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Federal Register

Thursday
October 4, 1984

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Coast Guard

Cable Television
Copyright Office, Library of Congress

Copyright
Copyright Office, Library of Congress

Dairy Products
Agricultural Marketing Service

Disaster Assistance
Small Business Administration

Endangered and Threatened Species
Fish and Wildlife Service

Exports
International Trade Administration

Federal Buildings and Facilities
National Institutes of Health

Fisheries
National Oceanic and Atmospheric Administration

Government Employees
Indian Affairs Bureau

Hazardous Materials Transportation
Research and Special Programs Administration

Hazardous Waste
Environmental Protection Agency

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Commodity Credit Corporation

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Agricultural Marketing Service

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Coast Guard

Radiation Protection
Nuclear Regulatory Commission

Railroads
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Amdt. No. 3]

Tomatoes Grown in Florida; Interim Amendment No. 3 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to rule.

SUMMARY: This interim regulation requires that tomatoes shipped from the regulated area be packed at permanent nonportable facilities. This should help to maintain quality standards and result in fewer order violations by eliminating field-packed tomatoes.

DATE: Interim rule effective October 10, 1984; comments received by November 9, 1984, will be considered prior to issuance of a final regulation.

ADDRESSES: Comments should be sent to Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–5764.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) 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.

Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966) regulate the handling of tomatoes grown in designated counties of Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Tomato Committee, established under the order, is responsible for its local administration.

Because requirements under this program have changed infrequently, in September 1982 the committee recommended, and the Secretary approved, a regulation which continues in effect from marketing season to marketing season unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary.

At its annual meeting at Marco Island on September 7, 1984, the committee recommended the regulation be continued but with three changes. These changes specify that tomatoes must be packed with proper equipment and at the registered handler's facilities. Also, a new definition for "adequate facilities" is added.

For a number of years many handlers have packed tomatoes in the field or in primitive sheds without the benefit of the kind of grading and sizing equipment used by the larger packing houses. These smaller, transient handlers glean from the tomato fields whatever the regular harvesting crews miss or pass by. They are sometimes local residents who often salvage those tomatoes too ripe to ship any great distance and offer them in local, nearby markets within the regulated area. More often, however, they are itinerant handlers from adjoining or nearby States who buy from the producer a field of tomatoes previously harvested and pack the salvageable fruit in whatever containers are available.

Handlers who pack and distribute their tomatoes solely within the regulated area are neither required to register with the Florida Tomato Committee nor to have their tomatoes inspected. Handling regulation § 966.323 specifically requires that only tomatoes for shipment outside the regulated area must meet the grade, size, container and inspection requirements unless exempted.

The order specifies in § 966.60 that handlers register with the Florida Tomato Committee upon applying for inspection. Once this is done the handler is then a registered handler as defined in § 966.113. Since all tomatoes leaving the regulated area must be inspected, and since a handler must register with the committee in order to secure inspection, all handlers of tomatoes leaving the area are required to be registered handlers.

The current handling regulation § 966.323 requires only that a registered handler have the tomatoes inspected and certified prior to being shipped out of the regulated area. This amends § 966.323 to require that in addition to inspection, all regulated tomatoes be packed at the facilities of a registered handler and further that the "adequate facilities" set forth in § 966.113 be defined as those being in a permanent location using nonportable equipment. The effect of this rule will be that henceforth all tomatoes shipped from the regulated area must be packed in a packing house or facility or a permanent nonportable nature. This will eliminate field packing operations for all but those tomatoes marketed locally within the area.

It is the belief of the committee that requiring standardized packing facilities should help reduce marketing order violations in the form of interstate movement of off-size, off-grade or uninspected tomatoes.

Findings

After consideration of all relevant matters including the proposal recommended by the Florida Tomato Committee, it is hereby found and determined that the amendment, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553) and good cause exists for making these regulatory provisions effective as specified in that (1) shipments of the 1984–85 crop tomatoes grown in the production area are expected to begin on or about the effective date herein and

this regulation should be applicable to all shipments during the season; (2) the regulation was recommended by the committee following discussion at an open meeting; and (3) information regarding these requirements and the effective date has been disseminated among growers and handlers in the production area.

This interim regulation is effective during the period October 10, 1984, through December 31, 1984. It is hereby proposed that a final regulation, with requirements the same as those specified herein, be effective from January 1, 1985, through June 15, 1985. Interested persons may comment on this proposal through November 9, 1984. All comments received will be considered prior to issuance of a final regulation.

List of Subjects in 7 CFR Part 966

Marketing agreements and orders, Tomatoes, Florida.

PART 966—[AMENDED]

Section 966.323 (47 FR 58213, 48 FR 26757 and 48 FR 52027) is hereby further amended by revising paragraphs (a)(2)(i), (a)(3)(ii), and (e) to read as follows:

§ 966.323 Handling regulation.

* * * * *

(a) *Grade, size, container and inspection requirements.*

* * * * *

(2) *Size.* (i) Tomatoes shall be at least $2\frac{5}{32}$ inches in diameter and be sized with proper equipment in one or more of the following ranges of diameters. Measurements of diameters shall be in accordance with the methods prescribed in § 51.1859 of the U.S. Standards for Grades of Fresh Tomatoes.

* * * * *

(3) *Containers.* * * *

(ii) Each container or lid shall be marked to indicate the designated net weight and must show the name and address of the registered handler (as defined in § 966.7) in letters at least one-fourth (¼) inch high, and such containers must be packed at the registered handler's facilities.

* * * * *

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regarding, resorting and repacking tomatoes into consumer size packages and has been certified as such by the committee. "Adequate facilities" as referred to in the definition of registered handler in §§ 966.7 and 966.113 are defined as those being in a permanent location with nonportable equipment for the proper grading, sizing and packing of tomatoes. * * *

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

Dated: September 28, 1984.

Thomas R. Clark,

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

[FR Doc. 84–26379 Filed 10–3–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 373, 390 and 399

[Docket No. 40925–4125]

Foreign Policy Controls on Exports to Iran

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Export Administration (OEA) maintains controls on exports to countries that have repeatedly provided support for acts of international terrorism, including Iran. Effective September 28, 1984, OEA restricted exports to Iran of aircraft, helicopters, and certain other goods and technology destined for military end-users or for military end-uses (September 28, 1984, 49 FR 38243–38245).

This rule clarifies the recently issued restrictions and makes additional changes consistent with those restrictions. It prohibits the use of General License GLR for exports to Iran, and amends two entries on the Commodity Control List (a listing of all items subject to U.S. export controls) by adding a specific statement that a validated license is required for such exports to Iran. Also, the provisions covering special licensing procedures are amended by stating that exports to Iran are not authorized under certain procedures (Project License, Distribution License, Service Supply Procedure, and the Aircraft and Vessel Repair Station Procedure).

Finally, the General Order prohibiting the use of special licensing procedures for designated aircraft parts and accessories intended for Iranian aircraft is modified to:

(1) Clarify that the Order applies to outstanding as well as future authorizations;

(2) Defer for 15 days the effective date of the restriction on aircraft parts and accessories for regularly scheduled civilian airlines; and

(3) Preclude the use of special licensing procedures for shipments of all items to Iran.

DATES: This rule is effective October 4, 1984. Comments must be received by December 3, 1984.

ADDRESS: Written comments (six copies) should be sent to: Betty Ferrell, Exporter Services Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 283, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Services Division, Office of Export Administration, Telephone: (202) 377–3856.

SUPPLEMENTARY INFORMATION: .

Rulemaking Requirements and Invitation to Comment

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Since this regulation involves a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring a notice of proposed rulemaking, an opportunity for public participation and a delay in effective date are inapplicable.

However, because of the importance of the issues raised by these regulations, this rule is issued in interim form and comments will be considered in developing final regulations.

These regulations may be revised before the end of the comment period. Accordingly, the Department encourages interested persons who desire to comment to do so at the earliest possible time to permit the fullest consideration of their views.

