 F. Supp. 105, 113–14 (D. Colo. 1977), *aff'd in part and rev'd in part,* 602 F.2d 1387 (19th Cir. 1979). See *Merritt Corp.* v. *Folsom,* 165 F. Supp. 418, 421 (D.D.C. 1958); *United States* v. *An Article of Drug * * * Furestrol,* 294 F. Supp. 1307, 1311 (N.D. Ga. 1968), *aff'd,* 415 F.2d 390 (5th Cir. 1969). Disagreement among qualified experts as to a drug's safety or effectiveness or unawareness of the drug product by experts precludes a finding of general recognition of the drug's safety and effectiveness and renders it a new drug. *Premo Pharmaceutical Laboratories, Inc.* v. *United States, supra,* 629 F.2d at 803. Second, there must be evidence of a drug's safety, as well as "substantial evidence" (21 U.S.C. 355(d)) of the drug's effectiveness, which evidence would be sufficient to support approval of an NDA submitted pursuant to 21 U.S.C. 355. *Weinberger* v. *Hynson, Westcott & Dunning, Inc.,* 412 U.S. 609, 629–30 (1973); see *Weinberger* v. *Bentex Pharmaceuticals, Inc.,* 412 U.S. 645 (1973). In particular, this means that there must be adequate and well-controlled investigations of the drug involved (21 U.S.C. 355(d)). Finally, general recognition requires that evidence of a drug's safety and effectiveness be published in the scientific literature. *Weinberger* v. *Bentex Pharmaceuticals, Inc., supra,* 412 U.S. at 652; *United States* v. *An Article of Drug * * * 4,680 Pails, supra,* 725 F.2d at 987. See *Premo Pharmaceutical Laboratories, Inc.* v. *United States, supra,* 629 F.2d at 803.

Thus, to establish the existence of a genuine and substantial issue of fact as to the new drug status of a product such that a hearing is required, a manufacturer must submit evidence supporting its assertion that the drug is generally recognized as safe and effective among qualified experts and further must show that there is a basis in the published literature for that recognition, by submitting to FDA published studies that establish both the effectiveness and safety of the product for each of its labeled uses.

Ciba-Geigy has not established a genuine and substantial issue of fact concerning the new drug status of Vioform HC. Although the firm did submit statements from nine dermatologists, these statements do not support the assertion that there is the requisite "expert consensus," for two reasons. First, the opinions expressed by these doctors concern only the effectiveness of Vioform HC; none of them discusses the safety evidence for Vioform HC. Furthermore, none of the experts expresses any opinion as to whether Vioform HC is generally recognized by expert colleagues as either safe or effective. This is significant because, even if a product has been shown to be both safe and effective, it is not necessarily generally recognized as such. See *United States* v. *An Article of Food and Drug * * * ColiTrol-80 Medicated,* 372 F. Supp. 915, 919–20 (N.D. Ga. 1973). *aff'd,* 518 F.2d 743 (5th Cir. 1975). See also *AMP, Inc.* v. *Gardner,* 389 F.2d 825, 831 n. 14 (2d Cir., *cert. denied sub nom., AMP, Inc.* v. *Cohen,* 393 U.S. 825 (1968).

Similarly, the OTC panel's recommendation does not constitute the necessary expert consensus. Like the NAS/NRC reports of the DESI program, the OTC advisory panel's reports are simply recommendations to the Commissioner. See 21 CFR 330.10(a)(5). See also *Holland-Rantos Co.* v. *United States Dep't of H.E.W.,* 587 F.2d 1173, 1175 (D.C. Cir. 1978); *Upjohn* v. *Finch,* 422 F.2d 944, 948 (6th Cir. 1970). Unless and until accepted by FDA and incorporated into a final monograph, a panel recommendation does not constitute a finding that an OTC product is generally recognized as safe and effective for a particular indication.

In this case, FDA has not yet published the final monographs for topical antifungal drug products, including iodochlorhydroxyquin-hydrocortisone combinations. Moreover, Ciby-Geigy contends that Vioform HC has been shown to be effective for two indications: infected steroid-sensitive dermatoses and primary fungal infections. However, the OTC panel's recommendation only addressed the use of Vioform HC as an antifungal. Thus, even if the OTC panel's recommendation were accepted as constituting general recognition within the meaning of 21 U.S.C. 321(p), Ciba-Geigy would not have established that Vioform HC is generally recognized as safe and effective for infected steroid-sensitive dermatoses. Accordingly, as labeled, Vioform HC is a new drug (21 U.S.C. 321 (p)).

In addition, there are insufficient published studies to provide the basis for the general recognition of Vioform HC's safety and effectiveness, because there is only one published study (that by Carpenter, et al.) that purports to assess the effectiveness of Vioform HC for infected steroid sensitive dermatoses, one of the two indications for which Ciba-Geigy claims Vioform HC has been shown to be effective. For these reasons, there is a lack of substantial evidence (21 U.S.C. 355(d)) to support the effectiveness of Vioform HC in the published literature and, thus, no foundation for a conclusion that the drug is generally recognized by qualified experts as safe and effective. Therefore, Vioform HC is, of necessity, a new drug (21 U.S.C. 321(p)).

For similar reasons, the hearing requests of the generic manufacturers do not establish the existence of a genuine and substantial issue of fact concerning the new drug status of their products. The request of Lemmon Co. was wholly unsupported. The remaining manufacturers (Dermik Laboratories and Byk-Gulden) relied mainly upon the OTC panel's recommendation, which, for the reasons discussed above, is not sufficient to establish their product's general recognition. Also, none of the generic manufacturers cited or submitted any published studies of the safety and effectiveness of their own products to support their claims under 21 U.S.C. 321(p)). (The studies by Carpenter, et al., and Maibach concerned Vioform HC brand of iodochlorhydroxyquin-hydrocortisone.) For this additional reason, Dermik Laboratories, Byk-Gulden, and Lemmon have failed to make even a threshold showing that their products are not new drugs (21 U.S.C. 321(p)). See *Premo Pharmaceutical Laboratories, Inc.* v. *United States, supra,* 629 F.2d at 805.

For similar reasons set out below, the Director recommended the denial of the request of Dermik Laboratories for a hearing on the status of its Vytone 3 percent ½ percent Cream under the 1962 grandfather clause.

It is well settled that, as a statutory exemption, the 1962 grandfather clause is to be strictly construed against a manufacturer claiming such exemption. *United States* v. *Allan Drug Corp.,* 357 F.2d 713, 718 (10th Cir.), *cert. denied,* 385 U.S. 899 (1966); *United States* v. *An Article of Drug * * * Bentex Ulcerine,* 469 F.2d 875, 878 (5th Cir. 1972) (*per curiam*), *cert. denied,* 412 U.S. 938 (1973). Moreover the manufacturer bears the burden of establishing that its product is exempt and must establish every essential fact necessary for the exemption. *United States* v. *An Article of Drug * * * Bentex Ulcerine, supra,* 469 F.2d at 878.

To establish that a product is grandfathered, a manufacturer must show that, as of the enactment date of

the 1962 amendments, there existed a drug identical in composition to the product in question that (1) was commercially used or sold in the United States; (2) was not a new drug under the terms of the 1938 act (that is, that was generally recognized by qualified experts as safe); and (3) was not covered by an approved new drug application. Finally, the product in question is exempt only if labeled solely for conditions of use identical to those of the preamendment drug. See section 107(c)(4) of Pub. L. No. 87–781, 76 Stat. 780 (1962); *Tyler Pharmacal Distribs., Inc.* v. *U.S. Dep't of H.E.W.*, 408 F.2d 95, 99 (7th Cir. 1969). Any change in the conditions for use since the enactment date disqualifies the drug from the grandfather exemption. *United States* v. *Allan Drug Corp., supra*, 357 F.2d at 719.

Dermik has failed to make a *prima facie* showing that Vytone 3 percent/½ percent Cream is entitled to an exemption under the 1962 grandfather clause. First, Dermik has acknowledged that Vytone 3 percent/½ percent Cream has been reformulated several times since the enactment date, in that a number of the product's inactive ingredients have been changed. Contrary to Dermik's assertion, it is not enough that the current product contains the same active ingredient as its preamendment counterpart. (In fact, *United States* v. *Generix Drug Corp.*, 654 F.2d 1114 (5th Cir. 1981), relied upon by Dermik as support for this claim, has been reversed, 460 U.S. 453 (1983).) Thus, as an initial matter, Dermik cannot establish that there existed on the enactment date a product with the precise composition of the currently marketed Vytone 3 percent/½ percent Cream. Second, as discussed above, Dermik has failed to supply published studies of the safety of its product and, thus, is prevented from establishing that, as of the enactment date, a product with the precise composition of Vytone 3 percent/½ percent Cream was generally recognized as safe. Third, labeling for Vytone 3 percent/½ percent Cream submitted by Dermik establishes that that labeling, including the conditions of use, has been altered since the enactment date. For example, the "indications" section of the most recent labeling submitted by Dermik lists a number of indications for use that were not included in the preamendment labeling. For these reasons, Dermik has failed to make a threshold showing that Vytone 3 percent/½ percent Cream is exempt from the act's effectiveness requirements by virtue of the 1962 grandfather clause.

The Commissioner's Ruling on the Hearing Requests

Subject to the limitation discussed below, the Commissioner is now granting the hearing request of Ciba-Geigy on the proposal to withdraw approval of the NDA for Vioform HC. Approval of this NDA will be withdrawn unless there exists substantial evidence (21 U.S.C. 355(d), 21 CFR 314.111(a)(5)) that the products have the clinical effect that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling (21 U.S.C. 355(d)). In addition, because the Vioform HC products are fixed combination prescription drugs, such evidence exists for them only if "each component makes a contribution to the claimed effects and the dosage of each component (amount, frequency, duration) is such that the combination is safe and effective for a significant patient population requiring such concurrent therapy as defined in the labeling for the drug" (21 CFR 300.50(a)). Although Vioform-Hydrocortisone Lotion was not specifically cited in the 1972 or the 1981 notice, its approval status will be determined in this proceeding because it is similar or related to Vioform-Hydrocortisone Cream and Ointment (see 21 CFR 310.6).

Under 21 CFR 314.200(f), the Commissioner shall not evaluate or rule upon a Director's recommendation that a hearing be denied as to some (but not all) issues. Further, the regulation provides that those issues as to which the Director has recommended a denial shall not be included in the notice of hearing. Accordingly, the new drug status of certain iodochlorthydroxyquin-hydrocorisone products is not included in this notice.

Issues in this Proceeding

In light of the Director's recommendation and the requirements of 21 CFR 314.200, two questions will be addressed in this proceeding with respect to these products:

1. Whether there is evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug; and

2. Whether, on the basis of any such adequate and well-controlled investigations that exist, it could fairly and responsibly be concluded by experts qualified by scientific training and experience to evaluate the effectiveness of drugs that the drug products in question satisfy the combination policy set out in 21 CFR 300.50 and will have the effect that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof (21 U.S.C. 355(d)).

Parties to the Hearing

The parties to the hearing will be FDA's Center for Drugs and Biologics, Ciba-Geigy Corp., and the aforementioned manufacturers of the products identical, similar, or related to Vioform HC. The presiding officer will be Administrative Law Judge Daniel J. Davidson. In addition to the manufacturer parties, the trade association and the professional medical group that requested a hearing, and any other interested person, shall be permitted to participate as nonparty participants (see 21 CFR 12.89), provided that they file a notice of participation pursuant to 21 CFR 12.45(a).

Disclosure of Information by the Center and Hearing Participants

In accordance with 21 CFR 12.85(a)(4), the Center for Drugs and Biologics has filed with the Dockets Management Branch a narrative statement setting forth its position on the issues of the hearing and a summary of the types of evidence to be introduced in support of its position in the hearing, together with copies of data contained in the Center's files that relate to the issues raised herein. Interested persons may obtain a copy of the Center's narrative statement from the Docket Management Branch at the address set out above. Hearing participants other than the Center for Drugs and Biologics shall disclose data and information and submit their narrative statements pursuant to 21 CFR 12.85 on or before October 22, 1984. Interested persons may also examine the data on the drugs subject to this hearing notice (with the exception of any data identified as confidential pursuant to the provisions of 21 CFR 10.20(j)) at the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Prehearing Conference

The prehearing conference will be held at 10:00 a.m. on November 7, 1984, in the FDA Hearing Room, Rm. 4A–35, 5600 Fishers Lane, Rockville, MD 20857. The hearing will be held on a date to be set at the prehearing conference. Written notices of participation shall be filed with the Dockets Management Branch no later than September 20, 1984. All participants are required both to attend the prehearing conference and to

be prepared to comply with the provisions of 21 CFR 12.92.

Media Coverage of the Hearing

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other qualified representatives, and may be heard on matters relevant to the issues under consideration.

Because this is a public hearing, it is subject to FDA's guideline concerning the policy and procedures for electronic media coverage of public agency administrative proceedings. This guideline was published in the **Federal Register** of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA public proceedings, including formal evidentiary hearings conducted pursuant to Part 12 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the testimony of witnesses in the proceeding. Accordingly, the parties and nonparty participants to this hearing, and all other interested persons, are directed to the guideline, as well as the **Federal Register** notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on this hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053 as amended (21 U.S.C. 355)) and under authority delegated to me (21 CFR 5.10), I order that a public hearing be held on the issues set out in this notice.

Dated: August 15, 1984.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 84-22036 Filed 8-20-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Policy Development and Research

[Docket No. N-84-1434; FR-2029]

Public Housing Homeownership Demonstration

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Preliminary Notice of Request for Applications.

SUMMARY: This notice announces the Department's intention to conduct a public housing homeownership demonstration program designed to encourage the development of a wide variety of approaches to the sale of public housing units to tenants. A more detailed later publication will solicit applications, describe the demonstration program in more detail, and solicit public comments.

FOR FURTHER INFORMATION CONTACT: Harold Williams, Office of Policy Development and Research, Washington, D.C. 20410, Telephone (202) 755-6437. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development intends to initiate a homeownership demonstration in which lower income families currently residing in public housing will be offered the opportunity to become owners of units.

One of the Department's long term goals is to encourage homeownership by as many American families as possible. The Public Housing Homeownership Demonstration is designed to test and document activities that can assist families living in low-income public housing to become homeowners.

The demonstration will be designed to encourage development of a wide variety of approaches to the sale of public housing to tenants, consistent with authority provided in section 5(h) of the United States Housing Act of 1937. It is the Department's belief that creative solutions to various issues associated with those sales can best be developed at the local level, by the people must familiar with the particular local situation. Therefore, the demonstration design will set forth certain basic requirements that all applicants will be required to meet, but will leave most issues open to local solutions. The Department anticipates publishing in the **Federal Register** a request for applications to participate in this demonstration within the next two months, with applications to be submitted approximately six weeks later. In accordance with section 470 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181, Approved November 30, 1983), application approval and the commencement of this demonstration program will await the conclusion of a sixty-day public comment period during which full consideration will be given to all public comments received. The public comment period will commence with publication of the request for applications to participate in this demonstration.

Applications will be submitted jointly by the Public Housing Agencies, units of general local governments and tenant associations or tenant groups. Applicants will have to address certain specified issues that arise in any type of sale, but HUD does not believe there is one "right answer" or approach for the purposes of this demonstration. The demonstration itself is expected to provide information that will allow the Department to develop preferred approaches to the issues involved in the sale of public housing to tenants.

The Department will evaluate applications and select participants in the demonstration based on the feasibility of the proposed approach and readiness to move tenants to homeownership within a reasonable period of time. Application selection will also be guided by the Department's desire to test as broad a range of approaches to homeownership as possible.

In addition, a management support contractor will be selected to work with participants in the demonstration to provide appropriate technical assistance as needed to carry out the participant's plans for homeownership.

Dated: August 15, 1984.

June Koch,

Assistant Secretary for Policy Development and Research.

[FR Doc. 84-22074 Filed 8-20-84; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 14705]

Realty Action; Non-Competitive Sale of Public Lands in Imperial County, CA

The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($351,800).

San Bernardino Meridian

T. 9 S., R. 21 E.

Sec. 25, lots 3, 4, 5, 6, 9, 10 and NW¼SW¼;
Sec. 26, NE¼SE¼.