2. Applicants for the validated export license required by this rule will use Form ITA–622P. This Form has been approved by the Office of Management and Budget under control number 0625–0001.

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. Because this rule is being issued with respect to a foreign affairs function, it is not subject to Executive Order No. 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

The period for submission of comments will close December 3, 1984. The Department will consider all

comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Parts 371, 373, 390 and 399

Advisory committees, Exports.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

PART 371—[AMENDED]

1. In § 371.17, the last sentence of the introductory paragraph is revised to read as follows:

§ 371.17 General License GLR; Return or Replacement of Certain Commodities.

* * * This GLR procedure applies to all destinations except Country Groups S and Z, and Iran.

* * * * *

PART 373—[AMENDED]

2. Section 373.2(b)(8) is revised to read as follows:

§ 373.2 Project License.

* * * * *

(b) * * *

(8) The project involves shipments to Libya or Iran.

* * * * *

3. Section 373.3(a)(1)(ii) is revised to read as follows:

§ 373.3 Distribution License.

* * * * *

(a) * * *

(1) * * *

(ii) All countries in Country Group V, except Afghanistan, Iran and the People's Republic of China.

* * * * *

4. Section 373.7(c)(1) is revised to read as follows:

§ 373.7 Service Supply Procedure.

* * * * *

(c) *Destinations.*

(1) *Country Groups S and Z and Iran.* No export or reexport may be made, directly or indirectly, under the provisions of section 373.7 to Country Group S or Z or Iran. Furthermore, no equipment owned or controlled by, or under lease or charter to, a country in Country Group S or Z or Iran or a national of any such country, may be serviced under the provisions of this SL procedure.

* * * * *

5. Section 373.8(a)(2) is revised to read as follows:

§ 373.8 Aircraft and Vessel Repair Station Procedure.

* * * * *

(a) * * *

(1) * * *

(2) *Foreign Importer.* As used in this section, a "Foreign Importer" is a person or firm located in any foreign country except Country Groups Q, S, W, Y, or Z, or Afghanistan or Iran, that is either—

* * * * *

Supplement No. 1—[Amended]

6. In Supplement No. 1 to Part 373, "Commodities Excluded from Certain Special Licensing Procedures," the entry reading "1460, 5460, 6460" is amended by revising the phrase "Syria, Libya, or the People's Democratic Republic of Yemen" to read "the People's Democratic Republic of Yemen, Syria, Iran or Libya."

Supplement No. 3—[Amended]

7. In Supplement No. 3 to Part 373, "Computer Consignee Destinations (List B)," the word "Iran" is removed.

PART 390—[AMENDED]

8. Section 390.6 is revised to read as follows:

§ 390.6 General Order Preventing the Use of Special Licensing Procedures for Aircraft Controlled by Iran.

Effective September 28, 1984, the special licensing procedures (including outstanding or future authorizations) described in Part 373 may not be used to provide aircraft parts and accessories (Export Control Commodity Numbers 1460, 4460, 5460, 6460, 1485, and 1501(a), (b)(1) and (c)(1)) intended for aircraft (wherever located) owned, operated, or controlled by, or under charter or lease to Iran, or any of its nationals; except that for regularly scheduled civilian airlines, such procedures may be used up to (two weeks after publication). Except as stated above, effective (publication date), such procedures (including outstanding and future authorizations) may not be used for any shipments to Iran.

PART 399—[AMENDED]

Supplement No. 1—[Amended]

9. In Supplement No. 1 to § 399.1 (the Commodity Control List), in Commodity Group 4, Transportation Equipment, ECCN 5460F is amended by revising the *Validated License Required* paragraph to read as follows:

5460F Other nonmilitary aircraft and demilitarized military aircraft valued at $3,000,000 each or more.

Controls for ECCN 5460F

* * * * *

Validated License Required: Country Groups SZ, Syria, the People's Democratic Republic of Yemen, Iran, the Republic of South Africa and Namibia.

* * * * *

10. In Supplement No. 1 to § 399.1 (the Commodity Control List), in Commodity Group 4, Transportation Equipment, ECCN 6460F is amended by revising the *Validated License Required* paragraph to read as follows:

6460F Other aircraft and helicopters.

Controls for ECCN 6460F

* * * * *

Validated License Required: Country Groups SZ, Iran, the Republic of South Africa and Namibia.

* * * * *

(Secs. 203, 206, Pub. L. 95-223, Title II, 91 Stat. 1626, 1628 (50 U.S.C. 1702, 1704), Executive Order No. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984)).

Dated: October 2, 1984.

James K. Pont,

Acting Director, Office of Export Administration, International Trade Administration.

[FR Doc. 84-26534 Filed 10-2-84; 5:03 pm]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Dkt. 9172]

David Porter; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Springfield, Missouri operator of retail grocery stores, among other things, to cease engaging in any concerted action to impede the collection or dissemination of comparative price information. For a period of five years, Mr. Porter is prohibited from requiring price checkers to purchase items to be priced as a condition of allowing them to price check; denying price checkers the same access to his stores as is provided to customers; or coercing any price checker, publisher or broadcaster to refrain from collecting or reporting comparative price information. Mr. Porter is also required, upon the resumption of price reporting by TeleCable of Springfield, to reimburse the company $250 per week for program costs up to $1,000 or for three years from the effective date of the order; and to notify consumers of the broadcast through posted signs and newspaper ads.

DATES: Complaint issued December 16, 1983; Order issued September 7, 1984.[1]

FOR FURTHER INFORMATION CONTACT: Patricia A. Bremer, P/752-4, Washington, D.C. 20580. (202) 724-1256.

SUPPLEMENTARY INFORMATION: On Monday, June 25, 1984, there was published in the **Federal Register**, 49 FR 25881, a proposed consent agreement with analysis In the Matter of David Porter, an individual, trading and doing business as Porter's So-Lo Markets, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth below in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR part 13, are as follows: Subpart—Coercing and Intimidating: § 13.365 Employees of competitors. Subpart—Combining or conspiring: § 13.384 Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.475 To restrict competition in buying. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-25 Displays in-house.

List of Subjects in 16 CFR Part 13

Grocery stores, Trade practices.

(Sec. 6, 39 Stat. 721; 15 U.S.C. 46. Interprets or applies section 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 84-26147 Filed 10-3-84; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Dkt. 9172]

Smitty's Super Markets, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Springfield, Missouri operator of retail grocery stores, among other things, to cease engaging in any concerted action to impede the collection or dissemination of comparative price information. For a period of five years, the company is prohibited from requiring price checkers to purchase items to be priced as a condition of allowing them to price check; denying price checkers the same access to its stores as is provided to customers; or coercing any price checker, publisher or broadcaster to refrain from collecting or reporting comparative price information. The company is also required to offer to reimburse TeleCable up to $1,000 for the broadcast of a comparative grocery price information program. Should the station elect to broadcast such a program, the firm is further required to post signs and place newspaper ads notifying the public that such a program is being broadcast.

DATE: Complaint issued December 16, 1983; Order issued September 7, 1984.[1]

FOR FURTHER INFORMATION CONTACT: Patricia A. Bremer, P/752-4, Washington, D.C. 20580. (202) 724-1256.

SUPPLEMENTARY INFORMATION: On Tuesday, May 29, 1984, there was published in the **Federal Register**, 49 FR 22337, a proposed consent agreement with analysis In the Matter of Smitty's Super Markets, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth below in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.365 Employees of competitors. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.475 To restrict competition in buying. Subpart—Corrective Actions and/or Requirements: § 13.533 corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-25 Displays in-house.

List of Subjects in 16 CFR Part 13

Grocery stores, Trade practices.

(Sec. 6, 39 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 84-26146 Filed 10-3-84; 8:45 am]

BILLING CODE 6750-01-M

[5] Copies of the Complaint and the Decision and Order filed with the original document.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 5

Preference in Employment

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is amending its Preference in Employment Regulations by extending the application of Indian preference to persons of the Osage Tribe of Oklahoma, who are at least one-quarter degree Indian ancestry, whose rolls were closed by an act of Congress. This is in the best interest of the individuals employed and those seeking employment, who are descendants of the Osage Tribe.

This amendment extends the expired date of July 17, 1984, for one additional year to permit the tribe to organize and to establish current membership standards. The extended period of time is necessary so as to not deny persons who received preference based on the quarter-degree standard. The quarter-degree standard will remain applicable for one year or until the Osage Tribe has formally organized and established membership standards, whichever comes first.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Pattie Fulgham, Division of Personnel Management, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone number (202) 343–9306.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Indians as defined in the Indian Reorganization Act of June 18, 1934, receive employment preference in appointments in the Bureau of Indian Affairs. The preference conferred in 25 U.S.C. 472 must be applied in the filling of every vacant position within the Bureau of Indian Affairs. *Freeman* v. *Morton*, 499F.2d 492 (D.C. Cir. 1974). The Secretary issued a final rule for the definition of an Indian on January 17, 1978, including a variance to the statute. A fifth criterion was added to apply to three of the Five Civilized Tribes of Oklahoma (Choctaw, Creek and Chickasaw Tribes) and the Osage Tribe whose rolls were closed by Acts of Congress and who had not as yet reorganized so as to establish current membership standards. Many such persons have received preference based on the one-quarter degree standard previously established by the Secretary. In order that they are not now deprived of that eligibility and made to meet the one-half degree standard, the tribes were allowed 3 years, until July 17, 1981, in which to organize. The Osage Tribe is the only remaining Tribe that has not organized.

On July 17, 1981, the Bureau of Indian Affairs published a final rule (46 FR 37044) to amend 25 CFR Part 5, Preference in Employment. Paragraph (e) of § 5.1 specifies the date of July 17, 1984, as the final date for making appointments of persons of one-quarter degree Indian ancestry. The time limit is hereby extended for one year from the date of publication of this document in the **Federal Register** to permit the Osage Tribal Council the additional time to organize and to establish current membership standards for purposes of Indian preference employment for their tribal members in the Bureau of Indian Affairs.

Osage Tribal persons, who are employed by the Bureau of Indian Affairs and who received preference in any previous appointment, will continue to be preference eligibles so long as they are continuously employed.

In accordance with 5 U.S.C. 553(a)(2), because this final rule applies to the Bureau of Indian Affairs' personnel management practices, the rulemaking requirements contained in 5 U.S.C. 553 are not applicable. This rule extends the time limit for employment with the Bureau to persons of the Osage Indian Tribe, only. Accordingly, this regulation is issued as a final rule and will become effective upon the date of the publication in the **Federal Register**.

The primary author of this document is Mercedes Lewis, Personnel Staffing Specialist, Division of Personnel Management, Bureau of Indian Affairs, telephone number (202) 343–9306.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. This rule involves potential Osage Tribal members only, who would be seeking Federal employment in the BIA. There is no other tribe affected. The Office of Management and Budget (O.M.B.) has informed us that the information collections contained in 25 CFR Part 5 need not be reviewed by them under the Paperwork Reduction Act, Pub. L. 96–511.

The Department of the Interior has determined that this document does not have a significant economic effect on a substantial number of small entities. This rule affects only persons of the Osage Tribe of Indians.

List of Subjects in 25 CFR Part 5

Employees, Government employees, Indians.

PART 5—[AMENDED]

Paragraph (e) of § 5.1 of Part 5 of Chapter I of Title 25 of the Code of Federal Regulations is hereby revised to read as follows:

§ 5.1 Definitions.

* * * * *

(e) For one (1) year or until the Osage Tribe has formally organized, whichever comes first, effective October 4, 1984, a person of at least one-quarter degree Indian ancestry of the Osage Tribe of Indians, whose rolls were closed by an act of Congress.

* * * * *

Dated: September 14, 1984.

John W. Fritz,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 84–26149 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CDG13 84–12]

Drawbridge Operation Regulations; Duwamish Waterway, WA

AGENCY: Coast Guard, DOT.

ACTION: Temporary deviation from rule.

SUMMARY: The Coast Guard is continuing and modifying the temporary regulations published in the **Federal Register** on July 26, 1984 (49 FR 30071) governing the operation of the highway drawbridge across the Duwamish West Waterway at Southwest Spokane Street and the highway drawbridge across the Duwamish Waterway at First Avenue South, both in Seattle, Washington. This change will extend closed period exemptions to include additional classes of vessels. This change is being made because information received in response to the previous temporary regulations indicated that additional classes of vessels could be exempted from closed period restrictions without significantly affecting vehicular traffic flow. Since this action will accommodate the anticipated needs of

vehicular traffic and reduce the burden of lengthy closed periods of marine traffic, its impact is expected to be minimal. This action will allow the Coast Guard additional time to evaluate the effects of the temporary change before proposing a permanent change.

EFFECTIVE DATE: This rule becomes effective on 19 September 1984. It terminates on 18 November 1984.

ADDRESSES: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington, 98174. The comments and other materials referenced in this notice will be available for inspection and copying in Room 3564 at this address. Normal office hours are between 8 a.m. and 4: 30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch (Telephone: (206) 442–5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to comment on this temporary deviation by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identifying the bridge, and give reasons for concurrence with or any recommended change in the temporary deviations. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this temporary deviation. Any future proposed regulations or final rulemaking may be changed in light of the comments received.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Aubrey W. Bogle, project attorney.

Discussion of Temporary Rule

Since 1978 when the northernmost of the two Spokane Street bridges across the Duwamish West Waterway was struck by a vessel and subsequently removed, three hour morning and evening closed periods have been in effect for the remaining Spokane Street bridge and the First Avenue South bridge. Prior to that time two hour closed periods had been in effect. Extending the two hour closed periods to three hours and eliminating closed period exemptions for vessels of 5,000 tons and over was necessary to accommodate the increase in peak hour vehicluar flows caused by the elimination of the four travel lanes of the damaged bridge.

A new high level, six-lane, fixed span, highway bridge has been constructed over the Duwamish Waterway and was recently opeened to traffic. The six lanes of the high level bridge and the four lanes of the existing Spokane Street bridge provide ten lanes for vehicular traffic in the Spokane Street corridor. This is two more than existed before the 1978 accident which resulted in removal of the northernmost Spokane Street bridge. This six lanes of the high level bridge provide for unobstructed traffic flow between West Seattle and Seattle. The four lanes of the Spokane Street bridge primarily provide access from the west to the businesses on Harbor Island.

Navigation interests who use the Duwamish Waterway requested that the Coast Guard reduce the length of the closed periods once the highlevel bridge was fully open to traffic. The Commander, Thirteenth Coast Guard District approved a temporary change to the operating regulations which restored the regulations that were in effect prior to the 1978 accident. The temporary regulations were published in the **Federal Register** on July 26, 1984 (49 FR 30071) and were in effect from July 7, 1984 through September 4, 1984. They provided that the draws of the Southwest Spokane Street bridge and the First Avenue South bridge need not open for the passage of vessels, except for vessels of 5,000 tons or more, from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays. The purpose of the temporary regulations was to evaluate the effects of the change before proposing a permanent rule change.

Three comments were received by the Coast Guard in response to the temporary regulations. One commercial user of the waterway recommended that closed period restrictions for both the Southwest Spokane Street and First Avenue South bridges be eliminated completely for commercial vessels regardless of size. The local port authority and a group of commercial waterway users requested that the exemption to closed period restrictions for the Southwest Spokane Street bridge be extended to include vessels of 1,000 gross tons and over. Another user of the waterway indicated that the 5,000 gross ton exemption should be made permanent.