The land described aggregates 281.41 acres in Imperial County.

The sale of this land to San Diego Gas and Electric Company is consistent with the December 30, 1975, judgment handed down in the case of the United States v. Carl C. Anderson, Sr., et. al.

The lands will be subject to the following reservations when patented:

1. R-01833, State of California highway right-of-way, Act of August 27, 1958.

2. CA–4238, Continental Telephone Company of California aerial and buried telephone cable right-of-way, Act of October 21, 1976.

3. LA–0166851, Palo Verde Irrigation District outfall drain channel right-of-way, Act of March 3, 1891.

4. R–01520, Southern California Edison Company electrical distribution line right-of-way, Act of March 4, 1911.

5. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

There are no known mineral values in the land. If San Diego Gas and Electric Company wishes, the Company may apply for the reserved mineral estate under provisions of section 209(b) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1718).

For a period of 45 days from the date of this notice, interested parties may submit comments concerning the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Interior.

J. Darwin Snell,

District Manager.

[FR Doc. 84–20963 Filed 8–20–84; 8:45 am]

BILLING CODE 4310–32–M

Completion of Land Use Plan Amendment for the Honey Lake-Beckwourth Planning Area

AGENCY: Bureau of Land Management Interior.

ACTION: Notice of Completion of Land Use Plan Amendment for the Honey Lake-Beckwourth Planning Area.

SUMMARY: The Susanville District, Eagle Lake Resource Area has completed the grazing amendment of the Honey Lake-Beckwourth Land Use Plan for 49,350 acres of public land. The area covers portions of Lassen, Plumas, and Sierra Counties in northeastern California. The Land Use Plan Amendment will allow grazing on 41,397 acres of public land permitting the annual consumption of 2,085 AUMs of forage on 25 grazing leases.

DATE: The decision will be implemented 30 days after this date of publication.

ADDRESSES: For further information regarding the Land Use Plan decisions contact: Mark T. Morse, Area Manager, Eagle Lake Resource Area, P.O. Box 1090, Susanville, CA 96130.

SUPPLEMENTARY INFORMATION: The amendment process started with the Notice of Intent to revise the Land Use Plan and prepare a Grazing EIS published in the **Federal Register** April 13, 1982. Public input in the identification of issues and planning criteria were obtained through questionnaires and two public meetings, one in Vinton on April 27, 1982 and one in Doyle on April 28, 1982.

Protests to these plan amendment decisions will be accepted up to 30 days after this date of publication.

All parts of this plan amendment may be protested. Protests should be sent to the Director, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240, prior to the end of the 30-day protest period, and should include the following information:

—The name, mailing address, telephone number, and interest of the person filing the protest.

—A statement of the issue or issues being protested.

—A statement of the part or parts being protested.

—A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the records.

—A short concise statement explaining why the BLM State Director's proposed decision (Preferred Alternative) is wrong.

Mark T. Morse,

Eagle Lake Area Manager.

[FR Doc. 84–22124 Filed 8–20–84; 8:45 am]

BILLING CODE 4310–84–M

Vale District, OR Advisory Council; Meeting

Notice is given in accordance with Pub. L. 92–463 that a meeting of the Vale District Advisory Council will be held September 18, 1984.

The meeting will begin at 9:00 a.m. in the conference room of the Vale District Office, 100 East Oregon Street, Vale, Oregon 97918.

The advisory council will discuss an environmental assessment on grazing in Wilderness Study Areas, subleasing of grazing privileges and range and wilderness monitoring.

The meeting is open to the public. Anyone wishing to address the council may do so at 1:00 p.m. the day of the meeting.

Summary minutes of the council meeting will be maintained in the district office and be available for public inspection, for the cost of duplication.

Fearl M. Parker,

District Manager.

[FR Doc. 84–22126 Filed 8–20–84; 8:45 am]

BILLING CODE 4310–33–M

Vale District, OR Advisory Board; Meeting

Notice is given in accordance with Pub. L. 92–463 that a meeting of the Vale District Advisory Board will be held September 17, 1984.

The meeting will begin at 9:00 a.m. in the conference room of the Vale District Office, 100 East Oregon Street, Vale, Oregon 97918.

The advisory board will discuss 1985 range improvement projects, grazing in Wilderness Study Areas and subleasing of grazing permits.

The meeting is open to the public. Interested persons may make oral statements to the board or may file written statements for the board's consideration. Anyone wishing to make oral statements may do so at 1:00 P.M. the day of the meeting.

Summary minutes of the board meeting will be maintained in the district office and be available during regular business hours for public inspection, for the cost of duplication, within 30 days following the meeting.

Fearl M. Parker,

District Manager.

[FR Doc. 84–22125 Filed 8–20–84; 8:45 am]

BILLING CODE 4310–33–M

Bakersfield District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Bakersfield District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) and the Federal Land Policy and Management Act (Pub. L. 94–579) that the Bakersfield District Grazing Advisory Board will meet formally on Wednesday, September 19, 1984 in Room 224 of the Federal Building, 800 Truxtun Avenue, Bakersfield, California. The meeting will be held from 8 a.m. to 4 p.m.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include discussion of:

1. FY 84 project accomplishments.
2. FY 85 planned projects.
3. Cooperative Management Agreements.
4. Worksheet 2 ranking decisions.
5. Allotment Management Plans and the Bodie Hills Cooperative Resource Management and Planning status.

The meeting is open to the public. Interested persons may make oral statements to the Board, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify, in writing, the Bakersfield District Manager (Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, California 93301) by September 17, 1984.

Summary minutes of the meeting will be maintained in the Bakersfield District Office and will be available for reproduction, during business hours, within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT:
Marta Witt, Public Affairs Officer, Bureau of Land Management, Bakersfield District, 800 Truxtun Avenue, Room 311, Bakersfield, California 93301; (805) 861–4191.

Dated: August 14, 1984.

Rory E. Raschen,
Associate District Manager.

[FR Doc. 84–22196 Filed 8–20–84; 8:45 am]
BILLING CODE 4310–40–M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 10, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 5, 1984.

Carol D. Shull,
Chief of Registration National Register.

CALIFORNIA

Amador County

Volcano, *St. George Hotel*, 2 Main St.

CONNECTICUT

New Haven County

New Haven, *Upper State Street Historic District*, Roughly State St. from Bradley St. to Mill River St.

GEORGIA

Barrow County

Russell, *Russell Homeplace Historic District*, US 29

Chatham County

Savannah vicinity, *Isle of Hope Historic District*, Roughly bounded by Skidaway River, Parkersburg Rd., Island, Cornus, and Noble Glen Drs.

Jefferson County

Wadley vicinity, *Cunningham-Coleman House*, SE of Wadley

Long County

Ludowici, *Ludowici Well Pavilion*, McQueen St.

Oconee County

Watkinsville, *Oconee County courthouse (Georgia County Courthouses)*, Main St.

IDAHO

Ada County

Boise vicinity, *MacMillan Chapel*, W of Boise

Bannock County

Pocatello, *Idaho State University Neighborhood Historic District*, Roughly bounded by 6th, 9th, Carter, and Center Sts.

Bingham County

Fort Hall, *Ross fork Oregon Short Lilnes Railroad Depot*, Agency Rd.

Boise County

Placerville, *Placerville Historic District*, Roughly bounded by townsite limits

Bonner County

Sandpoint, *Sandpoint Historic District*, Roughly 1st and 2nd Aves, Main and Cedar Sts.

Boundary County

Bonners Ferry, *Fry's Trading Post*, Off US 95

Custer County

Mackay, *Mackay Methodist Episcopal Church*, Custer St. and Park Ave.

Elmore County

Glenns Ferry, *Glenns Ferry School*, Cleveland st.
Mountain Home, *Turner Hotel*, 140–170 E. Jackson St.

Gooding County

Bliss vicinity, *Teater, Archie, Studio*, SE of Bliss

Kootenai County

Post Falls vicinity, *Post Falls Community United Presbyterian Church*, 4th and William St.

Nez Perce County

Lewiston, *Lewiston Historic District (Boundary Increase)*, Roughly bounded by 1st, B, 6th, and F Sts.

Teton County

Driggs vicinity, *Pierre's Hole 1832 Battle Area Site*, S of Driggs

MARYLAND

Allegany County

Westernport, *Waverly Street Bridge*, Waverly St. at Georges Creek

Anne Arundel County

Edgewater, *Gresham*, 784 Mayo Rd.
Galesville vicinity, *Norman's Retreat*, 5325 Muddy Creek Rd.

Baltimore County

Kingsville vicinity, *Jericho Mill Manager's House*, 12230 Jericho Rd.

Cecil County

Elkton vicinity, *Elk Landing*, Landing Lane

Frederick County

Frederick, *Spring Bank*, 7945 Worman's Mill Rd.

Garrett County

Selbysport vicinity, *Mercy Chapel at Mill Run*, Mill Run Rd.

Harfore County

Darlington vicinity, *Silver Houses Historic District*, S of Darlington on MD 161

Queen Annes County

Sudlersville, *St. Andrew's Episcopal Chapel*, Church St. and Maple Ave.

Somerset County

Marion vicinity, *Pomfert Plantation*, MD 667
Upper Fairmount vicinity, *Schoolridge Farm*, MD 361

MISSISSIPPI

Copiah County

Crystal Springs, *Parsons, C. H., House*, 208 W. Georgetown St.

Leflore County

Greenwood, *Four Corners Historic District*, Washington and Henderson Sts.

Madison County

Madison, *Montgomery House*, Main St.

Warren County

Vicksburg vicinity, *Fonsylvania*, Fisher Ferry Rd., S of Vicksburg
Vicksburg vicinity, *Yokena Presbyterian Church*, S of Vicksburg on US 61

MISSOURI

Grundy County

Trenton, *Norris, Jewett, Library*, 1331 Main St.

St. Louis (Indenpendent City

McKinley Fox District, Roughly bounded by 18th St., I–44, Jefferson and Gravois Aves.

St. Louis County

Ferguson, *Ferguson School-Central School*, 201 Wesley Ave.

Stoddard County

Bloomfield, *Stoddard County Courthouse*, Praire and Court Sts.

NEW HAMPSHIRE

Grafton County

Bath vicinity, *Hutchins, Jeremiah, Tavern*, NE of Bath on U.S. 302
Bethlehem vicinity, *Rocks Estate*, W of Bethlehem on U.S. 302
Plymouth vicinity, *Trinity Church*, E of Plymouth on N H 175

Merrimack County

Concord, *Pleasant View Home*, 227 Pleasant St.

Sullivan County

Newport, *Richards Free Library*, 58 N. Main St.

NEW YORK

Broome County

Binghamton, *Court Street Historic District*, Roughly bounded by the Chenango River, Carroll, Henry, and Hawley Sts.

Columbia County

New Lebanon Center, *Gilbert, Elisha, House*, U.S. 20

Cortland County

Cincinnatus, *Cincinnatus Historic District*, Main St. and Taylor Ave.

Delaware County

Franklin, *Franklin Village Historic District*, Wakeman and Institute Aves., Main, Center, Maple, Water, 2nd, 3rd, and West Sts.

Dutchess County

Staatsburg, *Hendricks, John, House and Dutch Barn*, Old Post Rd.

Erie County

Buffalo, *New York Central Terminal*, 495 Paderewski Dr.

Herkimer County

Ilion, *Richardson, Thomas, House*, 317 W. Main St.

Jefferson County

Watertown, *Public Square Historic District*, Roughly Court, Arsenal, Washington, Franklin and State Sts.

Kings County

New York, *Fort Greene Historic District (Boundary Increase)*, Roughly bounded by Ashland PL., DeKalb Ave., Hanson Pl., and Oxford St., also Adelphi, Vanderbilt and Myrtle Aves.
New York, *Buildings at 375–379 Flatbush Avenue and 185–187 Sterling Place*, 375–379 Flatbush Ave., and 185–187 Sterling Pl.

Madison County

Peterboro, *Peterboro Land Office*, Peterboro Rd.

Monroe County

Pittsford, *Pittsford Village Historic District*, Roughly bounded by the Canal, Jefferson Ave., Sutherland, and South Sts.

New York County

New York, *Ambrose (lightship)*, Pier 16, East River, Manhattan
New York, *College of the City of New York*, Bounded by Amsterdam Ave., St. Nicholas Terr., W. 138th, and W. 140th Sts,
New York, *Film Center Building*, 630 Ninth Ave.
New York, *John A. Lynch (ferry boat)*, Pier 15, East River, Manhattan
New York, *Lettie G. Howard-Mystic C (schooner)*, Pier 16, East River, Manhattan
New York, *Meccaa Temple*, 131 W. 55th St.
New York, *Rowhouses at 322–344 East 69th Street*, 322–344 E. 69th St.
New York, *Upper East Side Historic District*, Roughly bounded by 3rd and 5th Aves., 59th and 79th Sts.
New York, *Webster Hotel*, 40 W. 45th St.

Onondaga County

Syracuse, *Armony Square Historic District*, S. Clinton, S. Franklin, Walton, W. Fayette, and W. Jefferson Sts.

Orange County

Warwick, *Warwick Village Historic District*, Roughly bounded by NY 17A, High, and South Sts., Oakland, Maple, and Colonial Aves.

Otsego County

Oneonta, *Ford Block*, 188–202 Main St.

Queens County

New York, *Sunnyside Gardens Historic District*, Roughly bounded by Queens Blvd., 43rd and 52nd Sts., Barnett and Skillman Aves.

Rockland County

West New Hempstead, *Brick Church Complex*, Brick Church Rd. and NY 306

Schenectady County

Schenectady, *Stockade Historic District (Boundary Increase)*, 16, 18, and 20 S. Church St.

St. Lawrence County

Raymondville, *Raymondville Parabolic Bridge*, Grant Rd. over Raquette River

Tompkins County

Ithaca, *Bailey Hall (New York State College of Agriculture TR)*, Cornell University campus
Ithaca, *Caldwell Hall (New York State College of Agriculture TR)*, Cornell University campus
Ithaca, *Comstock Hall (New York State College of Agriculture TR)*, Cornell University campus
Ithaca, *East Robert Hall (New York State College of Agriculture TR)*, Cornell University campus
Ithaca, *Fernow Hall (New York State College of Agriculture TR)*, Cornell University campus
Ithaca, *Rice Hall (New York State College of Agriculture TR)*, Cornell University campus
Ithaca, *Roberts Hall (New York State College of Agriculture TR)*, Cornell University campus
Ithaca, *Stone Hall (New York State College of Agriculture TR)*, Cornell University campus
Ithaca, *Wing Hall (New York State College of Agriculture TR)*, Cornell University campus

Ulster County

Saugerties vicinity, *Wynkoop House*, NY 32
Saugerties, *Loerzel Beer Hall*, 213 Partition St.

Westchester County

Ossining, *Scarborough Historic District*, U.S. 9

OREGON

Clackamas County

West Linn, *Walden, Nicholas O., House*, 1847 SE 5th Ave.

Clatsop County

Astoria, *Astor Building*, 1203 Commercial St.
Astoria, *Astoria City Hall*, 1618 Exchange St.
Astoria, *Astoria Fire House No. 2*, 2968 Marine Dr.
Astoria, *Cherry, Peter L., House*, 836 15th St.
Astoria, *Ferguson, Albert W., House*, 1661 Grand Ave.
Astoria, *Grace Episcopal Church and Rectory*, 1545 Franklin Ave.
Astoria, *Gray, Capt. J.H.D, House*, 1687 Grand Ave.

Josephine County

Grants Pass, *Grant Pass City Hall and Fire Station*, 4th and H Sts.

Mulnomah County

Portland, *Calumet Hotel*, 620 S.W. Park St.

PENNSYLVANIA

Chester County

Malvern vicinity, *Sugartown Historic District*, Sugartown, Boot, Spring, Dutton Mill, and Providence Rds.

Crawford County

Meadville, *Meadville Downtown Historic District*, Roughly bounded by Chancery Lane, Mulberry, Walnut and Chestnut Sts.

Delaware County

Newton Square, *Square Tavern*, Newtown Street Rd. and Goshen Rd.

Lycoming County

Williamsport, *Hart Building*, 26–30 W. 3rd St.

Mifflin County

Lewistown, *Montgomery Ward Building*, 3–7 W. Market St.