Because of the relatively low traffic volumes on the Southwest Spokane Street bridge and the existence of an alternate route through the Spokane Street corridor, it appears that an operating regulation that exempts vessels of 1,000 gross tons and over, vessels towing vessels of 1,000 gross tons and over, and vessels proceeding to pick up vessels of 1,000 gross tons or over for towing, would provide for the reasonable needs of navigation and not unreasonably affect vehicular traffic movement in the Spokane Street corridor. With the high volume of vehicular traffic on the First Avenue South bridge, the 5,000 gross ton exemption seems more appropriate.

To test the reasonableness of this proposal, the Coast Guard is continuing and modifying the temporary regulations governing operation of the Southwest Spokane Street bridge and the First Avenue South bridge to extend closed period exemptions to include additional classes of vessels.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This is based on the improvement to vehicular traffic flow brought about by the new high level bridge between Seattle and West Seattle, and the fact that the high level bridge provides an alternate, uninterrupted route for vehicular traffic during periods when the other bridges across the waterway may be required to open for the passage of vessels. Based on the foregoing, closed period openings of the Southwest Spokane Street and First Avenue South bridges for the authorized classes of vessels should not have a significant effect on vehicular traffic movement. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations

In consideration of the foregoing, Part 117 of Title 33 of Code of Federal Regulations is amended by revising § 117.1041(a)(1) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.1041 Duwamish Waterway.

(a) * * *

(1) The draws of the Southwest Spokane Street bridge, mile 0.3, and the First Avenue South bridge, mile 2.5, need not be opened for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, except as follows:

(i) The draws of the Southwest Spokane Street bridge shall open at any time for a vessel of 1,000 gross tons and over, a vessel towing a vessel of 1,000 gross tons and over, and a vessel proceeding to pick up a vessel of 1,000 gross tons and over for towing.

(ii) The draws of the First Avenue South bridge shall open at any time for a vessel of 5,000 gross tons and over, a vessel towing a vessel of 5,000 gross tons and over, and a vessel proceeding to pick up a vessel of 5,000 gross tons and over for towing.

(33 U.S.C. 499; 33 CFR 117.43; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: September 19, 1984.

R.R. Garrett,

Captain, U.S. Coast Guard, Acting Commander, 13th Coast Guard District.

[FR Doc. 84-26361 Filed 10-3-84; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 201

[FIRMR Temp. Reg. 51, Supplement 3]

Telecommunications Acquisitions

AGENCY: Office of Information Resources Management, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement to the Federal Information Resources Management Regulation (FIRMR) Temp. Reg. 51, provides a blanket delegation of multi-year contracting authority to executive agencies for the acquisition of telephone systems with a system life cost of up to $25,000. The blanket delegation of authority is intended for use by Federal agencies having small local offices located throughout the 50 states, and primarily in rural areas. The authority will reduce agency paperwork burdens in acquiring cost effective small local telephone systems. The regulation also extends the expiration date of Temp. Reg 51, including Supplement 2.

DATES: *Effective date:* September 30, 1984, but may be observed earlier.

Expiration date: October 30, 1984.

Comments due: January 2, 1985.

ADDRESS: Comments should be addressed to: General Services Administration (KMPP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: John F. Stewart, Policy Branch (KMPP), Office of Information Resources Management, telephone (202) 566-0194 or FRS, 566-0194.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Government-wide management regulation that will have little or no net cost effect on society.

List of Subjects in 41 CFR Part 201-4

Government information resources activities, Government procurement, and Telecommunications contracting.

(Sec. 205(c), 64 Stat. 390; 40 U.S.C 486(c))

In 41 CFR Chapter 201, the following FIRMR temporary regulation supplement is added to Appendix A at end of the chapter.

Federal Information Resources Management Regulation

Temporary Regulation 51

Supplement 3

July 12, 1984.

TO: Heads of Federal agencies

SUBJECT: Telecommunications acquisitions

1. *Purpose.* This supplement to FIRMR Temp. Reg. 51, formerly designated FPR Temp. Reg. 51, adds a new section to FIRMR Subpart 201-4.13 which will provide a blanket delegation of multi-year contracting authority to executive agencies for the acquisition of telephone systems with a system life cost of up to $25,000. It also extends the expiration date of Temp. Reg. 51, including Supplement 2.

2. *Effective Date.* September 30, 1984, but may be observed earlier.

3. *Expiration Date.* October 30, 1984.

4. *Background.*

a. Many Federal agencies have small local offices located throughout the 50 states, primarily in rural areas. These offices obtain telephone service from local telephone companies under monthly lease arrangements. Generally, it is not economical for GSA to provide local service at these locations.

b. The basic acquisition policy at these locations is not changed; i.e., agencies are required to obtain telephones competitively to the maximum extent practicable. For these locations the lowest cost alternative will generally be purchase. However, situations may exist where neither purchase nor month-to-month rental will be in the best interest of the Government. Multi-year contracting authority will permit another acquisition alternative for telephone service at these locations.

5. *Explanation of changes.* Section 201-4.1307 is added to provide a blanket delegation of GSA's multi-year contracting authority, as follows:

§ 201-4.1307 Delegation of multi-year contracting authority for small systems.

(a) In order to provide for the economical and efficient acquisition of small telecommunication systems, executive agencies are authorized under 40 U.S.C. 481(a)(3) to enter into multi-year contracting arrangements subject to the following conditions.

(1) Each agency electing to exercise the delegation shall establish management and control procedures coordinated by the agency designated senior official for information resources management activities and the agency senior procurement executive.

(2) The authority may be used for requirements only within the 50 States.

(3) The telephone systems must be at locations where requirements can be satisfied by systems smaller than those described in § 201-37.202(a), formerly designated FPMR § 101-37.202(a) (generally, less than 25 lines or 50 telephones).

(4) The system life shall not exceed 5 years.

(5) The system life cost shall not exceed $25,000.

(6) The authority shall not be used where GSA consolidated local telephone service is available.

(b) The blanket delegation is to the agency head and may be redelegated. GSA reserves the right to review an agency's exercise of this delegated authority. The GSA Assistant Administrator for Information Resources Management may change the conditions regarding the exercise of the authority by a particular agency or component thereof, including withdrawal of the authority. (Any changes will be in writing, will cite this § 201-4.1307, will state the effective date and scope of the change, and will be directed to the designated senior official of the applicable agency.)

6. *Distribution of this directive.* Because the FIRMR looseleaf edition distribution list has not yet been established, this FIRMR temporary regulation will be distributed to addressees on GSA's FPR and FPMR Subchapters B and F publication distribution lists. It is suggested that the directive be retained for continuing use until the provisions are incorporated into the FIRMR or are otherwise superseded or canceled.

7. *Agency actions.* Pending the issuance of a permanent amendment of the Federal Information Resources Management Regulation, agencies shall follow the policies and procedures in this temporary regulation.

8. *Information and assistance.* Inquiries should be directed to John F. Stewart, Policy Branch (KMPP), Office of Information Resources Management, telephone (202) 566–0194 or FTS, 566–0194.

9. *Submission of Comments.* The views of agencies and other interested parties are invited regarding the effect or impact of this regulation and the policy and procedures that should be adopted in the future. All comments received within 90 days after publication in the **Federal Register** will be considered. Comments should be addressed to General Services Administration (KMPP), Washington, DC 20405.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84-26366 Filed 10-3-84; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

45 CFR Part 3

Conduct of Persons and Traffic on the National Institutes of Health Federal Enclave

AGENCY: National Institutes of Health, HHS.

ACTION: Final rule.

SUMMARY: The National Institutes of Health hereby amends the regulations governing the conduct of persons and traffic on the NIH Federal Enclave. This amendment revises references to the acreage which comprises the National Institutes of Health to reflect the acquisition by purchase of the Convent operated by the Sisters of the Visitation of Washington. In addition, this amendment makes several clarifying changes and adds an informational reference to other regulations that apply to the Enclave.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Lowell D. Peart, NIH Regulations Officer, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. (301–496–4606)

SUPPLEMENTARY INFORMATION: This rule makes technical changes to the definition of Enclave in § 3.1 which includes a reference to the total acreage comprising the National Institutes of Health over which the United States exercises exclusive jurisdiction. With funds provided in Pub. L. 98–139, the NIH recently purchased approximately eleven additional acres of property which bordered the NIH enclave. This added parcel of land is designated as The Mary Woodard Lasker Center for Health Research and Education by Pub. L. 98–297. The additional property increased the total acreage at NIH from about 307 to about 318 acres.

This technical amendment revises the acreage and acquisition dates set forth in the definition of "Enclave" to reflect acquisition of the newly acquired property. Exclusive Federal jurisdiction over this parcel vested by operation of law upon date of acquisition, under the terms of the Maryland statute ceding exclusive jurisdiction to the United States, the Act of March 31, 1953, Chapter 158 (Md. Code Ann. art. 96, sec. 34(1979)).

A second correction is based upon the earlier deletion of references in 45 CFR Part 3 to the applicability of the regulations to the Public Health Service Staten Island Hospital. This change was published in the January 12, 1983 issue of the **Federal Register** (48 FR 1312). However, the plural reference in § 3.2(a) to the "Directors for their respective enclave" was inadvertently not corrected. In addition, an informational reference to other regulations applicable to the Enclave is added to this paragraph.

Public rulemaking procedures and delayed effective date are omitted as unnecessary because these amendments are technical and clarifying changes, and are not substantive.

The following statements are provided for the information of the public:

1. As required by Executive Order 12291, Section (3)(g)(1), the proposal has been reviewed against the criteria in Section 1(b) of the Executive Order, and does not meet the test for "a major rule."

2. These regulations do not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96–354, since these regulations are technical in nature and simply revise the existing NIH Enclave regulations to reflect explicitly acquisition of an additional parcel, correct an error, and add an informational reference to regulations published elsewhere in the CFR.

List of Subjects in 45 CFR Part 3

Federal buildings and facilities, Government property, Traffic regulations.

Therefore, Part 3 of Title 45 of the Code of Federal Regulations, is hereby amended as set forth below:

Dated: September 27, 1984.

James B. Wyngaarden,

Director, National Institutes of Health.

PART 3—[AMENDED]

1. The authority citation for Part 3 is revised to read as follows:

Authority: Secs. 1–5, 62 Stat. 281, as amended, 75 Stat. 574 (40 U.S.C. 318–318d); sec. 205, 63 Stat. 389, as amended, 64 Stat. 591, 76 Stat. 414 (40 U.S.C. 486); Delegation of Authority, 33 FR 604.

2. The definition of the term "Enclave" in § 3.1 is revised to read as follows:

§ 3.1 Definitions.

* * * * *

"Enclave" means the area, containing about 318 acres, acquired by the United States in several parcels in the years 1935 through 1983, and any future acquisitions, comprising the National Institutes of Health (NIH) located in Montgomery County, Maryland and over which the United States acquires exclusive criminal jurisdiction under the Act of March 31, 1953, Chapter 158, Laws of Maryland 1953 (Md. Code Ann., art. 96, section 34 (1979)) or other laws of the State of Maryland.

* * * * *

3. The second sentence of paragraph (a) of § 3.2 is revised to read as follows:

§ 3.2 Applicability.

(a) * * * The regulations prescribe penal sanctions in § 3.61, and are in addition to: (1) Any administrative rules prescribed by the Director under Title 5 U.S. Code 301; (2) the General Services Administration Regulations in 41 CFR Part 101–20.3 relating to conduct on Federal property; and (3) § 73.735–305 of this title applicable to employees, to the extent that those rules and regulations are consistent with the provisions of this

part (in the event of a conflict this part shall control).

* * * * *

[FR Doc. 84-26323 Filed 10-3-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 107, 108 and 109

[CGD 83-067]

Updates of References to 46 U.S.C. in 46 CFR Subchapter IA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Numerous general maritime shipping laws related to vessels and seamen were recently codified and enacted into postive law as Subtitle II of Title 46, United States Code (46 U.S.C. 2101 through 13110). The purpose of this final rule is to amend the authority citations and references in 46 CFR Subchapter IA to conform with the changes to Title 46 U.S.C.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: LCDR D.L. Crede, Project Manager, Office of Merchant Marine Safety, 202-426-2197.

SUPPLEMENTARY INFORMATION: Pub. L. 98-89, August 26, 1983, revised and consolidated over 300 statutes related to vessel inspections, marine casualties, licenses and documents issued to seamen, manning of vessels, seamen protection and relief, identification of vessels and state boating safety programs. In their place Pub. L. 98-89 enacted an organized statement of the law concerning marine safety and the welfare of seamen as Subtitle II of Title 46 U.S.C. The revision and consolidation did not substantially affect the authority of the Coast Guard to promulgate regulations covered by this final rule. Regulations in effect under a statute repealed by Pub. L. 98-89 continue in effect under the corresponding provision of Pub. L. 98-89. The repeal of so many of the older statutes by the enactment of Pub. L. 98-89, however, makes it desirable to amend Title 46 of the Code of Federal Regulations where citations or references are made to Title 46 U.S.C.

This rule amends 46 CFR Subchapter IA by changing the citations and references therein to conform with the changes to Title 46 U.S.C. Citations and references to statutes repealed by Pub. L. 98-89 are replaced with citations and references to the corresponding parts of Pub. L. 98-89. Amendments for correcting the citations and references in other subchapters of Title 46 CFR will be published as they are developed.

Because this amendment is merely editorial, the Coast guard finds that notice and comments under 5 U.S.C. 553(b) are unnecessary. This revision is effective immediately under 5 U.S.C. 553(d) because it is not a substantive rule.

This amendment is promulgated under 46 U.S.C. 2103, 2104 (a), 3306, 3707, 3714, 4104, 4302, 6101, 6301, 7101, 7701, 8101, 8105, 9102, 10104, 12121, 13109; 49 CFR 1.4(b)(1)(ii), and 1.46. This amendment is strictly limited to updating citations and it is not to be interpreted or understood as a direct or indirect repromulgation, reaffirmation, revision or approval of the current CFR text. While every effort has been made to check the accuracy of each citation this is not a final determination of the applicability of any citations to any regulations. These issues will be addressed gradually in the scheduled review of all existing regulations.

Drafting Information

The principal persons involved in drafting this document are Eugene Holler, and LCDR D.L. Crede, Project Managers, Office of Merchant Marine Safety, and Michael N. Mervin, Project Counsel, Office of the Chief Counsel.

Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. This rulemaking merely corrects the citations and references to Title 46 U.S.C. There is no change to current Coast Guard regulations or procedures.

Regulatory Flexibility Evaluation

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

List of Subjects

46 CFR Part 107

Continental shelf, Oil and gas exploration, Marine safety, Marine resources.

46 CFR Part 108

Continental shelf, Oil and gas exploration, Marine safety, Marine resources.

46 CFR Part 109

Continental shelf, Oil and gas exploration, Marine safety, Marine resources.

In consideration of the foregoing, the Coast Guard hereby amends Subchapter IA of Chapter I of Title 46 Code of Federal Regulations as set forth below.

PART 107—INSPECTION AND CERTIFICATION

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

Authority: 46 U.S.C. 2104; 2106; 3301; 3306; 3318; 46 App. U.S.C. 86; 43 U.S.C. 1333(d); 49 CFR 1.46 (b) and (n).

§ 107.201 [Amended]

2. § 107.201(a) is amended by removing "46 U.S.C. 367, 391, 395 and 399" and inserting in its place "46 U.S.C. 3301, 3307 and 3309."