Philadelphia County

Philadelphia, *Washington Avenue Historic District*, Roughly bounded by Carpenter, Washington, 10th, and Broad Sts.

York County

Emigsville, *Emig Mansion*, 3342 N. George St.

PUERTO RICO

Aguadilla County

Aguada vicinity, *Hermitage of Inmaculada Concepcion Ruins*, Espinar Barrio
Aguadilla, *Church San Carlos Borromeo of Aguadilla (Historic Churches of Puerto Rico TR)*, De Diego St.
Maricao, *Church San Juan Bautista of Maricao (Historic Churches of Puerto Rico TR)*, Baldorioty St.

San Sebastian, *Church San Sebastian Martir of San Sebastian (Historic Churches of Puerto Rico TR)*, Severo Arana St.

Arecibo County

Arecibo, *Cathedral San Felipe Apostol of Arecibo (Historic Churces of Puerto Rico TR)*, Hostos St.
Dorado, *Church San Antonio de Padua of Dorado (Historic Churches of Puerto Rico TR)*, Norte St.
Manati, *Church Nuestra Senora de la Candelaria y San Matias of Manati (Historic Churches of Puerto Rico TR)*, Patriota Pozo St.
Vega Alta, *Church Inmaculada Concepcion of Vega Alta (Historic Churces of Puerto Rico TR)*, Town Plaza
Vega Baja, *Church Santa Maria del Rosario of Vega Baja (Historic Churches of Puerto Rico TR)*, Town Plaza

Humacao County

Fajardo, *Church Santiago Apostol of Fajardo (Historic Churches of Puerto Rico TR)*, Town Plaza
Gurabo, *Church San Jose of Gurabo (Historic Churches of Puerto Rico TR)*, Santiago and Eugenio Sanches Lopez Sts.
Humacao, *Church Dulce Nombre de Jusus of Humacao (Historic Churches of Puerto Rico TR)*, Town Plaza

San Juan County

Bayamon, *Church Santa Cruz of Bayamon (Historic Churches of Puerto Rico TR)*, Plaza de Hostos
Carolina, *Church San Fernando of Carolina (Historic Churches of Puerto Rico TR)*, Munoz Rivera St.
Toa Alta, *Church Nuestra Senora de la Concepcion y San Fernando of Toa Alta (Historic Churches of Puerto Rico TR)*, Ponce de Leon St.

SOUTH CAROLINA

Georgetown County

Murrells Inlet vicinity, *Atalaya*, Off U.S. 17

TENNESSEE

Washington County

Limestone vicinity, *Cooper, Isaac, House*, Glendale Rd.

TEXAS

Calhoun County

Port O'Connor vicinity, *Matagorda Island Lighthouse*, Matagorda Island

WISCONSIN

Dane County

Stoughton, *Roe, Ole K., House*, 404 S. 5th St.

Fond du Lac County

Fond du Lac, *Hotel Retlaw*, 15 E. Division St.

Milwaukee County

Milwaukee, *Shorecrest Hotel*, 1962 N. Prospect Ave.
Shorewood, *Shorewood Village Hall*, 3930 N. Murray Ave.

Racine County

Racine, *Racine Elks Club, Lodge No. 252*, 601 Lake Ave.

Trempealeau County

Galesville, *Barlett Blacksmith Shop-Scandinavian Hotel (Galesville MRA)*, 218 E. Mill Rd.
Galesville, *Bohrnstedt, John, House (Galesville MRA)*, 830 Clark St.
Galesville, *Conce, John F., House (Galesville MRA)*, 807 W. Ridge Ave.
Galesville, *Downtown Historic District (Galesville MRA)*, Roughly Gale Ave., Main and Davis Sts.
Galesville, *Jensen, Tollef, House (Galesville MRA)*, 806 W. Gale Ave.
Galesville, *Ridge Avenue Historic District (Galesville MRA)*, Roughly Ridge Ave. from 4th to 6th Sts.
Galesville, *Second Street Bridge (Galesville MRA)*, 2nd St.

Walworth County

Lake Geneva, *Redwood Cottage*, 327 Wrigley Dr.

Winnebago County

Neenah vicinity, *Brainerd Site (47–Wn–289)*

[FR Doc. 84–22183 Filed 8–20–84; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 49; Amendment No. 12]

Central and Southern Motor Freight Tariff Association, Inc.—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision and request for comment.

SUMMARY: Central and Southern Motor Freight Tariff Association, Inc., has filed, pursuant to section 14(e) of the Motor Carrier Act of 1980 (MCA), an application for approval of its ratemaking agreement under 49 U.S.C. 10706(b). Because several modifications are required before the agreement receives final approval, and because of the new and complex questions involved, the Commission is soliciting public comment on specific rate bureau provisions in the MCA and whether the agreement is consistent with such provisions. Copies of applicant's proposed amended agreement are available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, 12th St. and Constitution Ave., NW., Washington, D.C. 20423, and from applicant's representatives: Robert A. Wilson, John Womack, Central and Southern Motor Freight Tariff Association, Inc., 2722 Crittenden Drive, Louisville, KY 40233–7110.

Copies of the complete Commission decision are available for inspection and copying at the Interstate Commerce Commission, or may be purchased from TS Infosystems, Inc., Room 2227, Interstate Commerce Commission Building, 12th St. and Constitution Ave., NW., Washington, DC, 20423; or call toll free (800) 424–5403, or (202) 289–4357 in the Washington, D.C., metropolitan area.

DATES: Comments from interested parties are due on September 20, 1984. Replies are due on October 5, 1984.

ADDRESS: An original and fifteen copies, if possible, of comments should be sent to: Section 5a Application No. 49, Room 1312, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Jane Morris, (202) 275–6434
or
Howell I. Sporn, (202) 275–7691

SUPPLEMENTARY INFORMATION: Central and Souther Motor Freight Tariff Association, Inc. (CSA), has filed an application for approval of its proposed amended collective ratemaking agreement as required by section 14(e) of the Motor Carrier Act of 1980 (MCA), Pub. L. 96–296 (1980). Since filing its application, CSA has been obligated to observe the requirements of section 14 of the MCA and the standards set forth in our decision implementing section 14, found in Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus—Implementation of P.L. 96–296*, 364 I.C.C. 464 (1980) and 364 I.C.C. 921 (1981) in order to enjoy antitrust immunity for certain activities.

We have provisionally approved CSA's agreement as consistent with 49 U.S.C. 10706(b) and Ex Parte 297 (Sub-No. 5), *supra*, subject to certain modifications, including the following subject areas: identification and description of member-carriers; right of independent action; rate bureau protests; open meetings; quorum standard; final disposition of cases; and general standards for member-carrier voting and discussion of collectively established rates. We have also offered comments and imposed requirements concerning the agreement generally. CSA has been directed to file a revised agreement conforming to the imposed conditions within 120 days of service of the decision provisionally approving the agreement.

In light of the complex interpretation involved in determining whether the agreement is consistent with the MCA and Ex Parte No. 297 (Sub-No. 5), *supra*, we request applicant and other interested parties to comment on our interpretation of whether CSA complied with the controlling statutory and administrative criteria.

A copy of any comments filed with the Commission shall also be served on CSA, which shall have 15 days from the expiration of the comment period to reply. These comments will be considered in conjunction with our review of the modifications that CSA must submit to the Commission as a condition precedent to final approval of its agreement.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

This notice and accompanying decision are issued pursuant to 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: August 10, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Commissioner Gradison concurred with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84-21983 Filed 8-20-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30513]

Railroad Operation, Acquisition, Construction, etc.; Southern Railway Company and Southern Railway—Carolina Division; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of (1) 49 U.S.C. 10901, the construction by Southern Railway—Carolina Division (Carolina) of approximately 8,469 feet of railroad line at Wateree, SC; and (2) 49 U.S.C. 11343, the lease and operation of that track by Southern Railway Company (Southern) and the acquisition by Southern of trackage rights over a line of Seaboard System Railroad, Inc. between Wateree and Eastover, SC.

DATES: The exemption was effective on August 17, 1984. Petitions to reopen must be filed by September 10, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30513 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representative: Nancy S. Fleischman, Norfold Southern Corporation, 1050 Connecticut Avenue, NW., Suite 470, Washington, D.C. 20036.

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 10, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84-22113 Filed 8-20-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30524]

Altra Railroad Co.; Exemption From 49 U.S.C. 10329(a)(1), 10746, and 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Altra Railroad Company from the provisions of 49 U.S.C. 10329(a)(1), 49 U.S.C. 10746, and 49 U.S.C. 11301.

DATES: This decision is effective on August 16, 1984. Petitions to reopen must be filed by September 10, 1984.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc. Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: August 14, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84-22114 Filed 8-20-84; 8:45 am]

BILLING CODE 7035-01-M

[Section 5a Application No. 23 (Amendment No. 11)]

Middle Atlantic Conference; Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision and request for comment.

SUMMARY: Middle Atlantic Conference (MAC) has filed, pursuant to section 14(e) of the Motor Carrier Act of 1980, an application for approval of its ratemaking agreement under 49 U.S.C. 10706(b). Because some modifications are required before the agreement receives final approval, and because of the complex questions involved in determining whether the agreement is consistent with the Act and the decision implementing it, the Commission is soliciting public comment on its interpretation and application of specific rate bureau provisions. Copies of MAC's proposed amended agreement are available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, DC, 20423, and from MAC's representatives:

Bryce Rea, Jr., Rea, Cross & Auchincloss, 918 16th Street, NW., Washington, DC 20006

J. Alan Royal, Middle Atlantic Conference, 6410 Kenilworth Avenue Riverdale, MD 20840

Copies of the complete Commission decision are available for inspection and copying at the Interstate Commerce Commission, and are available from the Office of the Secretary, Room 2215, Interstate Commerce Commission, 12th and Constitution Ave, NW., Washington, DC 20423, (202) 275-7428.

DATES: Comments from interested persons are due by September 20, 1984. Replies are due by October 5, 1984.

ADDRESS: An original and fifteen copies, if possible, of comments should be sent to: Section 5a Application No. 23, Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Paul Schach, (202) 275-7885.

or

Howell I. Sporn, (202) 275-7691

SUPPLEMENTARY INFORMATION: Middle Atlantic Conference (MAC) has filed an application for approval of its proposed amended collective ratemaking agreement as required by section 14(e) of the Motor Carrier Act of 1980, Pub. L. 96-296 (1980). Since filing its application, MAC has been obligated to observe the requirements of the Act and the standards set forth in our decision implementing Section 14, Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus—Implementation of Pub. L. 96-296,* 364 I.C.C. 464 (1980) and 364 I.C.C. 921 (1981) in order to enjoy antitrust immunity for certain activities.

We have provisionally approved MAC's agreement as consistent with 49 U.S.C. 10706(b) and Ex Parte No. 297 (Sub-No. 5), *supra,* subject to certain modifications including the following

subject areas: identification and description of member-carriers; right of independent action; employee docketing; open meetings; final disposition of cases; proxy voting; single-line rates; general increases and decreases; and changes in tariff structures. We have also offered comments and imposed requirements concerning the agreement generally. MAC has been directed to file a revised agreement conforming to the imposed conditions within 120 days of service of the decision provisionally approving the agreement.

In light of the complex interpretation involved in determining whether the agreement is consistent with the Act and Ex Parte No. 297 (Sub-No. 5), *supra*, we request applicant and other interested parties to comment on our interpretation of the controlling statutory and administrative criteria generally, and their application to MAC's agreement in particular.

A copy of any comments filed with the Commission shall also be served on MAC, which shall have 15 days from the expiration of the comment period to reply. These comments will be considered in conjunction with our review of the modifications which MAC must submit to the Commission as a condition precedent to final approval of its agreement.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

This notice is issued pursuant to 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: July 20, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Commissioner Gradison concurred with a separate expression. Chairman Taylor dissented in part with a separate expression. Commissioner Sterrett, joined by Commissioner Gradison, dissented in part with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84-22116 Filed 8-20-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Arthur R. Black, D.O.; Denial of Application

On May 14, 1984, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Arthur R. Black, D.O. (Respondent) of 12653 Des Moines Way-South, Seattle, Washington 98168, proposing to deny Dr. Black's pending application for registration under 21 U.S.C. 823(f). The proposed action was predicated on Respondent's controlled substance felony conviction on December 27, 1974, in the United States District Court for the Western District of Washington and on Respondent's material falsification of his application for registration. In a letter dated June 11, 1984, Respondent submitted his position on the matters of law and fact pursuant to 21 CFR 1301.54(c), specifically waiving his opportunity for a hearing. The Administrator enters this final order on the record as it appears, taking into consideration Respondent's submission. 21 CFR 1301.54 (d) and (e).

The Administrator finds that Respondent was convicted of a felony involing the dispensing of amphetamines in 1972. On September 14, 1973, Respondent was sentenced to three years imprisonment which was suspended. Subsequently, on November 7, 1973, the Administrator of DEA ordered the immediate suspension of Dr. Black's DEA registration. The State of Washington revoked Respondent's license to practice osteopthy.

On October 8, 1974, Respondent pled guilty in the United States District Court for the Western District of Washington to knowingly acquiring and obtaining possession of a Schedule II controlled substance, Demerol, by misrepresentation, fraud, deception and subterfuge in violation of 21 U.S.C. 843 (a)(3). Respondent had represented himself to be a duly licensed practitioner of medicine who was authorized to write prescriptions for controlled substances. However, Respondent knew that his federal authorization to prescribe controlled substances had been suspended and his license to practice medicine in the State of Washington had been revoked. On December 27, 1974, Respondent was sentenced to three years in prison to run concurrently with his previous suspended sentence.

On March 11, 1975, the United States Court of Appeals for the Ninth Circuit vacated Dr. Black's first conviction. *United States* v. *Black*, 512 F.2d 864 (9th Cir. 1975). Respondent's state license to practice osteopathic medicine and surgery was reinstated in 1978 with the following conditions: first, that he serve a five-year probation period, and second, that he not prescribe, dispense or administer any controlled substances. On November 10, 1983, Dr. Black's state license was reinstated fully. Subsequently, on December 9, 1983, Dr. Black submitted an application for registration with DEA. The application for registration is the subject of this final order.

In the application, Respondent acknowledged his September 14, 1973 conviction, and noted that it had been vacated by the Ninth Circuit Court of Appeals. Respondent, however, made no mention of his subsequent controlled substance-related felony conviction on December 27, 1974. Therefore, there are two lawful grounds for the denial of Respondent's application for registration: first, Respondent's felony conviction and second, Respondent's material falsification of his application for registration. 21 U.S.C. 824(a)(1) and (2). *Serling Drug Company*, Docket No. 74-12, 40 FR 11918 (1975); *Raphael C. Cilento, M.D.*, Docket No. 79-2, 44 FR 30466 (1979); *Thomas W. Moore, Jr., M.D.*, Docket No. 79-13, 45 FR 40743 (1980).

In early 1984, DEA Diversion Investigators discovered that Dr. Black had issued a prescription for Darvocet, a Shedule IV controlled substance, to a staff nurse at a hospital where Respondent worked. The nurse told the investigators that Respondent did not ask her why she needed the medicine nor did he perform any sort of physical examination. The investigators further found that the pharmacist at the hospital regularly sold Respondent medicine and medical supplies for his office use. The pharmacist provided invoices for specific instances when Respondent purchased pentazocine (Talwin), a Schedule IV substance, and nalbuphine (Nubain). The Administrator notes that all of Respondent's activities that were discovered by the investigators occured while Respondent was not registered with DEA and not authorized to possess, dispense, prescibe or otherwise handle controlled substances.

Respondent attempted to explain his reason for not mentioning his December 27, 1974 conviction in his application. Respondent stated that he was aware of this conviction but thought that it had been overturned. The Administrator concludes that this not an adequate explanation to justify registering Respondent. Respondent should have been aware of the status of his conviction. The Administrator believes that an even stronger reason to support denying Respondent's application is the fact that Respondent continued to prescribe and order controlled substances even though he was aware that his DEA registration had been suspended. In his submission, Respondent admits to having abused alcohol and feels that this was the cause of his problems. He claims that he is now a recovering alcoholic. The

Administrator does not accept Respondent's alcoholism either as a valid explanation for his past illicit acts or as assurance that Respondent will not continue to violate the law in the future.

Having concluded that there is a lawful basis for the denial of the Respondent's application for registration and having further concluded that under the facts and circumstances in this case the application should be 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 the application of Arthur R. Black, M.D., for registration under the Controlled Substances Act, be, and it hereby is, denied, effective September 20, 1984.

Dated: August 14, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-22141 Filed 8-20-84; 8:45 am]

BILLING CODE 4410-09-M

Elliott Brender, M.D.; Revocation of Registration

On June 7, 1983, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Elliott Brender, M.D., 2299 Post Street, B-1, San Francisco, California 94115. The Order sought revocation of DEA Certificate of Registration AB5409215 issued to Dr. Brender. Because the Order to Show Cause was returned by the post office unclaimed, Dr. Brender was personally served with the Order on August 1, 1983, by Diversion Investigators from the San Francisco DEA Office. The statutory basis for the Order under 21 U.S.C. 824(a)(2) was Dr. Brender's conviction in the United States District Court for the Northern District of California on April 25, 1983, of six counts of obtaining controlled substances by misrepresentation, deceit and subterfuge, in violation of 21 U.S.C. 843(a)(3), felony offenses relating to controlled substances. More than thirty days have elapsed since Dr. Brender's receipt of the Order and no response has been received. Therefore, the Administrator finds that Dr. Brender has waived his opportunity for a hearing, 21 CFR 1301.54(d) and 1301.45(e), and enters this final order on the record as it appears.

The Administrator has examined the record in this matter and concludes that Dr. Brender's DEA Certificate of Registration AB5409215 should be revoked. The Administrator finds that the doctor was convicted, after a jury trial, of six counts of obtaining controlled substances by misrepresentation, deceit and subterfuge in violation of 21 U.S.C. 843(a)(3). Judgment was entered on April 25, 1983, in U.S. District Court for the Northern District of California. From May 1, 1980 through March 30, 1981, Dr. Brender purchased eight ounces of pharmaceutical cocaine flakes on DEA order forms. Dr. Brender was at that time a proctologist practicing in San Francisco. On March 31, 1981, a federal search warrant was served at Dr. Brender's office. Seized during the execution of the warrant were various containers containing cocaine and procaine, and drug paraphernalia including a straw with cocaine residue, a mirror with cocaine residue, a screen with cocaine residue, and a gold razor blade. In the same desk which contained the above listed items was a leather Gucci pouch which contained an opened one ounce bottle of pharmaceutical cocaine flakes with the manufacturer's label. Dr. Brender told investigators, and asserted during his criminal trial, that the cocaine was used in a procedure to remove anal warts.

On June 2, 1983, a hearing was held before an Administrative Law Judge for the State of California concerning the medical license of Dr. Brender. During the hearing Dr. Brender admitted to personal use of cocaine up to the time of his arrest. Probation conditions imposed by the California Board of Medical Quality Assurance as a condition for retaining his medical license, and those imposed by the federal court in its probation order include psychiatric testing, drug counseling, and drug screens. The probation period in both instances is five years, extending until 1988.

After examining the record in this case, the Administrator concludes that Dr. Brender's DEA Certificate of Registration should be revoked. The Administrator finds that Dr. Brender was convicted of six counts of obtaining pharmaceutical cocaine by fraud and deceit. The doctor further admits to personal use of cocaine during that same period. Dr. Brender has submitted no evidence to mitigate the above facts, and the Administrator finds none in the record.

Having concluded that there is a lawful basis for revocation, 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, AB5409215 previously issued to Elliott Brender, M.D., be, and is, hereby revoked, effective September 20, 1984.

Dated: August 14, 1984.

Francis M. Mullen, Jr.

Administrator.

[FR Doc. 84-22139 Filed 8-20-84; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-20]

Agostino Carlucci, M.D.; Revocation of Registration

On August 2, 1982, the Acting Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause and simultaneously ordered the immediate suspension of DEA Certificate of Registration AC1161986 issued to Agostino Carlucci, M.D., 1108 Druid Park Avenue, Augusta, Georgia 30904 (Respondent). The Order to Show Cause was personally served to Dr. Carlucci on August 4, 1982, by a DEA Special Agent, a DEA Investigator, and state and local law enforcement officers. Pursuant to the immediate suspension of registration, Dr. Carlucci surrendered his DEA Certificate of Registration and over eight thousand dosage units of controlled substances. The statutory predicate for the Order to Show Cause under 21 U.S.C. 824(a)(3) was the emergency suspension of the medical license of Dr. Carlucci by the Composite Board of Medical Examiners of the State of Georgia on July 22, 1982. The Acting Administrator suspended Respondent's DEA Certificate of Registration immediately upon a finding of imminent danger to the public health and safety under 21 U.S.C. 824(d). Respondent, through counsel, requested a hearing via letter dated August 30, 1982. In response, the Administrative Law Judge treated the letter as an implied request for an extension of time for filing a request for hearing in the format prescribed by 21 CFR 1316.47. A request for hearing dated September 23, 1982, was presumably filed by Respondent's counsel. The file was ordered closed by the Administrative Law Judge when he had not received the request by September 30, 1982. After reconsideration, the Administrative Law Judge reopened the file and issued an Order for Prehearing Statements. On November 8, 1982, counsel for the Respondent withdrew the request for hearing, and the Administrative Law Judge ordered the proceedings terminated. In light of the above circumstances, the Administrator finds that Dr. Carlucci waived his opportunity for a hearing, 21 CFR 1301.54(c) and 21 CFR 1316.49. The

Administrator hereby enters this final order on the record as it appears.

The Administrator finds that on July 22, 1982, the Composite State Board of Medical Examiners of the State of Georgia determined that there was an imminent danger to the public health, safety and welfare if Dr. Carlucci continued to practice as a physician in the State of Georgia. They therefore ordered the emergency suspension of his license to practice medicine. The Board of Medical Examiners subsequently conducted a hearing on this matter. Pending final disposition, Dr. Carlucci's medical license remains suspended, and the doctor remains without authority to prescribe, administer, dispense or possess controlled substances in the State of Georgia. The Administrator finds, consistent with prior holdings, that when a registrant is not authorized to handle controlled substances under the laws of the state in which he practices, DEA is without lawful authority to maintain a registration. See: *Harry Roodin, M.D.*, Docket No. 83–34, 49 FR 6579 (1984); *Leonard F. Faymore, D.O., et al.*, Docket No. 82–1, 48 FR 32886 (1983); *Kenneth K. Birchard, M.D.*, 48 FR 33778 (1983). The only comments received from Respondent were contained in the request for hearing received from Respondent's counsel. Respondent claimed the immediate suspension was without justification, that he was entitled to a hearing before the suspension was effective, and that the affidavits used as part of the basis for the immediate suspension were insufficient. The Administrator finds these objections to be without merit and reiterates that since Dr. Carlucci has been without authority to handle controlled substances in Georgia since July 22, 1982, he is not entitled to be registered to handle controlled substances by the Drug Enforcement Administration.

In addition to the fact that Dr. Carlucci is not authorized to handle controlled substances in the State of Georgia, the Administrator finds that on December 21, 1982, Dr. Carlucci was found gulity, after a jury trial, of thirteen counts of unlawfully dispensing controlled substances, a violation of 21 U.S.C. 841(a)(1), in the United States District Court for the Southern District of Georgia. The doctor was sentenced on February 7, 1983, to serve a total of fifteen years in prision, fined one hundred thirty thousand dollars, and given five years probation. A condition of probation is that Dr. Carlucci "not seek reinstatement of any license as a physician to dispense scheduled drugs of controlled substances, nor shall he obtain any employment that would require his association or participation in the dispensation or sale of controlled substances." The doctor is currently incarcerated. Dr. Carlucci's conviction was affirmed by the United States Court of Appeals for the Eleventh Circuit in an unpublished opinion. *U.S.* v. *Carlucci*, No. 83–8104 (11th Cir. February 9, 1984). A petition for writ of certiorari was denied by the United States Supreme Count on June 11, 1984. Dr. Carlucci's felony conviction provides additional statutory grounds for revocation of his DEA Certificate of Registration under 21 U.S.C. 824(a)(2).

The Administrator notes that the activities of Dr. Carlucci which led to the suspension of his medical license and his conviction constituted little more than the operation of a prescription mill under the guise of the practice of medicine. Between March 16, 1982, and June 22, 1982 a DEA Special Agent and several state and local law enforcement officers made thirty-four undercover visits to the office of Dr. Carlucci. During these visits fifty-nine prescriptions for controlled substances were obtained from the doctor. There was no medical examination or other indication of physician-patient relationship during these undercover visits. A DEA Special Agent observed fifty-three patients leaving Dr. Carlucci's office during a one-hour period in May, 1982. Undercover officers typically spent only a few minutes in the doctor's presence, sometimes no words were spoken, and then stood in line in order to pay for the services. Dr. Carlucci issued over thirty thousand prescriptions for controlled substances during the six-month period from January through June, 1982.

In consideration of the foregoing, and having lawful basis for such action, it is the decision of the Administrator that Dr. Carlucci's registration should be revoked. Accordingly, pursuant to the authority vested in him by 21 U.S.C. 824 and 28 CFR 0.100(b), the Administrator hereby orders that DEA Certificate of Registration AC116186 previously issued to Agostino Carlucci be, and is hereby revoked, effective September 30, 1984. The Administrator further order, pursuant to 21 U.S.C. 824(f) that on the effective date of this order, controlled substances previously received from Dr. Carlucci and placed under seal at the time of suspension of his DEA Certificate of Registration are deemed forefeited to the United States.

Dated: August 14, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84–22140 Filed 8–20–84; 8:45 am]

BILLING CODE 4410–09–M

First State Chemical Co., Inc.; Manufacturer of Controlled Substances; Registration

By Notice dated May 18, 1984, and published in the **Federal Register** on May 25, 1984, (49 FR 22144), First State Chemical Company, Inc., 803 East Fourth Street, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Oxycodone (9143)	II
Morphine (9300)	II
Thebaine (9333)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 14, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84–22136 Filed 8–20–84; 8:45 am]

BILLING CODE 4410–09–M

Knoll Pharmaceutical Co.; Manufacturer of Controlled Substances; Registration

By Notice dated May 11, 1984, and published in the **Federal Register** on May 22, 1984, (49 FR 21573), Knoll Pharmaceutical Company, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Dihydromorphine (9145)	I
Hydromorphone (9150)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 14, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-22135 Filed 8-20-84; 8:45 am]

BILLING CODE 4410-09-M

Philadelphia Seed Co.; Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 20, 1984, Philadelphia Seed Company, Division of Stanford Seed Company, Muddy Creek Road, Lancaster County, Denver, Pennsylvania 17517, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana (7360), a basic class controlled substance in Schedule I.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than September 20, 1984.

This procedure is to be conducted simultaneously with an independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: August 13, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-22138 Filed 8-20-84; 8:45 am]

BILLING CODE 4410-09-M

Smithkline Chemicals; Manufacturer of Controlled Substances; Registration

By Notice dated May 30, 1984, and published in the **Federal Register** on June 7, 1984, (49 FR 23713), Smithkline Chemicals, Division Smithkline Corporation, 900 River Road, Conshohocken, Pennsylvania 19428, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
4-methoxyamphetamine (7411)	I
Amphetamine (1100)	II
Phenylacetone (8501)	II

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drub Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 14, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-22137 Filed 8-20-84; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Change in Location of Meeting

Notice is hereby given that the location of the public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans' National Pension Forum (49 FR 30031, July 25, 1984) to be held on Wednesday, September 12, 1984 has been changed from:

The Jefferson Room, Washington Hilton Hotel, 1919 Connecticut Avenue, N.W., Washington, D.C.

to:

The Federal Ballroom North, Quality Inn/Capitol Hill, 415 New Jersey Avenue, N.W., Washington, D.C.

Signed at Washington, D.C. this 15th day of August 1984.

Robert A.G. Monks,

Administrator, Office of Pension and Welfare Benefit Programs.

[FR Doc. 84-22084 Filed 8-20-84; 8:45 am]

BILLING CODE 4510-29

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum Services; Agency Information Collection Requirements

AGENCY: Institute of Museum Services.

ACTION: Notice of Information Collection.

SUMMARY: The Institute of Museum Services (IMS) has submitted the following collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Copies of these submissions are available at IMS from Michele N. Rossi, (202) 786–0536. Send comments to Joe Lackey, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503

Title: 1985 General Operating Support Application and Information
Form No.: IMS 102
Action: Revision
Respondents: Non-Profit Institutions
Estimated Annual Burden Hours: 1,500 Respondents; 27,000 Hours

Title: General Operating Support Report Form
Form: 1850–0091
Action: Revision
Estimated Annual Burden Hours: 330 respondents, 660 hours

Respondents: Non-Profit Institutions

Dated: August 14, 1984.

Susan E. Phillips,

Director, Institute of Museum Services.

[FR Doc. 84-22169 Filed 8-20-84; 8:45 am]

BILLING CODE 7036-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Ethics and Values in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee or Ethics and Values in Science and Technology.

Date and time: September 10, 1984; 9:00 a.m.—5:00 p.m. (Room 1242A).

Type of meeting: Open.

Contact person: Dr. Rachelle D. Hollander, Program Director, Ethics and Values in Science and Technology, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-7552.

Summary minutes: May be obtained from Rachelle D. Hollander, Program Director, Ethics and Values in Science and Technology, National Science Foundation, Washington, D.C. 20550.

Purpose of committee: The Advisory Committee for Ethics and Values in Science and Technology provides advice and recommendations concerning Foundation-supported research and related activities in this field.

Agenda: a.m.—Current status report and discussion; p.m.—Future directions.

Dated: August 16, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-22080 Filed 8-20-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies.

Date and time: September 10, 1984—9:00 AM-5:00 PM; September 11, 1984—9:00 AM-12:30 PM (Room 540).

Type of meeting: Open.

Contact person: Carolyn B. Arena, Program Analyst, Division of Science Resources Studies, National Science Foundation, Room L-602, Washington, D.C. 20550, 202/634-4648.

Summary minutes: May be obtained from Carolyn B. Arena, Program Analyst, Division of Science Resources Studies, National Science Foundation, Room L-602, Washington, D.C. 20550.

Purpose of committee: The Advisory Committee provides advice, recommendations, and oversight concerning program emphases and directions of the Divisions of Policy Research and Analysis and Science Resources Studies, including research, data collection and analyses, and support of related extramural activities.

Agenda: September 10 AM—SRS Status Report and Discussion; PM—SRS Special Issues; September 11 AM—PRA Status Report and Issues, Other Committee Business.

Dated: August 16, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-22081 Filed 8-20-84; 8:45]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published July 26, 1984 (49 FR 30147). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the September 1984 ACRS full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Combined Millstone Nuclear Power Station Unit 3/Reliability and Probabilistic Assessment, August 28 and 29, 1984, Windsor Locks, CT. The Subcommittees will review the application by the Northeast Nuclear Energy Company for a license to operate Millstone Nuclear Power Station Unit 3 and the assosciated probabilistic safety study.

Regulatory Policies and Practices, September 4, 1984, Washington, DC. The Subcommittee will review experience with the interim backfit procedures now in effect and any revisions resulting from public comments.

Regulatory Policies and Practices, September 5, 1984, Washington, DC. The Subcommittee will consider advice to the Commission concerning Congressional inquiry regarding the establishment of an NTSB-like body for nuclear reactor safety.

Safety Philosophy, Technology, and Criteria, September 5, 1984, Washington, DC. The Subcommittee will discuss the EPRI categorization of the NRC Staff's Generic Safety and Licensing Issues regarding their application to standardize 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.

Combined Reactor Radiological Effect/Humboldt Bay, September 10, 1984, Eurela, CA. The Subcommittees will review Pacific Gas and Electric Company's (PG&E's) decommissioning plans for Humboldt Bay Nuclear Power Plant, Unit 3.

Quality & Quality Assurance in Design and Construction, September 11, 1984, Washington, DC. The Subcommittee will discuss the quantity and quality of quality assurance and quality control personnel at nuclear power plants during construction; public comments on NUREG-1055; and the use of designated representatives in quality control practices.

Metal Components, September 13, 1984, Washington, DC. The Subcommittee will review the status of BWR pipe crack, aging of metal components, and other matters.