3. § 107.201(b) is amended by removing "46 U.S.C. 367, 391, 395 and 399" and inserting in its place "46 U.S.C. 3301, 3307 and 3309."

4. § 107.201(c) is amended by removing "46 U.S.C. 435" and inserting in its place "46 U.S.C. 3308."

5. § 107.201(d) is amended by removing "46 U.S.C. 435" and inserting in its place "46 U.S.C. 3308."

6. § 107.201(e) is amended by removing "46 U.S.C. 435" and inserting in its place "46 U.S.C. 3308 and 3313."

§ 107.223 [Amended]

7. § 107.223 is amended by removing "46 U.S.C. 399" and inserting in its place "46 U.S.C. 3309."

PART 108—DESIGN AND EQUIPMENT

8. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2104; 2106; 3301; 3306; 3318; 46 App. U.S.C. 86; 43 U.S.C. 1333(d); 49 CFR 1.46 (b) and (n).

9. All authority citations following individual sections in Part 108 are removed.

PART 109—OPERATIONS

10. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2104; 2106; 3301; 3306; 3318; 46 App. U.S.C. 86; 43 U.S.C. 1333(d); 49 CFR 1.46 (b) and (n). Section 411 and 413 also issued under 46 U.S.C. 6101. Section 431 also issued under 46 U.S.C. 11301.

11. All authority citations following individual sections in Part 109 are removed.

§ 109.433 [Amended]

12. § 109.433 Note is amended by removing "R.S. 4290 (46 U.S.C. 201)" and inserting in its place "46 U.S.C. 11301" and by removing "R.S. 4291 (46 U.S.C. 202)" and inserting in its place "46 U.S.C. 11302."

Dated: September 27, 1984.

B.G. Burns,

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

[FR Doc. 84-26362 Filed 10-3-84; 8:45 am]

BILLING CODE 4910-14-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. No. 1 to Fourteenth Revised Service Order No. 1474]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Fourteenth Revised Service Order No. 1474.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie), Trustee, and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., September 30, 1982, and continuing in effect until 11:59 p.m., November 30, 1984, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M.F. Clemens, Jr., (202) 275-1559.

List of Subjects in 49 CFR Part 1033

Railroads.

Decided: September 25, 1984.

Upon further consideration of Thirteenth Revised Service Order No. 1474 (49 FR 33270 and good cause appearing therefor:

§ 1033.1474 [Amended]

It is ordered, § 1033.1474 *Various Railroads Authorized to use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee),* Fourteenth Revised Service Order No. 1474 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order are extended for an additional period of time, and shall expire at 11:59 p.m., November 30, 1984, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1984.

This action is taken under authority of 49 U.S.C. 10304-10305 and section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

James H. Bayne,

Secretary.

[FR Doc. 84-26331 Filed 10-3-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 654 and 658

[Docket No. 40558-4082]

Stone Crab Fishery and Shrimp Fishery of the Gulf of Mexico

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

ACTION: Notice of fishing restrictions for stone crab and shrimp.

SUMMARY: NOAA adjusts the configuration of the restricted fishing areas and closed periods in the fishery conservation zone (FCZ) off Pasco, Hernando and Citrus Counties, Florida. This action is provided for by the existing regulations. The intended effect is to allow orderly conduct of the shrimp and stone crab fisheries and to avoid serious conflict between the participants of these fisheries.

EFFECTIVE DATE: October 5, 1984.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: The fishery management plans for the stone crab and shrimp fisheries of the Gulf of Mexico (FMPs) provide for the adjustment of closed fishing areas and time periods in the FCZ off Pasco, Hernando, and Citrus Counties, Florida based upon the recommendations of the Tri-County Committee (Committee). The FMPs also require that the Committee's recommendations be reviewed by the Gulf of Mexico Fishery Management Council's (Council) Ad Hoc Advisory Panel (Panel) consisting of stone crab and shrimp fishermen from the three counties and other fishermen that fish in the tri-county area. Implementing rules at 50 CFR 654.24 and 50 CFR 658.24 (49 FR 30713, August 1, 1984, respectfully) prescribe the authority for this procedure.

The Committee and Panel developed recommendations for zoning and closed fishing periods for both Federal and State waters. These were submitted to the Council and the Florida Department of Natural Resources for implementation in waters under their respective jurisdictions. The Council reviewed the recommendations and following public comment determined that the proposal is fair and equitable to both stone crab and shrimp fishermen. The Secretary of Commerce has concluded that the recommendations are consistent with the objectives of the FMPs, the Magnuson Fishery Conservation and Management Act, and other applicable law. The zoning configuration is similar to that implemented under emergency regulations (48 FR 46057 and 48 FR 56394) for the 1983-1984 stone crab season with one minor deviation. However, the closed fishing periods for the participating fisheries vary considerably. The implemented zones and fishing periods are effective October 5 through May 20 of each fishing year. Compatible regulations have been implemented by the State of Florida.

Other Matters

This action is taken under the authority of 50 CFR 654.24 and 50 CFR 658.24, and in compliance with Executive Order 12291.

List of Subjects at 50 CFR Parts 654 and 658

Fisheries, Reporting and recordkeeping requirements.

Dated: October 1, 1984.

Carmen J. Blondin,

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

For reasons set forth in the preamble, 50 CFR Parts 654 and 658 are revised as follows:

1. The authority citation for Parts 654 and 658 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

PART 654—STONE CRAB FISHERY

2. Section 654.23 is amended by revising paragraph (b)(1) to read as follows:

§ 654.23 Area restrictions.

* * * * *

(b)(1)(i) No person may place stone crab traps in that part of the FCZ identified as Zone IV (Figure 3) during the period 0001 hours October 5 to 2400 hours December 1 and during the period 0001 hours April 2 to 2400 hours May 20. Zone IV is bounded by a continuous line connecting points expressed by latitude and longitude (LORAN notations are unofficial, and are included only for the convenience of fishermen):

ZONE IV

Point	Latitude	Longitude	Loran chain 7980		
			X	Y	Z
V	28°41'39" N	82°54'08" W	31303.0	45183.1	62961.5
E	28°41'39" N	82°55'18" W	31301.0	45193.1	62970.0
O	28°30'51" N	82°55'06" W	31242.7	45104.3	62970.0
S	28°30'51" N	82°52'54" W	31247.6	45066.8	62955.0
Z	28°37'44" N	82°53'02" W	31284.3	45143.0	62955.0

Thence northerly along the State boundary to point V.

(ii) No person may place stone crab traps in that part of the FCZ identified as Zone V (Figure 3) during the period 0001 hours October 5 to 2400 hours November 30 and during the period 0001 hours March 16 to 2400 hours May 20. Zone V is bounded by a continuous line connecting points expressed by latitude and longitude (LORAN notations are unofficial and are included only for the convenience of fishermen):

ZONE V

Point	Latitude	Longitude	Loran chain 7980		
			X	Y	Z
W	28°49'25" N	82°55'49" W	31341.2	45260.0	62971.2
G	28°48'55" N	82°56'19" W	31337.8	45260.0	62975.0
F	28°41'39" N	82°56'06" W	31299.2	45199.1	62975.0
V	28°41'39" N	82°54'08" W	31303.00	45183.1	62961.5

Thence northerly along the State boundary to point W.

* * * * *

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

3. Section 658.23 is amended by revising paragraph (b)(1) to read as follows:

§ 658.23 Stone crab area restrictions.