GESSAR II, September 20 and 21, 1984, Los Angeles, CA. The Subcommittee will continue the review of the General Electric Standard Safety Analysis Report to extend the Final Design Approval so that it will be applicable to future plants. This meeting will tentatively address deterministic/SRP, USI and USI type issues which will be covered in the Staff's August 1984 SER, Supplement 2 (NUREG-0979). Meetings to cover severe accidents/PRA issues will be scheduled later.

Reactor Radiological Effects, September 27 and 28, 1984, Washington,

DC. The Subcommittee will be briefed on (1) DOE's systematic approach regarding reactor safety and radiation protection research; (2) the status of USI III.D.3.1, Radiation Protection Plan; (3) NRC Staff's evaluation of TMI–2 cleanup endpoint alternatives. The Subcommittee will also continue its discussion of NRC Staff proposed amendments to 10 CFR 20 to specify residual radioactive contamination limits.

Combined Reliability and Probabilistic Assessment and Limerick, October 9 and 10, 1984, Washington, DC. The Subcommittees will begin their review of the probabilistic risk assessment (PRA) for the Limerick plant and to complete its review of the Standard Review Plan items outstanding on the Limerick operating license (OL) review.

GESSAR II, October 18 and 19, 1984, Los Angeles, CA. The Subcommittee will continue the review of the General Electric Standard Safety Analysis Report to extend the Final Design Approval so that it will be applicable to future plants. The review will focus on the GESSAR II treatment of severe accidents and the Probabilistic Risk Assessment performed in connection with the GESSAR II design. The focus of this meeting will be the PRA internal event analysis.

Safeguards and Security, Date to be determined (October), Washington, DC. The Subcommittee will review design features for protection against sabotage at commercial nuclear power reactors and to explore the potential consequences of successful sabotage at nonpower reactors.

Decay Heat Removal Systems, Date to be determined (October), Washington, DC. The Subcommittee will continue the review of the NRC Staff effort to resolve USI. A–45, "Shutdown Decay Heat Removal Requirements."

Braidwood, Date to be detetermined (October/November), Washington, DC. The Subcommittee will continue to review the application for an operating license for the Braidwood Plant.

Human Factors, Date to be determined (October/November), Washington, DC. The Subcommittee will review: (1) Training and qualifications of civilian nuclear power plant personnel; (2) proposed rule making on requirements for senior managers; (3) the nuclear industry's proposed solution to provide shift operating experience; and (4) a proposed ACRS response to Chairman Palladino's memo dated April 19, 1984 regarding Reactor Operator Experience.

Emergency Core Cooling Systems, Date to be determined (early November), Washington, DC. The Subcommittee will review the following items: (1) the Yankee Atomic Electric request for an exemption to Appendix K to 10 CFR 50.46, and (2) analysis performed as part of the ATWS resolution effort.

Westinghouse Water Reactors, Date to be determined (November, tentative), Washington, DC. The Subcommittee will begin its review of the Westinghouse Advanced Pressurized Water Reactor (SP–90) for Preliminary Design Approval.

Electrical Systems, Date to be determined, Washington, DC. The Subcommittee will discuss Westinghouse Advanced Pressurized Water Reactor (WAPWR) Integrated Control and Protection System.

Emergency Core Cooling Systems, Date to be determined, Washington, DC. The Subcommittee will continue its review of the joint NRC/Babcock and Wilcox Owners Group/B&W/EPRI integral test program.

ACRS Full Committee Meeting

September 6/8, 1984: Items are *tentatively* scheduled.

*A. *Millstone Nuclear Power Station, Unit No. 3*—review Northeast Nuclear Energy Company's application for an operating license.

*B. *Frequency and Severity of Class 9 Accidents*—discuss proposed ACRS comments regarding the probabilities of severe accidents at nuclear power plants.

*C. *Characterization of Generic Issues*—discuss proposed ACRS comments regarding the application of generic safety issues to new standardized plants.

*D. *Evaluation of Reactor Accidents/Incidents*—discuss ACRS comments regarding the need for an independent board to review accidents/incidents in nuclear facilities.

*E. *NRC Backfitting Requirements*—discuss ARCS comments regarding backfitting requirements for nuclear power plants.

*F. *Recent Operating Experiences in Nuclear Power Plants*—discuss recent operating experiences in nuclear power plants and proposed corrective actions.

*G. *Selection of Unresolved Safety Issues*—discuss review of unresolved generic issues as potential USIs.

*H. *Meeting with NRC Executive Director for Operations*—discuss regulatory matters.

*I. *Pressurized Thermal Shock*—briefing regarding the status of pressurized thermal shock related activities.

*J. *Water Chemistry in BWRs*—briefing regarding water chemistry control in boiling-water reactors.

*K. *Future Activities*—discuss anticipated ACRS activities. Comments regarding the future scope and direction of ACRS activities will also be discussed.

October 11–13, 1984—Agenda to be announced.

November 1–3, 1984—Agenda to be announced.

Date: August 15, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84–22151 Filed 8–20–84; 8:45 am]

BILLING CODE 7590–01–M

Publication of Subagreement No. 1 Between U.S. NRC and the Illinois Department of Nuclear Safety

Correction

In FR Doc. 84–17681 beginning on page 27861 in the issue of Friday, July 6, 1984, make the following correction:

On page 27862, second column, in the second complete paragraph, second line, "call" should have read "not".

BILLING CODE 1505–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Conservation and Electric Power Plan; Proposed Amendment; Limited Reopening of Public Comment Period

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Limited reopening of public comment period regarding proposed amendment.

SUMMARY: The Northwest Power Planning Council hereby reopens the public comment period regarding a proposed amendment to its Northwest Conservation and Electric Power Plan (Power Plan) to take additional comments regarding the cost and administrative efficiency of the Council's proposal. The Council is now seeking comments regarding this limited issue only.

DATE AND ADDRESS: Written comments regarding the cost and administrative efficiency of the proposed amendment of Program Design Principle 1E of the Power Plan must be received in the Council's Central Office (Suite 200, 700

S.W. Taylor, Portland, Oregon 97205) by 5 p.m. Pacific Time on Tuesday, September 4, 1984.

FOR FURTHER INFORMATION CONTACT: Mark Cherniack, Conservation Analyst, at the above address or at 503–222–5161, toll-free 1–800–222–3355 in Montana, Idaho, and Washington and toll-free 1–800–452–2324 in Oregon.

SUPPLEMENTARY INFORMATION: Notice of proposed amendments to the Power Plan was published at pages 25908–25910 of the **Federal Register** of June 25, 1984. The Council accepted public comments on the proposed amendments until 5 p.m. on Wednesday, July 25, 1984. At its regular meeting in Kalispell, Montana on August 8, 1984, the Council decided to reopen the comment period regarding the proposed amendment of Program Design Principle 1E to take additional public comments regarding the cost and administrative efficiency of the Council's proposal to use regional population weighted median income to determine eligibility for regional weatherization programs. The Council is particularly interested in any comments comparing the cost and administrative efficiency of the Council's proposal to that of using Office of Management and Budget low income guidelines.

Edward Sheets,

Executive Director.

[FR Doc. 84–22077 Filed 8–20–84; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549

Extension of Approval

Rule 12d2–1

No. 270–98

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 12d2–1 (17 CFR 240.12d2–1) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which provides the procedures by which a national securities exchange may suspend from trading a security listed and registered on the exchange. The potential affected entities are approximately 10 national securities exchanges.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: August 13, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–22118 Filed 8–20–84; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549

Extension of Approval

Rule 12d2–2

No. 270–86

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 12d2–2 (17 CFR 240.12d2–2) and Form 25 (17 CFR 249.25) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which provides for submission to the Commission of notice of removal from securities exchange listing and registration of securities. The potential affected persons are approximately 25 self-regulatory organizations.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: August 13, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–22119 Filed 8–20–84; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of the Consumer Affairs, Washington, DC 20549

Extension of Approval

Rule 12a–5 and Form 26

No. 270–85

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3510 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 12a–5 (17 CFR 240.12a–5) and Form 26 (17 CFR 249.26) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which provide for submission to the Commission of notice of removal from securities exchange listing and registration of securities. The potential affected persons are approximately 10 securities exchanges.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

Dated: August 13, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–22120 Filed 8–20–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 14095; 812–5888]

Kidder, Peabody Special Growth Fund, Inc.; Application for an Order Exempting Applicant

August 13, 1984.

Notice is hereby given that Kidder, Peabody Special Growth Fund, Inc. ("Applicant") 20 Exchange Place New York, New York 10005, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on July 2, 1984, pursuant to Section 6(c) of the Act, for an order of the Commission, exempting Applicant from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit Applicant to assess a contingent deferred sales change on certain redemptions of its shares and to permit Applicant to waive the contingent deferred sales charge with respect to certain types of redemptions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and regulations for the text of relevant provisions thereof.

Applicant proposes to offer its shares without imposition of a sales load at the time of purchase so that investors have the benefit of greater capital invested immediately. In lieu of the traditional sales charge assessed at purchase, Applicant proposes to assess a contingent deferred sales charge on certain redemptions of its shares with the proceeds therefrom paid to Kidder, Peabody & Co. Incorporated ("Kidder, Peabody"), the distributor of Applicant.

Applicant proposes to finance its own distribution expenses pursuant to a plan (the "Plan") adopted in accordance with Rule 12b–1 under the Act. Under the Plan Applicant will pay Kidder, Peabody an annual fee as reimbursement for expenses incurred in connection with distribution of Applicant's shares. Applicant represents that the distribution fee is calculated on the basis of one percent per annum of aggregate purchase payments (subject to a maximum of one percent of net assets). Kidder, Peabody will also receive the proceeds of the contingent deferred sales charges imposed upon certain redemptions. In reviewing the Plan under Rule 12b–1, Applicant's board of directors will consider the use by Kidder, Peabody of revenues raised by the contingent deferred sales charge.

Applicant states that the contingent deferred sales charge will be waived on redemptions of shares: (1) Following the death or disability, as defined in Section 72(m)(7) of the Internal Revenue Code ("Code"), of a shareholder, (2) in connection with certain distributions from IRAs or other qualified retirement plans under the Code, and (3) in connection with distributions from pension and profit sharing plans sponsored by Kidder, Peabody.

Waiver of the contingent deferred sales charge in the three enumerated circumstances, Applicant asserts, is consistent with the policies of the Code granting favored tax status to the respective taxpayers in those instances. Moreover, the Applicant is designed for long-term investors, including those who desire to utilize its shares as a funding vehicle for IRAs or other tax-deferrred retirement plans.

Contingent deferred sales charges are imposed, Applicant represents, depending on the number of years that have elapsed since the shareholder made the purchase payment from which an amount is being redeemed. The occurrence and amount of sales charge is summarized in the following table:

Years since purchase payment made	Contingent deferred sales charge as a percentage of amount redeemed (percent)
First	5
Second	4
Third	3
Fourth	2
Fifth	2
Sixth	1
Seventh and thereafter	None

Applicant states that, in determining the contingent deferred sales charge, the amount that represents an increase in the net asset value of the investor's shares above the amount of total payments for the purchase of shares within the last six years will be redeemed first. Should the redemption amount exceed such increase in value, the next amount redeemed will represent the net asset value of the investor's shares purchased more than six years prior to redemption and/or shares purchased through reinvestment of dividends or distributions. Any portion of redeemed amounts that exceed both values, i.e., appreciation and the value of shares purchased through reinvestment of dividends or distributions, will be subject to the contingent deferred sales charge.

Applicant believes that the contingent deferred sales charge does not restrict a shareholder from receiving a proportionate share of the current net assets of Applicant but merely defers the deduction of a sales charge and renders it contingent upon events that may or may not transpire. Applicant argues that it is highly relevant that Section 10(d) of the Act contemplates an open-end investment company imposing a discount from net asset value on redemption of its shares. To avoid uncertainty as to the definition of a "redeemable security" under section 2(a)(32) of the Act, Applicant requests an exemption therefrom to the extent necessary to permit implementation of the proposed contingent deferred sales charge.

Applicant asserts that the proposed contingent deferred sales charge qualifies as a "sales load" within the meaning of section 2(a)(35) of the Act because it represents a fee assessed for expenses incurred in offering Applicant's shares to the public. Deferral and contingency does not alter the character of the charge, Applicant states, and the policy consideration of enabling a purchaser to receive the benefits of a larger initial investment should favor sales fees to be levied in the manner proposed. However, Applicant requests an exemption from the provisions of section 2(a)(35) of the Act to the extent necessary to implement the contingent deferred sales charge.

Rule 22c–1 under the Act prohibits the sale of investment company securities except at a price based on the current net asset value. Section 22(d) of the Act requires that sales of investment company securities be at the current public offering price described in the prospectus. Waiver of the contingent deferred sales charge in certain redemptions, Applicant contends, however, is fair, equitable, and in the public interest and interest of shareholders. Designed for long term investment or retirement plans, Applicant is not designed for investors who intend to liquidate after a short holding period. In situations unforseen (death or disability) or fully intended at time of purchase (retirement), waiving the deferred sales charge would be consistent with the purpose of the Applicant. It believes such waivers are fair to remaining shareholders because Applicant will not be charged for any revenue lost as a result of waiver of the contingent deferred sales charge. Amounts redeemed and subject to the contingent deferred sales charge are deducted from the base of aggregate purchase payments for purposes of calculating the distribution fee pursuant to the Plan. Amounts otherwise subject to the contingent deferred sales charge but for the above enumerated waivers are also deleted from the base of purchase payments.

Waiver of the contingent deferred sales charge in the extraordinary circumstance of death or total disabilty of the investor is justified on basic considerations of fairness. Waiver in cases of certain distributions from a qualified plan are consistent with the policy embodied in the Code to promote the accumulation of capital for retirement, and Rules 22d–1(a)(3) and 22d–1(b)(3) under the Act which permit quantity discounts to qualified plans, and Rule 22d–1(f) under the Act which permits variations in sales load for retirement plans. Lastly, waiver in case of distributions from pension and profit sharing plans sponsored by Kidder, Peabody is also justified by Applicant on the grounds of fairness. Unless such a waiver is present, Applicant states, employees of Kidder, Peabody would be prohibited from purchasing Applicant's shares under provisions of the Code and regulations thereunder, and ERISA. Pursuant to a prohibited transaction exemption, however, purchases by Kidder, Peabody's employees are permitted provided no sales charge is imposed. To avoid unfair discrimination against Kidder, Peabody employees, and in recognition that Kidder, Peabody's retirement plan is qualified under the Code, Applicant argues the waiver is consistent with Rules 22d–1(a)(3), 22d–1(b)(3) and 22d–1(f) under the Act.

Applicant submits that waiver of the contingent deferred sales charge will not harm the Applicant or its remaining shareholders or unfairly discriminate among shareholders or purchasers, and

Applicant will fully disclose the waiver provisions in its prospectus.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 7, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-22122 Filed 8-20-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Advent Industrial Capital Co.; Application for a License To Operate as a Limited Partnership Small Business Investment Company (SBIC)

[License No. 01/01-0332]

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.4 of the Regulations governing SBIC's [13 CFR 107.4 (1983)] under the name of Advent Industrial Capital Company Limited Partnership, 45 Milk Street, Boston, Massachusetts 02109 for a License to operate in the Massachusetts area as a Limited Partnership SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended, (15 U.S.C. 661 *et seq.*).

The partnership will begin operations with private capital of $1,663,200.

The General Partners of the Partnership is TA Associates Company, 45 Milk Street, Boston, Massachusetts, which has the following general partner:

Jacqueline C. Morby, 45 Milk Street, Boston, Massachusetts 02109
Jeffery T. Chambers, 45 Milk Street, Boston, Massachusetts 02109
Michael A. Ruane, 45 Milk Street, Boston, Massachusetts 02109
Richard H. Churchill, Jr., 45 Milk Street, Boston, Massachusetts 02109
Peter A. Brooke, 45 Milk Street, Boston, Massachusetts 02109
C. Kevin Landry, 45 Milk Street, Boston, Massachusetts 02109
David D. Croll, 45 Milk Street, Boston, Massachusetts 02109
D. Andrews McLane, 45 Milk Street, Boston, Massachusetts 02109

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed General Partners and the reasonable prospects for successful operations of the SBIC under its management including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may (not later than 30 days from the publication of this Notice) submit written comments on the application to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in the Boston Massachusetts area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 10, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-22104 Filed 8-20-84; 8:45]

BILLING CODE 8025-01-M

ANA Small Business Investments, Inc., et al. Surrender of Licenses

Notice is hereby given that pursuant to § 107.105 of the Small Business Administration's (SBA) Rules and Regulations governing Small Business Investment Companies (13 CFR 107.105 (1984)), the following companies have surrendered their licenses.