* * * * *

(b)(1)(i) Between 0001 hours October 5 to 2400 hours May 20 each year, it is unlawful to fish for shrimp in the following two areas of the FCZ (see Figure 4):

(A) That part of the FCZ identified as Zone I and bounded by a continuous line connecting points expressed by latitude and longitude (LORAN notations are unofficial and are included only for the convenience of the fishermen):

ZONE 1

Point	Latitude	Longitude	Loran chain 7980		
			X	Y	Z
X	28°55'20" N.	83°00'06" W.	31365.0	45342.8	63000.0
C	28°26'01" N.	82°59'45" W.	31206.7	45103.6	63000.0
D	28°26'01" N.	82°56'47" W.	31213.2	45080.0	62980.8
T	28°27'43" N.	82°55'07" W.	31226.2	45080.0	62970.0
E	28°41'39" N.	82°55'18" W.	31301.0	45193.1	62970.0
F	28°41'39" N.	82°56'06" W.	31299.2	45199.1	62975.0
G	28°46'55" N.	82°56'19" W.	31337.8	45260.0	62975.0
W	29°49'25" N.	82°55'49" W.	31341.2	45260.0	62971.2

Thence northerly along the State boundary to point X.

(B) That part of the FCZ identified as Zone III and bounded by a continuous line connecting points expressed by latitude and longitude (LORAN notations are unofficial and are included only for the convenience of the fishermen):

ZONE III

Point	Latitude	Longitude	Loran chain 7980		
			X	Y	Z
Z	28° 37' 44" N.	82° 53' 02" W.	31284.3	45143.0	62955.0
S	28° 30' 51" N.	82° 52' 54" W.	31247.6	45086.8	62955.0
U	28° 30' 51" N.	82° 52' 02" W.	31249.5	45080.0	62949.5
Y	28° 31' 28" N.	82° 51' 28" W.	31253.9	45080.0	62945.4

Thence northerly along the State boundary to point Z.

(ii) It is unlawful to fish for shrimp in that part of the FCZ identified as Zone IV (see Figure 4) during the period 0001 hours December 2 to 2400 hours April 1. Zone IV is bounded by a continuous line connecting points expressed in latitude and longitude (LORAN notations are unofficial and are included only for the convenience of the fishermen):

ZONE IV

Point	Latitude	Longitude	Loran chain 7980		
			X	Y	Z
V	28°41'39" N.	82°54'08" W.	31303.0	45183.1	62961.5
E	28°41'39" N.	82°55'18" W.	31301.0	45193.1	62970.0
O	28°30'51" N.	82°55'06" W.	31242.7	45104.3	62970.0
S	28°30'51" N.	82°52'54" W.	31247.6	45086.8	62955.0
Z	28°37'44" N.	82°53'02" W.	31284.3	45143.0	62955.0

Thence, northerly along the State boundary to point V.

(iii) It is unlawful to fish for shrimp in that part of the FCZ identified as Zone V (see Figure 4) during the period 0001 hours December 1 to 2400 hours March 15. Zone V is bounded by a continuous line connecting points expressed as latitude and longitude (LORAN notations are unofficial and are included for the convenience of the fishermen):

ZONE V

Point	Latitude	Longitude	Loran chain 7980		
			X	Y	Z
W	28°49'25" N.	82°55'49" W.	31341.2	45260.0	62971.2
G	28°48'55" N.	82°56'19" W.	31337.8	45260.0	62975.0
F	28°41'39" N.	82°56'06" W.	31299.2	45199.1	62975.0
V	28°41'39" N.	82°54'08" W.	31303.0	45183.1	62961.5

Thence, northerly along the State boundaries to point W.

* * * * *

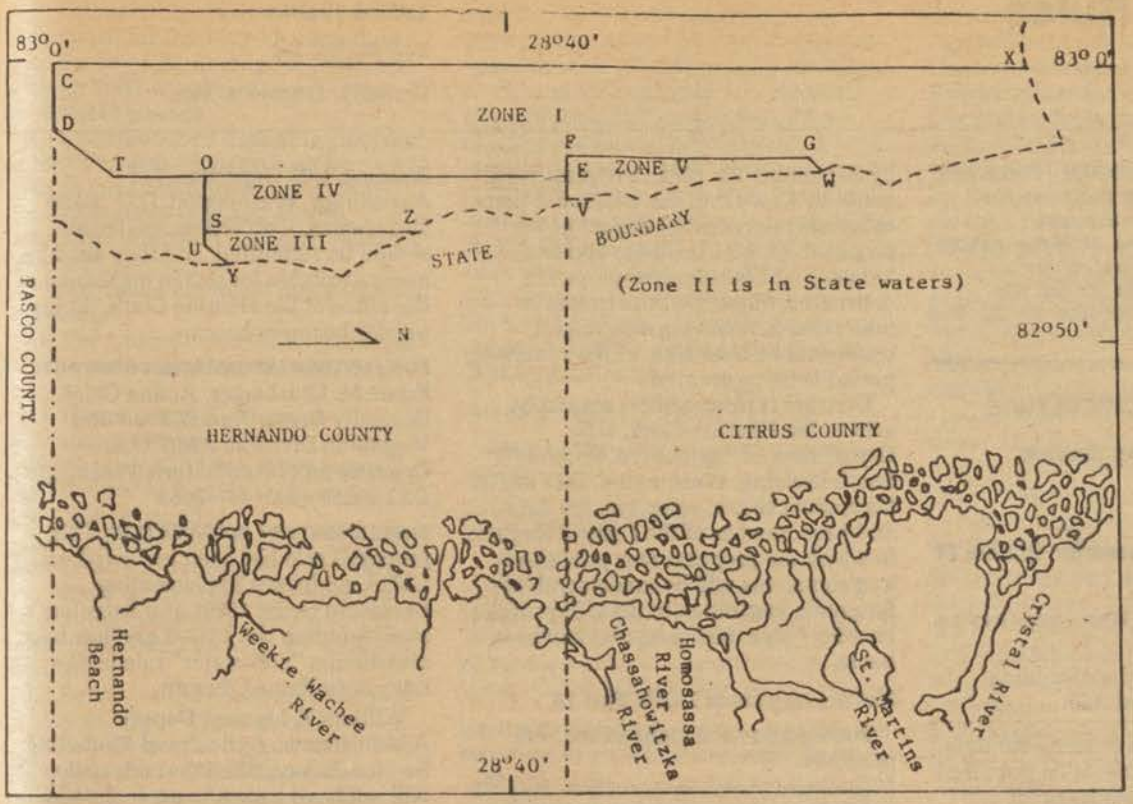

Figure 3 Chart delineating areas closed to fishing for shrimp or stone crabs (not to scale, for illustrative purposes only).