ANA Small Business Investments, Inc., San Francisco, California, License No. 09/12-0005
Bankers SBIC, San Francisco, California, License No. 09/12-0135
Diablo Capital Corporation, Pacheco, California, License No. 09/12-0095
Diman Financial Corporation, Dallas, Texas, License No. 06/06-0181
First Farwest Capital Fund, Inc., Portland, Oregon, License No. 10/13-0018
Frankfurt's Texas Investment Corp., Dallas, Texas, License No. 09/10-0042
MESBIC of Washington, Inc., Seattle, Washington, License No. 10/13-5026
North Coast Capital Corp., San Rafael, California, License No. 09/12-0097
Northwest Capital Investment Corp., Seattle, Washington, License No 10/10-0159
Petroleum Finance Corp., Dallas, Texas, License No. 06/10-0087
Small Business Capital, Phoenix, Arizona, License No. 09/14-0053
Southern California Minority Capital Corp., Los Angeles, California, License No. 09/12-5156
Space Age SBIC, San Rafael, California, License No. 09/12-0027

Each has complied with all conditions set forth by SBA for surrender of their licenses.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above cited Regulation, the above Licenses are accepted effective July 31, 1984, and they are no longer licensed to operate as small business investment companies.

Dated: August 8, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-22102 Filed 8-20-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5468]

Everlast Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On October 11, 1983, a notice was published in the **Federal Register** (48 FR 46126) stating that Everlast Capital Corporation, 350 Fifth Avenue, New York, New York 10018, had filed an application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies [13 CFR 107.102 (1983)] for a license to operate as a small business investment company.

Interested parties were given until the close of business on October 26, 1983, to submit their written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 02/02-5468 on July 30, 1984, to Everlast Capital Corporation pursuatn to section 301(d) of the Small Busienss Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 9, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-22037 Filed 8-20-84; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 02/02-0479]

Chemical Venture Capital Corp.; Application for a License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations governing SBIC's [13 CFR 107.102 (1984)] under the name of Chemical Venture Capital Corporation, 277 Park Avenue, New York, New York 10172 for a License to operate in the New York area under the provisions of the Small Business Investment Act of 1958 (Act) as amended, (15 U.S.C. 661 *et seq.).*

The applicant will begin operations with private capital of $1,000,000.

The officers, directors and stockholders of the applicant are:

Alan H. Fishman, Chairman, 277 Park Avenue, New York, New York 10172

Steven J. Gilbert, President, CEO—Director, 277 Park Avenue, New York, New York 10172

Jeffrey C. Walker, Secretary—Treasurer, 277 Park Avenue, New York, New York 10172

The applicant will be wholly owned by Chemical Equity Incorporated (a subsidiary of the Chemical New York Corporation). Both are located at 277 Park Avenue, New York, New York 10172.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit to SBA in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in the New York City area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: August 7, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-22106 Filed 8-20-84; 8:45]

BILLING CODE 8025-01-M

Small Business Electronics Investment Corp.; Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

[License No. 02/02-0026]

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.601 of the Regulations governing small business investment companies [13 CFR 107.601 (1984)], to transfer control of Small Business Electronics Investment Corporation (SBEIC), 60 Cuttermill Road, Great Neck, New York 11021, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act).

SBEIC was licensed on September 1, 1960, and has private capital of $600,000. The proposed transfer of control will be from the stockholders of SBEIC who own 94.443 percent of the total stock outstanding stock of 1275 shares to Stanley Meisels present owner of 75 shares (5.556%), and present manager.

The proposed officers and directors will be:

Stanley Meisels, President—Director, 1345 Noel Avenue, Hewlett, New York 11557

Anne Meisels, Secretary—Director, 1345 Noel Avenue, Hewlett, New York 11557

Grant M. Meisels, Director, 1345 Noel Avenue, Hewlett, New York 11557

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner, and the probability of successful operation of SBEIC under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Any person may, on or before September 20, 1984, submit to SBA written comments on the proposed transfer of control. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: August 6, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-22107 Filed 8-20-84; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 02/02-0471]

Transatlantic Venture Fund Inc.; Application for a License To Operate as a Small Business Investment Company (SBIC)

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended, (15 U.S.C. 661 *et seq.*), has been filed by Transatlantic Venture Fund Inc., (Transatlantic), 505 Park Avenue, New York, New York 10022 with the Small Business Administration pursuant to 13 CFR 107.102 (1984).

Transatlantic is incorporated in the State of Delaware. The officers and directors of the Applicant are as follows:

Sandford R. Simon, President and Director, 7002 Boulevard East 31E, Guttenburg, New Jersey

Michael R. Simon, Vice President, Secretary and Director, 1410 York Avenue 2E, New York, New York 10021

Michael P. Renton, Director, 24A Eaton Square, London SWI

The Applicant will be managed by Sanford R. Simon d/b/a American Corporate Services, pursuant to a Management Agreement. A Group of United Kingdom financial institutions will own all the authorized stock of the Company and will contribute $2,050,000 for such stock. It is not anticipated that any Stockholder will own 10% or more of the Company's stock.

The Applicant will begin operations with $2,000,000 paid-in capital and surplus and will conduct its activities in the State of New York but will consider investments in businesses in all areas of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management and owner, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit

to SBA written comments on the proposed Applicant. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in the New York area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: August 9, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-22103 Filed 8-20-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5467]

Yusa Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On October 11, 1983, a notice was published in the **Federal Register** (48 FR 46127) stating that Yusa Capital Corporation, 450 Seventh Aveune, New York, New York 10001, had filed an application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies [13 CFR 107.102 (1983)] for a license to operate as a small business investment company.

Interested parties were given until the close of business on November 5, 1983, to submit their written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 02/02-5467 on July 31, 1984, to Yusa Capital Corporation pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: August 8, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-22105 Filed 8-20-84; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration, Region VI Advisory Council, located in the geographical area of New Orleans, will hold a public meeting at 10:30 p.m., Friday, September 14, 1984, at 301 Camp Street, on the 3rd Floor in Conference Room "C" in New Orleans, Louisiana. The meeting will be held to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call T.A. Aboussie, District Director, U.S. Small Business Administration, 1661 Canal Street, New Orleans, Louisiana 70112-2890, (504) 589-2744.

Dated: August 15, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-22038 Filed 8-20-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1-3 of the Federal Aviation Administration National Airspace Review Advisory Committee. The agenda for this meeting is as follows: Consideration of previously formulated recommendations related to the Airmans Information Manual (AIM). Review of AIM for information content and organization. Review of Flight Information Publication Policy statement.

DATE: Beginning Monday, September 10, 1984, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 9A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, 426-3560.

Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Associate Administrator for Air Traffic, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by August 27. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on August 15, 1984.

Karl D. Trautmann,

Manager, Special Projects Staff, Office of the Associate Administrator for Air Traffic.

[FR Doc. 84-22182 Filed 8-20-84; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Anthony R. Varda; Denial of Petition for Defect Remedy Hearing

This notice sets forth the reasons for the denial of a petition by Anthony R. Varda of Madison, Wisconsin, to conduct a hearing to determine whether a manufacturer had reasonably met its obligation to remedy a safety-related defect (15 U.S.C. 1416).

On May 24, 1984, NHTSA received a petition from Mr. Varda alleging that American Honda Co. had failed in its obligation to remedy a safety-related defect in a 1976 Honda Civic. The Civic could not be repaired until $800 of additional repairs not covered by the recall had been performed, according to the dealer to whom the car was taken. The repairs were not performed, but subsequently Honda offered to repurchase the car for $800. This was unacceptable, and a petition was filed with NHTSA. Sometime afterwards, Honda raised its offer to an acceptable level, and the car was repurchased by its manufacturer. Because Honda had met its responsibility to remedy the defect by repurchasing the vehicle in question, Mr. Varda's petition was denied on July 24, 1984.

(Sec. 156, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 501.8).

Issued on August 14, 1984.

George L. Parker,

Associate Administrator, for Enforcement.

[FR Doc. 84-22130 Filed 8-20-84; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: August 15, 1984.

The Department of Treausry has submitted the following public

information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7316, 1201 Constitution Avenue, N.W., Washington, D.C. 20220.

Bureau of Government Financial Operations

OMB Number: 1510–0008
Form Number: None
Type of Review: Extension
Title: Pools and Associations—Percentages
OMB Reviewer: Milo Sunderhauf (202) 395–6880 Office of Management and Budget Room 3208, New Executive Office Building Washington, D.C. 20503

Joseph Maty,
Departmental Reports, Management Office.
[FR Doc. 84–22176 Filed 8–20–84; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Date: August 16, 1984.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7225, 1201 Constitution Avenue, N.W., Washington, D.C. 20220.

Bureau of Government Financial Operations

OMB Number: 1510–0012
Form Number: TFS 6314
Type of Review: Extension
Title: Schedule F—Ceded Reinsurance
OMB Reviewer: Milo Sunderhauf (202) 395–6880 Office of Management and Budget Room 3208, New Executive Office Building Washington, D.C. 20503

Joseph Maty,
Departmental Reports Management Officer.
[FR Doc. 84–22177 Filed 8–20–84; 8:45 am]
BILLING CODE 4810–25

VETERANS ADMINISTRATION

Advisory Committee on Cemeteries and Memorials; Meeting

The Veterans Administration gives notice that a meeting of the Administrator of Veterans' Advisory Committee on Cemeteries and Memorials, authorized by 38 U.S.C. 1001, will be held at the Stouffer's Hotel, 50 Capital Avenue, SW., Battle Creek, Michigan 49017, on September 21 and 22, 1984.

The opening day session will begin at 8:30 a.m. to conduct routine business. The meeting will be open to the public up to the seating capacity which is about twenty persons. Those wishing to attend should contact Mrs. Ann Stone in the Office of the Chief Memorial Affairs Director (phone 202–389–2396) not later than 12 noon, EDT September 14, 1984.

Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to appear before the Committee should indicate this is a letter to the Chief Memorial Affairs Director (40) at 810 Vermont Avenue, NW., Washington, D.C. 20420. In any such letters, the writers must fully identify themselves and state the organization or association or person they represent. Also, to the extent practicable, letters should indicate the subject matter they want to discuss. Oral presentations should be limited to 10 minutes in duration. Those wishing to file written statements to be submitted to the Committee must also mail, or otherwise deliver, them to the Chief Memorial Affairs Director. Letters and written statements as discussed above must be mailed or delivered in time to reach Chief Memorial Affairs Director by 12 noon, EDT September 14, 1984. Oral statements will be heard only between 9 and 10 a.m. on September 22, 1984.

Dated: August 13, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.
[FR Doc. 84–22099 Filed 8–20–84; 8:45 am]
BILLING CODE 8320–01–M

Advisory Committee on Women Veterans; Meeting

The Veterans Administration gives notices under Pub. L. 92–463 that a meeting of the Advisory Committee on Women Veterans will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. on September 24 through 26, 1984. The purpose of the Advisory Committee on Women Veterans is to advise the Administrator regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach and other programs administered by the Veterans Administration; and the activities of the Veterans Administration designed to meet such needs. The Committee will make recommendations to the Administrator regarding such activities.

The session will convene at 8:30 a.m. all three days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Brandau, Program Assistant, Office of the Administrator, Veterans Administration Central Office (phone 202/389–5518) prior to September 18, 1984.

Dated: August 14, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.
[FR Doc. 84–22095 Filed 8–20–84; 8:45 am]
BILLING CODE 8320–01–M

Advisory Committee on Women Veterans; Availability of Annual Report

Notice is hereby given that the Annual Report of the Veterans Administration Advisory Committee on Women Veterans for 1984 has been issued.

The report summarizes the activities of the Committee since its establishment in April 1983, areas of concern to the Committee, and recommendations for future action. The report is available for public inspection at two locations:

Library of Congress, Serial and Government, Publications Reading Room, LM 133, Madison Building, Washington, DC 20540

and

Veterans Administration, Room 1013, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: August 13, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84-22096 Filed 8-20-84; 8:45 am]

BILLING CODE 8320-01-M

Special Medical Advisory Group; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Special Medical Advisory Group will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on September 11 and 12, 1984. The purpose of the Special Medical Advisory Group is to advise the Administrator and the Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery.

The session on September 11 will convene at 5 p.m. and on September 12 at 8:30 a.m. All sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Von Hudson, Program Assistant, Office of the Chief Medical Director, Veterans Administration Central Office (phone 202/389-2298) prior to September 5, 1984.

Dated: August 13, 1984.

By direction of the Administrator.

Rosa Maria Fontanez

Committee Management Officer.

[FR Doc. 84-22096 Filed 8-20-84; 8:45 am]

BILLING CODE 8320-01-M

Voluntary Service National Advisory Committee; Availability of Annual Report

Notice is hereby given that the Annual Report of the Veterans Administration Voluntary Service National Advisory Committee Annual Meeting for 1983 has been issued.

The report summarizes activities of the annual meeting which was held in Baltimore, Maryland, October 21 through 23, 1983.

It is available for public inspection at two locations:

Library of Congress, Serial and Government, Publications Reading Room, LM 133, Madison Building, Washington, DC 20540

and

Veterans Administration, Voluntary Service (135), 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: August 13, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84-22097 Filed 8-20-84; 8:45 am]

BILLING CODE 8320-01-M

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains extensions and lists the following information: (1) The Department or Staff Office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained for Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's Omb Desk Officer, Dick Eisinger, Officer of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: August 13, 1984.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extensions

1. Department of Veterans Benefits
2. Request for Determination of Reasonable Value (Used Mobile Home)
3. VA Form 26-8728
4. On occasion
5. Individuals or households; Businesses or other for-profit; Small businesses or organizations
6. 3,600 responses
7. 600 hours
8. Not applicable

1. Department of Veterans Benefits
2. Request for Changes of Program or Place of Training for Survivors' and Dependents' Educational Assistance
3. VA Form 22-5495
4. On occasion
5. Individuals or households
6. 12,500 responses
7. 4,167 hours
8. Not applicable

1. Department of Veterans Benefits
2. Request for Determination of Loan Guaranty Eligibility—Unmarried Surviving Spouse
3. VA Form 26-1817
4. On occasion
5. Individuals or households
6. 480 responses
7. 120 hours
8. Not applicable

1. Department of Veterans Benefits
2. Financial Statement
3. VA Form 26-6807
4. On occasion
5. Individuals or households
6. 40,000 responses
7. 30,000 hours
8. Not applicable

1. Department of Veterans Benefits
2. Request to Creditor Regarding Applicant's Indebtedness
3. VA Form Letter 26-250
4. On occasion
5. Individuals or households; Businesses or other for-profit; Small businesses or organizations
6. 32,000 responses
7. 5,333 hours
8. Not applicable

[FR Doc. 84-22100 Filed 8-20-84; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 163
Tuesday, August 21, 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

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-84-27]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 30831, August 1, 1984.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, August 7, 1984.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Request to Reopen Accident Investigation and Response Letter to Congresswoman Colling:* PSA/Gibbs Flite Service, Boeing 727/Cessna 172, San Diego, California, September 25, 1978.
2. *Aircraft Accident Report:* Central Airlines Flight 27, Hughes Charter Air, Gates Learjet Model 25, (N51CA) Newark International Airport, Newark, N.J., March 30, 1983, and Letters of Recommendation.
3. *Recommendation* to U.S. Department of Transportation regarding research on drug involvement in transportation operations.
4. *Marine Accident Report and Recommendations:* Collision of the U.S. Passenger Vessel M/V YANKEE and the Liberian Freighter M/V HARBEL TAPPER in Rhode Island Sound, July 2, 1983.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382-6525.

August 18, 1984.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 84-22214 Filed 8-17-84; 1:18 pm]

BILLING CODE 7533-01-M

2

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-84-28]

TIME AND DATE: 9 a.m., Thursday, August 9, 1984.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., SW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A majority of the Board determined by recorded vote that the business of the Board required holding this meeting at that this time and that no earlier announcement was possible.

1. *Railroad/Highway Accident Report*—Collision of Amtrak Train No. 88 with Tractor Lowboy Semitrailer Combination Truck, Rowland, North Carolina, August 25, 1983.
2. *Pipeline Accident Report*—Washington Gas Light Company, Herndon Gate Station Explosion and Fire, Fairfax County, Virginia, October 13, 1983; Recommendation Letters to the Washington Gas Light Company and the American Gas Association.
3. *Aircraft Accident Report*—Ground Collision, Korean Air Lines Flight 084 with SouthCentral Air Flight 59, Anchorage International Airport, Alaska, December 23, 1983.
4. *Recommendations* to the Federal Aviation Administration regarding the Design, Placement, and Inspection of Runway and Taxiway Signs, and Training in Crew Coordination in Ground Operations.
5. *Recommendation* Regarding Loss of Electrical Power in Twin Engine Airplanes Due to Alternator Failures.
6. *Letter* to the FAA regarding Wood Deterioration and Decay in Mooney Airplane Models M-20 and H-20A.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382-6525.

August 18, 1984.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 84-22215 Filed 8-17-84; 1:18 pm]

BILLING CODE 7533-01-M

3

PAROLE COMMISSION

Public Announcement

Pursuant to The Government in The Sunshine Act Pub. L. 84-409 (5 U.S.C. Section 552b).

AGENCY HOLDING MEETING: U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: Friday, August 17, 1984—10:00 a.m.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately one case in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: August 16, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84-22256 Filed 8-17-84; 2:34 pm]

BILLING CODE 4410-01-M

federal register

Tuesday
August 21, 1984

Part II

Small Business Administration

13 CFR Part 123
Disaster Loans; Proposed Rule

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

Disaster Loans

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: Title III of Pub. L. 98–270, approved April 18, 1984 (98 Stat. 157) the Omnibus Budget Reconciliation Act of 1984, has made significant changes in SBA's disaster assistance program. Changes affecting the physical disaster programs have been previously published as "interim final" rules. This notice of proposed rulemaking would create a new Subpart D to Part 123, to implement another aspect of the cited statute, which is designed to alleviate substantial economic injury to a small concern, caused by direct action of the Federal Government, or as a consequence of Federal Government action or to meet requirements imposed on such concern under any Federal law, or any State law enacted in conformity therewith, or any regulation or order of a duly authorized Federal, State, regional, or local agency issued in conformity with such Federal law. This Subpart D, when promulgated, will replace the prior regulation, 13 CFR 123.43 (1984 ed.).

DATE: Comments must be received on or before September 20, 1984.

ADDRESS: Written comments should be submitted to the Deputy Associate Administrator for Disaster Assistance, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. Telephone: (202) 653–6879.

SUPPLEMENTARY INFORMATION: The new statute activiates the previously dormant Federal Government Action program authorized by section 7(b)(3) of the Small Business Act. By providing $100,000,000 aggregate funding for this program for each of the fiscal years 1984, 1985 and 1986, and also for another program designed to alleviate substantial economic injury caused to small concerns by the fluctuation of the Mexican peso (Subpart E). The new statutory provisions also expand SBA's authority over economic injury to include the impact of the 1983 Payment-in-Kind Land Diversion program, or any successor Payment-in-Kind program with a similar impact on the small business community as a consequence of Federal Government Action. The program is limited, by statute, to eligible small concerns (those meeting the size standards of Part 121 of SBA's regulations, as of the time the injury commenced) which are unable to obtain credit elsewhere. The determination of credit availability is made by SBA on the basis of profitability, cash flow, available assets and similar financial analysis. As explained below, it is necessary to limit eligibility to small concerns located within the area of extraordinary, sudden and temporary economic dislocation sepecified in the respective designation) §§ 123.50 and 123.51).

Such designation shall be made upon the request of the Governor of a State in which the impacted political subdivision(s) is (are) located, citing the specific alleged injury, and certifying that at least 25 small concerns within such subdivision have been injured and are in need of financial assistance (§ 123.51(d)). The alleged injury must proximately result from direct action of the Federal Government, as a consequence thereof, or from requirements imposed under any Federal law, any State law enacted in conformity with such law, or any regulation or order issued by a competent governmental unit in conformity with such law (§ 123.51(a)). Under this program, without Federal assistance, the small concern must be found to be unable to market a product or otherwise suffer substantial economic injury, defined as either a 40% drop in profits or a 40% increase in costs (§ 123.52). The Federal action must have been taken after October 1, 1983, except that an alleged injury due to the 1983 Payment-in-Kind land diversion program is not so limited (123.51 (b) and (c)). Most types of small businesses are eligible (§ 123.53). Loan proceeds may be used only to alleviate the economic injury, in accordance with the loan authorization. (§ 123.53(c)). Loan amounts can not exceed $500.000, and interest can not exceed 8 percent (§ 123.53 (e) and (f)).

This subpart will not have an economic impact greater than $100,000,000 because of the Congressional mandate not to exceed that amount for loans under sections 7(b)(3) and 7(b)(4) of the Small Business Act.

To keep the combined effect of these sections to $100,000,000 it is necessary to limit the Federal actions that could give rise to economic injury covered by this section or to provide for such loans only in locations where the impact of the Federal action is so substantial as to warrant the Federal Government action of subsidized loans. The statute (section 7(b)(3)) encompasses the entire gamut of Federal, state or local action and does not provide a basis for narrowing or restricting its scope. Nor does the legislative history provide any means for constricting the apparently all-pervasive language of the section. Accordingly, in the exercise of administrative discretion, and in order to comply with the statutory mandate, this subpart is based on measuring the impact of the purported Federal action. The requirement for an Administrator's designation conforms with the current practice for all disaster loan programs and is in accord with the statutory procedure set forth in section 7(b)(4), the other non-physical economic injury program.

The number of businesses affected was set at 25 to conform with the existing definition of substantial impact. It is the substantial impact of an economic injury which, as such, requires and justifies the use of Federal resources and subsidized loans.

The requirement that either 20 percent or more of the available farming acreage, or 50,000 or more acres, in a county must have been diverted from production by the 1983 Payment-in-Kind (PIK) program is necessary to show that the substantial economic injury was caused by PIK rather than by other factors. If necessary due to overall funding limitations, funding priorities will be based on the order in which the applications are received by SBA.

This subpart recognizes that substantial economic injury can take the form of either a reduction in profits or an increase in costs. It also recognizes that substantial injury may be incurred and financial assistance may be needed even though the full effect of the injury has not yet been incurred.

Other matters, such as designation procedures, eligibility of applicants, ineligible losses, use of proceeds, use of other assets, etc., are consistent with SBA's administration of all economic injury programs as modified by the specific mandates of section 7(b)(3).

Regulatory Impact: This proposed regulation is not a major rule for purposes of E.O. 12291. However, for purposes of the Regulatory Flexibility Act, (5 U.S.C. 601 et seq.) it will have a significant economic impact on a substantial number of small entities if promulgated in final form. For purposes of section 603 of that Act the following information is offered:

1. The reasons why this proposal is being considered, its objectives and legal basis have been indicated above.

2. The proposal will apply to small businesses which apply for assistance

pursuant to section 7(b)(3) of the Small Business Act.

3. There are no new reporting or recordkeeping requirements specifically inherent in this proposal. However, applicants will be required to substantiate the requests for assistance.

4. There are no Federal rules which duplicate, conflict, or overlap this proposal.

5. There are no significant alternatives to SBA's proposal. In each instance in which SBA has provided a substantive requirement in the proposal, it was due to a specific statutory requirement (§§ 123.50 and 123.51 (a) and (c)) or is consistent with the implementation of SBA's other economic injury loan program procedures which have proven to be administratively sound and equitable based upon extensive administrative experience. (§§ 123.51(d), 123.52, and 123.53).

This rule is intended, as mentioned above, to implement certain provisions of Pub. L. 98–270. As such, it will permit the dispensing of up to $100 million in disaster assistance, and provide for the orderly administration of the terms and conditions of such dispensation to qualified recipients. There are no monetary costs or adverse effects inherent in this rule.

The approval number of reporting and recordkeeping requirements under the Paperwork Reduction Act is noted in the text of the regulation.

List of Subjects in 13 CFR Part 123

Disaster assistance. Loan programs/business, Small businesses.

Accordingly, pursuant to §§ 5(b)(6) and 7(b)(3) of the Small Business Act, 15 U.S.C. 634 and 636, SBA proposes to add a new Subpart D to Part 123 as follows:

SUBPART D—FEDERAL ACTION LOANS

Authority: Sections 5(b)(6) and 7(b)(3) Small Business Act, 15 U.S.C. 634 and 636; Pub. L. 98–270, Title III.

§ 123.50 Introduction.

This subpart applies to loans made for substantial economic injury caused by, or as a direct or indirect consequence of, action of the Federal Government (as defined herein). These loans are available only for small concerns meeting the size standards of Part 121 of this Chapter as of the time (stated in the relevant designation) when such substantial economic injury commenced, which are located within the designated area, and which are unable to obtain Credit Elsewhere (as defined in § 123.3). For additional eligibility criteria see § 123.53(a) of this Part.

§ 123.51 Designation.

Whenever the Administration determines it to be necessary or appropriate to assist small business concerns to remain in business or to effect additions to alterations in, or reestablishment in the same or a new location of a plant or facilities, or to adopt methods of operation, made necessary by actions of the Federal Government, which Federal action causes extraordinary, sudden and temporary dislocation in a county or other smaller political subdivision of a State, to at least 25 small business concerns within such subdivision, the Administration shall designate such subdivision as an area of economic injury if the conditions of paragraphs (a), (b) and (d) or paragraphs (b), (c) and (d) are satisfied.

(a) *Injury.* The injury results:

(i) From direct action of the Federal government, or

(ii) As a consequence of Federal action, or

(iii) From requirements or restrictions imposed on such concerns under any Federal law, any State law enacted in conformity with such law, or any regulation or order of a Federal, State, regional or local agency issued in conformity with such Federal law. Eligibility does not include injury alleged to result from the payment of any tax or civil or criminal fine or penalty.

(b) *Condition of business.* Without assistance under this program the small business concern is likely to be nable to market a product, or is likely to suffer substantial economic injury (as defined in § 123.52 of this Part). For purposes of this subpart, such injury shall result directly (proximately) from an affirmative formal, and final action taken by a recognized governmental unit as set forth in paragraph (a) of this section, on or after October 1, 1983, other than the action described in paragraph (c) of this section.

(c) *PIK.* The injury results from the 1983 Payment-in-Kind Land Diversion (PIK) program (7 CFR Part 770) or a subsequent PIK program within its specific limitations (such as limitations to, and payment in, certain commodities, and dollar ceiling amounts): *Provided, however,* That the small business concern has been directly impacted by such program. No designation for PIK-related economic injury shall be issued unless: (1) at least 20% or more of the available farming acreage in the county has been diverted from production by reason of such PIK program, or (2) 50,000 or more acres in the county have been diverted from production by reason of such PIK program. In making such determinations, SBA will rely on data supplied to SBA by the U.S. Department of Agriculture.

(d) *Request by Governor.* The Governor of a State in which the impacted political subdivision is located, shall request such designation, citing the specific action alleged to be the cause of the injury, and certifying that (1) at least 25 small business concerns located in a county or other smaller political subdivision of the State have directly suffered substantial economic injury, and (2) these 25 or more small businesses are in need of financial assistance which is not otherwise available on reasonable terms. The request, together with supporting documentation, shall be sent by the Governor to the SBA Regional Office serving the State, within 6 months after the action which has caused the injury or 60 days from the effective date of this regulation, whichever is later. The Adminstrator may extend the filing time for the request where the injury could not reasonably be ascertained within the permitted time. The Regional Office will forward the request and documentation to the appropriate Disaster Area Office where the request will be evaluated and forwarded with a recommendation to SBA's Central Office. The Administrator will take final action and, if the request is approved, publish a notice of designation in the **Federal Register.** The designation shall also state the date when such Federal action commenced.

(The information collection requirements contained in paragraph (d) were approved by the Office of Management and Budget under control number 3245–0121.)

§ 123.52 Substantial economic injury.

For purposes of this subpart substantial economic injury occurs when, at least one of the following exists:

(a) *Decrease in Profit.* A decrease of at least 40 percent in profit from operations or cash position (as a result of aging of receivables or similar accounts) over a period of at least 6 months subsequent to the claimed injury as compared with a similar period for the fiscal year preceding that in which the claimed injury occurred, and which is directly attributable to such injury and results in the inability of the small business to meet its obligations as they mature and to pay ordinary and necessary operating expenses.

(b) *Increase in Operating costs.* An increase in operating costs of at least 40

percent over a period of at least 6 months subsequent to the claimed injury as compared with a similar period in the preceding fiscal year, also attributable to the injury and with the result as described in the preceding paragraph.

(c) *Other.* A reasonable expectation of paragraphs (a) or (b) of this section.

§ 123.53 Loan Conditions.

(a) *Eligibility of applicants.* Applicants otherwise eligible under § 123.50 shall be able to demonstrate that their substantial economic injury is directly (proximately) due to the cause stated in the designation. Small concerns regardless of their business activity are eligible to apply for these loans, except for multilevel sales distribution plans of the "pyramid" type (see § 120.2(d)(12) of this Chapter), media of any description (see § 120.2(d)(4)), gambling (see § 120.2(d)(5)), financing (see § 120.2(d)(6)), speculative ventures (e.g., mineral exploration) (see § 120.2(d)(2)), rental property (see § 120.2(d)(7)), and illegal activities (see § 120.2(d)(9)). All non-profit groups are ineligible. Consumer and marketing cooperatives are ineligible. Other cooperatives are eligible under this Subpart only if each of the owners would itself qualify as a small business concern.

(b) *Ineligible loss.* If a small concern was established or has undergone a substantial change of ownership (more than 50%) after the impending economic injury became apparent and no contract of sale existed at the time, the owner shall be deemed to have assumed that risk and not to have incurred an economic injury. Loss of anticipated profits or a drop in sales which is not injury-related, is not considered an economic injury. The applicant must provide, to the satisfaction of SBA, evidence of loss or injury and of the cause thereof.

(c) *Use of Proceeds.* (1) Proceeds of loans under this section may be used for:

(i) alleviation of the problem caused by the Federal action (e.g., change in location or method of operation);

(ii) working capital necessary to carry the concern until resumption of normal operations, including debt service and operating costs, but not to exceed that which the business could provide had such economic injury not occurred; and

(iii) upgrading, if required to meet building code requirements.

(2) Proceeds of a loan under this section may not be used for the payment of dividends or other disbursements to owners, partners, officers or stockholders unless they constitute reasoanble remuneration and are directly related to their performance of services; to refund existing indebtedness incurred prior to, or not as a result of, the event which gave rise to the issuance of the designation; nor to reduce loans provided, guaranteed or insured by another Federal agency or a small business investment company licensed under the Small Business Investment Act. No part of the proceeds of any loan under this subpart shall be used, directly or indirectly, to pay any obligations resulting from a Federal, state or local tax, criminal fine or penalty, or any civil fine or penalty for non-compliance with a law, regulation or order of a Federal, state, regional, or local agency or similar matter. Each borrower shall use the loan proceeds for the purposes set forth in the loan authorization. Any loan recipient who wrongfully applies loan proceeds shall be civilly liable to SBA in an amount equal to one and one-half times the original amount of the loan (Pub. L. 92-385, approved August 16, 1972; 86 Stat. 554).

(d) *Use of other assets.* Applicants must use personal and business assets to the greatest extent possible without incurring undue personal hardship, before disbursement of funds under this subpart.

(e) *Loan Amount.* No loan under this subpart shall exceed $500,000, and the amount of such loan shall be based solely on a determination made on each application.

(f) *Interest.* Loans under this section shall bear interest at a rate not to exceed eight percent.

(g) *Other requirements.* For application requirements see § 123.7; for record keeping requirements § 123.18; for terms lof loans, see § 123.9(a); for types of loans, see § 123.4; for service fees, see § 123.6 of this Part.

(The information collection requirements contained in paragraphs (a) and (b) were approved by the Office of Management and Budget under control number 3245-0017.)

(Catalog of Federal Domestic Assistance No. 59001 Displaced Business Loans)

Dated: July 18, 1984.

James C. Sanders,

Administrator.

[FR. Doc. 84-22150 Filed 8-20-84; 8:45 am]

BILLING CODE 8025-01-M

Reader Aids

Federal Register

Vol. 49, No. 163

Tuesday, August 21, 1984

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-2867
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, AUGUST

30679-30910.....1
30911-31050.....2
31051-31254.....3
31255-31388.....6
31389-31658.....7
31659-31844.....8
31845-32052.....9
32053-32170.....10
32171-32322.....13
32323-32532.....14
32533-32734.....15
32735-32838.....16
32839-33000.....17
33001-33108.....20
33109-33200.....21

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:

December 12, 1917 (Amended by PLO 6562).....32068

Proclamations:

5227.....33109
5228.....33111
5229.....33113

5 CFR

Ch. XIV.....31051
734.....33115
735.....33115
737.....33115
950.....32735

Proposed Rules:

1201.....32072

7 CFR

254.....32753
278.....32533
279.....32533
301.....32325, 32533
354.....32331
724.....33118
726.....31052
800.....30911
908.....31389, 32336, 33119
910.....31054, 31255, 32171, 32854
911.....32323
915.....32323
916.....32323
917.....32323
918.....32323
921.....31255, 32323
922.....32323
923.....32323
924.....32323
925.....32323
926.....32839
928.....32323
930.....31389
944.....32839
945.....32323
946.....32323, 32539
947.....32323
948.....32323
953.....32323
958.....31257, 32323
967.....32323
982.....32323
985.....32323
993.....32323
1030.....32336
1036.....32053
1139.....32054
1207.....31390
1980.....31258

Proposed Rules:

Ch. IV.....30963
1.....31292
2.....30911
52.....32855
301.....32207
319.....32207
402.....31696
403.....31696
404.....31696
408.....31696
409.....31696
410.....31696
411.....31696
413.....31696
414.....31696
415.....31696
416.....31696
417.....31696
418.....31696
419.....31696
420.....31696
421.....31696
422.....31696
423.....31696
424.....31696
425.....31696
427.....31696
428.....31696
429.....31696
430.....31696
431.....31696
432.....31696
433.....31696
434.....31696
435.....31696
436.....31696
437.....31696
438.....31696
439.....31696
440.....31696
441.....31696
442.....30964, 31696
443.....31696
444.....31696
445.....31696
446.....31696
447.....31696
448.....32363
800.....32074
810.....31432, 31697, 32077
907.....32080
908.....32080
917.....32367
929.....32771
981.....32856
993.....32368
1004.....32213
1006.....30720, 31072
1007.....31072
1011.....31072
1012.....30720, 31072
1013.....31072
1046.....31072
1076.....30964

1079.....32598
1093.....31072
1094.....31072
1096.....31072
1097.....31072
1098.....31072
1099.....31072
1102.....31072
1108.....31072

8 CFR

100.....31054, 31845
205.....30679
238.....31258

Proposed Rules:

239.....31293

9 CFR

72.....32539
73.....33120
78.....31659
81.....31055
92.....32840
201.....32842, 33001
203.....32842, 33001
318.....32055
381.....32055

Proposed Rules:

72.....33134
73.....32598, 33134
307.....33135
350.....33135
351.....33135
354.....33135
355.....33135
362.....33135
381.....33135

10 CFR

9.....31259
25.....32171
600.....31390

Proposed Rules:

Ch. I.....32599
50.....30726, 31432, 32369
55.....31700
73.....30726, 30735, 30738
430.....32944
1017.....31236

12 CFR

7.....30920
552.....32340
563b.....32340
701.....30679, 30682, 30683, 32540

Proposed Rules:

571.....33137
591.....32081
602.....31293
721.....30739
741.....30740
746.....30740

13 CFR

102.....31660
122.....32845
123.....32310

Proposed Rules:

123.....32530, 33198
129.....31899

14 CFR

39.....31057-31059, 31660, 31661, 33005
71.....30688, 31060, 31259, 31664, 32540, 33006, 33007
97.....30923
255.....32540
389.....32564

Proposed Rules:

23.....32300
25.....31830
39.....30965, 31074, 31295, 31433, 31702, 31703, 32083
71.....31075-31077, 31298, 31434, 32369, 32370, 33024
73.....31435
93.....33082
121.....31298, 32306, 32599, 33025
152.....31078
221.....30742
223.....30746
250.....30742
255.....30742, 31439
298.....30742
399.....32599

15 CFR

0.....32056

16 CFR

13.....31845, 32757
305.....31061
1500.....32564
1700.....32565

Proposed Rules:

13.....30967, 31440, 31901, 31903, 32213
454.....32857
460.....31906
1205.....31908

17 CFR

229.....32762
239.....32058
240.....31846
249.....31846
270.....31062, 31064, 32058
274.....32058

Proposed Rules:

1.....31442
240.....31300
249.....32370
270.....32370
274.....32370

18 CFR

11.....32568
34.....32496
41.....32496
101.....32496
104.....32496
116.....32496
141.....32496
154.....31259, 32172, 32496, 32764
158.....32496
159.....32496
201.....32496
204.....32496
216.....32496
260.....32496
389.....32172, 32496, 32568

Proposed Rules:

Ch. I.....31705
271.....32857

19 CFR

4.....32846
6.....31248
12.....31248
18.....31248
19.....31248
141.....31248
143.....31248
144.....31248
146.....31248
151.....31850
201.....32569
204.....32569
207.....32569

20 CFR

626.....31664
627.....31664
628.....31664
629.....31664
630.....31664

Proposed Rules:

632.....33141

21 CFR

14.....30688
16.....32172
74.....31852
81.....30925, 30926, 31852
82.....31852
105.....32173
178.....30689, 32344
184.....32060
193.....30702, 31666
510.....31065
522.....32061
558.....30927, 31065, 31280, 31281, 32061, 32345, 32346
561.....31667
680.....31394
1240.....31065
1308.....32062, 32064
1316.....32174

Proposed Rules:

101.....31301, 32216
105.....32218
510.....31444
544.....33025
546.....33025
555.....33025
801.....32402
1308.....30748

23 CFR

16.....32572
630.....33008

Proposed Rules:

630.....31079

24 CFR

17.....32346
40.....31620
52.....32174
105.....32042
111.....32042
115.....32042, 32049
200.....31853-31857
207.....32174
251.....32016
255.....32174
290.....31858
570.....31069
811.....32174
850.....32174
880.....31281, 31395
881.....31281, 31395
882.....31858
883.....31281, 31395
884.....31281, 31395
886.....31281, 31285,
965.....31399
968.....31860
1700.....31366
1710.....31366, 31372
1730.....31366
3280.....31996, 32847

Proposed Rules:

203.....31444
570.....31446
3282.....32219

25 CFR

Proposed Rules:

151.....32859

26 CFR

1.....32175
301.....32712

Proposed Rules:

1.....30971, 31080, 31086, 33144, 33145
5.....31080
20.....33144
25.....33144
53.....33145
301.....32728, 33145

27 CFR

4.....31667
5.....31667
7.....31667

Proposed Rules:

9.....32223

28 CFR

0.....32065
541.....32990

Proposed Rules:

540.....32995
544.....32995
550.....32995
570.....32995

29 CFR

1601.....31410
1621.....31411
1949.....32065
1952.....31676, 33120, 33123
2619.....32573

30 CFR

870.....31412
931.....30689
935.....31676
946.....30927

Proposed Rules:

55.....33087
56.....33087
57.....33087
913.....31448
935.....31912, 32403, 32404
936.....32772
938.....31913
942.....32860
943.....30972
950.....30973

31 CFR
210 32066
Proposed Rules:
103 32861
210 31450
223 31454

32 CFR
58 31862
65 31862
83 31864
224 31865
2003 31412
Proposed Rules:
155 31455

33 CFR
100 ..... 30930–30932, 31286, 31866, 32175–32176
110 31287
117 ..... 30933, 31867, 33014
147 33014
165 ..... 31286, 32177, 32178, 33016
167 32847
401 30934
Proposed Rules:
72 32228
100 ..... 30974, 30975, 31459
117 ..... 30976, 30977
165 30978

34 CFR
7 31679
8 31679
10 31679
21 31868
64 32847
67 31679
222 31628
301 32355
621 31679
Proposed Rules:
200 31914
204 31918

35 CFR
251 31070

36 CFR
264 31413
Proposed Rules:
9 31086

37 CFR
201 33016
Proposed Rules:
2 ..... 30749, 31460

38 CFR
1 32848
2 30691
14 32848
18 32574
36 32765
Proposed Rules:
1 30979
3 32863
17 32864

39 CFR
10 33017
262 30693
Proposed Rules:
10 33025
265 32600

40 CFR
Ch. I 31680
52 ..... 30694, 30695, 30696, 30694, 30936, 31413–31416, 31683–31687, 32180–32184, 32574–32577, 33126, 33127
60 32848
65 33128
81 ..... 30697, 30698, 31689, 33018
86 32580
87 31873
122 31840
123 31840
147 ..... 30698, 31875
152 ..... 30884, 30909
162 30884
180 ..... 30699, 30700, 30701, 31690–31694
260 32766
271 ..... 31417, 33018
403 31212
704 32067
761 33019
Proposed Rules:
Ch. I 31706
50 31923
52 ..... 31086, 32601, 32865, 32866
60 ..... 32867, 32987
80 31032
81 ..... 31091, 31093, 32868
122 31843
124 31462
125 31462
170 32605
180 ..... 30751, 31716, 32085–32088
270 31094
271 31301
421 33026
455 30752
763 31302
773 31302

41 CFR
101–19 31625
Proposed Rules:
101–11 31302

42 CFR
57 ..... 30702, 32848
124 33019

43 CFR
2880 31208
Public Land Orders:
6428 (Corrected by PLO 6561) 32068
6558 31695
6559 31876
6560 32068
6561 32068
6562 32068
Proposed Rules:
1880 31473
2650 31475
2880 31094
3110 32609

44 CFR
64 ..... 30708, 32190, 32848
Proposed Rules:
67 31095

45 CFR
801 33022
1622 30939

46 CFR
61 32192
63 32192
Proposed Rules:
7 32229
67 32773

47 CFR
Ch. I 30710
1 30943
2 ..... 32194, 32769
73 ..... 30712, 30946, 31288, 31289, 31877, 32201–32204, 32357–32359, 32581, 32586, 33129–33131
74 ..... 32581, 32590
81 32194
83 ..... 32069, 32194
87 32194
90 ..... 32194, 32769
97 ..... 32194, 32769, 32850
Proposed Rules:
Ch. I 31115, 31926, 32405, 32869, 32871
22 ..... 31115, 31716
69 31118
73 ..... 30752–30760, 31115, 31119, 31303–31307, 31719–31731, 32237, 32410, 32619, 32876, 33148
74 32610
76 32619
81 ..... 31115, 31734
83 ..... 31734, 31736
87 31734
90 31115

48 CFR
Ch. 5 32360
513 32204
713 31898
Proposed Rules:
504 32411

49 CFR
1 31290
575 32069
831 32852
845 32852
1011 31070
1115 31070
1160 31070
Proposed Rules:
Ch. X 32412
172 32090
173 32090
174 32090
178 32774
393 30980
571 ..... 31740, 32412, 32413
575 32238
1039 33026

50 CFR
10 31290
17 31418
20 31421
250 31657
285 ..... 30713, 33132
630 32205
638 31427
652 ..... 30946, 31430
654 30713
658 30713
661 ..... 30948, 31430, 32205, 32362, 32596
662 31291
663 ..... 30948, 31431
674 ..... 30951, 32853
Proposed Rules:
17 ..... 31112, 32320, 32321
20 33090
32 33027
33 33027
611 32242
651 31307
652 32413
661 32414
663 32242
676 33033

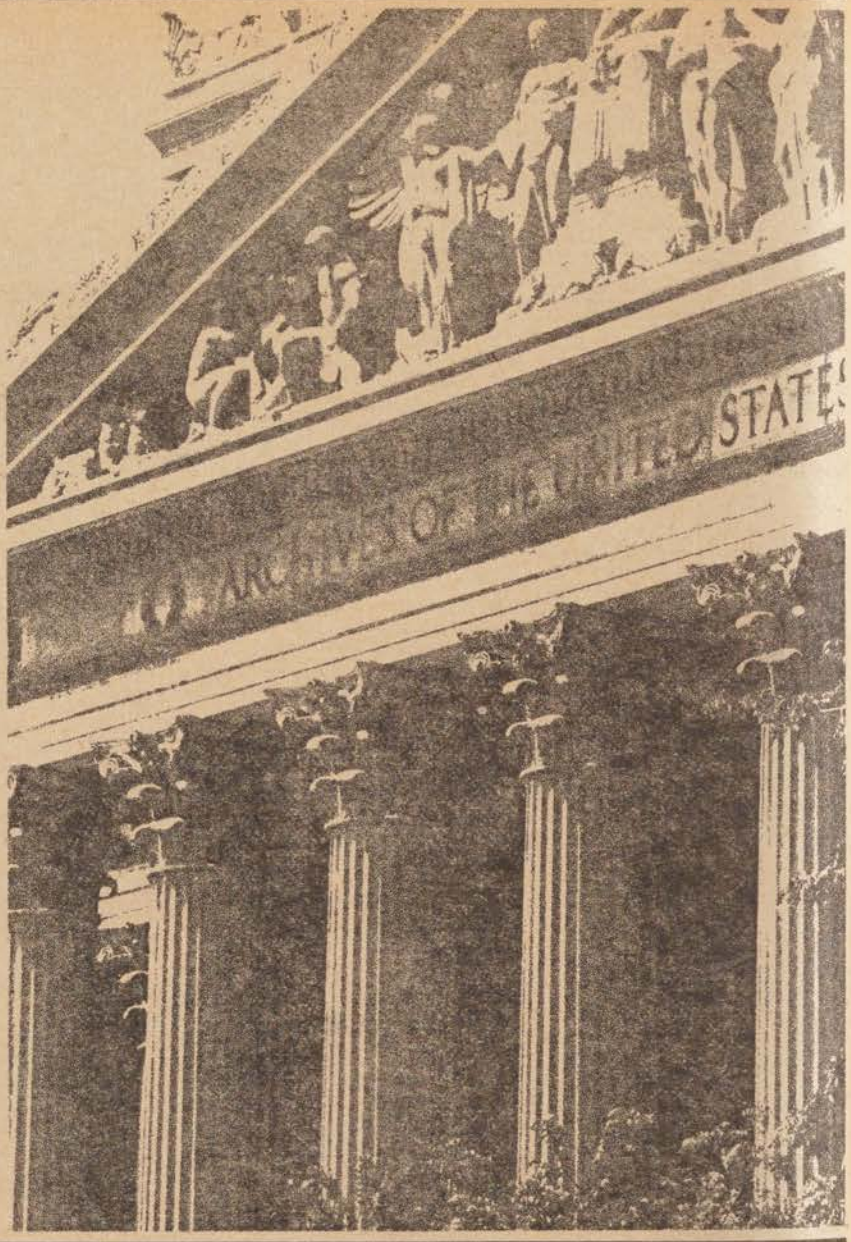
LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List Aug. 20, 1984.

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected),* the *Federal Register Index,* or both.



LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.
$20.00 per year

Federal Register Index

The Index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.
$18.00 per year

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers:
FR Indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____

Customer's Telephone No's
Area Code Home Area Code Office

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Charge orders may be telephoned to GPO order desk at (202)783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Please enter the subscription(s) I have indicated:

____ **LSA**
List of CFR Sections Affected
$20.00 a year domestic;
$25.00 foreign

____ **Federal Register Index**
$18.00 a year domestic
$22.50 foreign

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

For Office Use Only

Quantity	Charges
_____ Publications	
_____ Subscription	
Special Shipping Charges	
International Handling	
Special Charges	
OPNR	
_____ UPNS	
_____ Balance Due	
_____ Discount	
_____ Refund	

882