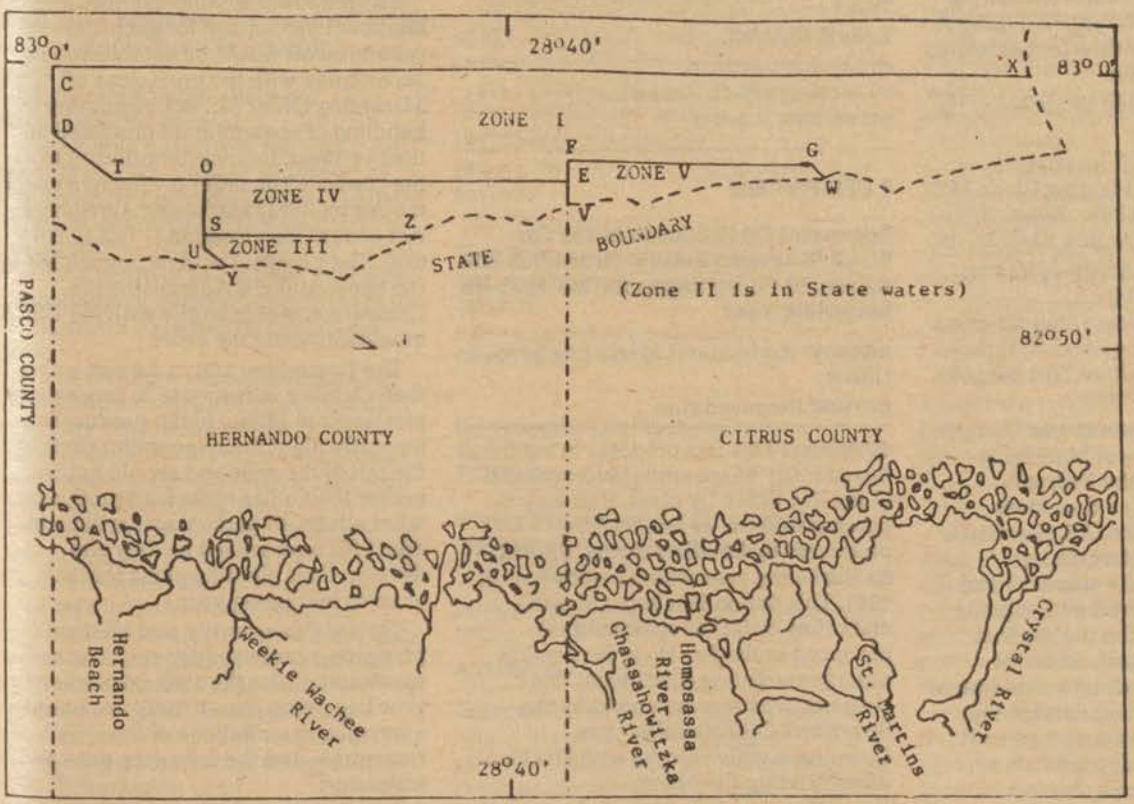

Figure 4 Chart delineating areas closed to fishing for shrimp or stone crabs (not to scale, for illustrative purposes only).

[FR Doc. 84-26393 Filed 10-1-84; 4:52 am]
BILLING CODE 3510-22-C

Proposed Rules

Federal Register
Vol. 49, No. 194
Thursday, October 4, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

United States Standards for Grades of Dry Buttermilk

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing comments on proposed rule.

SUMMARY: This action extends the time for filing written comments on proposed changes in the U.S. Standards for Grades of Dry Buttermilk. The proposed changes were published in the **Federal Register** by the Agricultural Marketing Service on July 27, 1984 (49 FR 30205). A request for additional time for comments was made by Kraft, Inc.

DATE: Comments should be received by November 26, 1984.

ADDRESS: Comments (four copies) should be sent to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20205.

FOR FURTHER INFORMATION CONTACT: Richard W. Webber, Head, Standardization Section, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7473.

SUPPLEMENTARY INFORMATION: On July 27, 1984, the Agricultural Marketing Service published in the **Federal Register** (49 FR 30205) a document proposing to amend the U.S. Standards for Grades of Dry Buttermilk by changing the title of the standard and the definition of the product to update and accurately describe the product covered by the standard. Also, the document proposed editorial and format changes which would modernize the standard and make it consistent with other U.S. grade standards for dairy products. There were no changes in grade criteria proposed.

The public was invited to submit comments on the proposed amendments by September 25, 1984. A request was made by Kraft, Inc., for additional time to assess the potential impact of the proposal upon its business and the industry and to submit appropriate comments. Since the Department is interested in receiving meaningful comments an extension of the comment period is being granted.

Comments (four copies) should be sent to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of the **Federal Register** in which the proposal was published and comments will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

List of Subjects in 7 CFR Part 58

Food grades and standards, Dairy products.

(Agricultural Marketing Act of 1946, Secs. 203 205, 60 Stat. 1087, as amended, and 1090, as amended; 7 U.S.C. 1622, 1624)

Signed at Washington, D.C. on: October 1, 1984.

Eddie F. Kimbrell,

Acting Administrator.

[FR Doc. 84–26378 Filed 10–3–84; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 985

Spearmint Oil Produced in the Far West; Proposed Salable Quantities and Allotment Percentages for the 1985–86 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This is a proposal to establish the quantity of spearmint oil produced in the Far West, by class, that may be purchased from, or handled for, producers by handlers during the 1985–86 marketing year which begins June 1, 1985. This action is taken under the marketing order for spearmint oil produced in the Far West to promote orderly marketing conditions. The proposal was recommended by the Spearmint Oil Administrative Committee which works with USDA in administering the order.

DATE: Comments due November 5, 1984.

ADDRESS: Comments should be sent to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written material should be submitted, and they shall be made available for public inspection at the office of the Hearing Clerk, during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5053.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

The proposed salable quantity and allotment percentage for each class of spearmint oil would be established in accordance with the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West, hereinafter referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Spearmint Oil Administrative Committee, which works with the USDA in administering the order.

The Committee met in August rather than October in response to requests by producers in Idaho. Idaho producers normally plant their spearmint roots in the fall of the year and should know earlier than other spearmint producers what allotment percentages will be in effect for next season so they can develop their planting plans for the ensuing marketing year.

The salable quantity and allotment percentage proposed for each class of spearmint oil for the 1985–86 marketing year beginning June 1, 1985, are based upon recommendations of the Committee and the following data and estimates:

(1) "Class I" Oil (Scotch Spearmint):

(A) Estimated carryin on June 1, 1985—23,783 pounds.

(B) Estimated trade demand (domestic and export) for the 1985–86 marketing year, based on an average of producer sales for 1980–81, 1981–82, and 1983–84—781,248 pounds.

(C) Recommended desirable carryout on May 31, 1986—100,000 pounds.

(D) Salable quantity required from 1985 production—857,465 pounds.

(E) Total allotment bases for "Class 1" Oil—1,625,127 pounds.

(F) Computed allotment percentage—52.8 percent.

(G) The Committee's recommendation for the salable quantity—861,317 pounds.

(H) Recommended allotment percentages—53 percent.

(2) "Class 3" Oil (Native Spearmint):

(A) Estimated carryin on June 1, 1985—50,000 pounds.

(B) Estimated trade demand (domestic and export) for the 1985–86 marketing year based on an average of sales for the past four years averaged with the handler estimates for 1985–86—909,876 pounds.

(C) Recommended desirable carryout on May 31, 1986—75,000 pounds.

(D) Salable quantity required from 1985 production—934,876 pounds.

(E) Total allotment bases for "Class 3" Oil—1,793,085 pounds.

(F) Computed allotment percentage—52.1 percent.

(G) The Committee's recommendation for the salable quantity—932,404 pounds.

(H) Recommended allotment percentage—52 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to his allotment base for the applicable class.

When the order was established in 1980, producer stocks of spearmint oil were very large and producer prices severely depressed. Volume regulations in effect under the order since that time have aided in reducing these burdensome stocks and in creating a more stable market for each class of oil. The Committee's objective with its proposal for 1985–86 is to balance supplies with needs to maintain a stable market for each class of 1985-crop oil and promote orderly marketing. The Committee's recommendations are based on expectations of continued strong sales of spearmint oil during the 1985–86 marketing year.

Pursuant to the order, the Committee will issue additional allotment bases to both new and existing producers later in 1984 for the 1985–86 marketing year. New producers will be issued allotment bases in units of 2,011 pounds for "Class 1" Oil and 2,219 pounds for "Class 3" Oil. Additional allotment bases for existing producers will be divided equally, by class of oil, among all producers who request such additional base and have the ability to produce the additional spearmint oil referable to such base. The issuance of the additional allotment bases will increase the total of "Class 1" Oil allotment bases by 22,693 pounds and "Class 3" Oil by 18,916 pounds.

List of Subjects in 7 CFR Part 985

Marketing agreements and orders, Spearmint oil.

PART 985—[AMENDED]

Therefore, the proposal is to add a new § 985.205 under Subpart—Salable Quantities and Allotment Percentages to read as follows: (The following provisions will not be published in the Code of Federal Regulations).

§ 985.205 Salable quantities and allotment percentages—1985–86 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1985, shall be as follows:

(a) "Class 1" Oil—a salable quantity of 861,317 pounds, and an allotment percentage of 53 percent.

(b) "Class 3" Oil—a salable quantity of 932,404 pounds, and an allotment percentage of 52 percent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–647)

Dated: October 1, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 84-26380 Filed 10-3-84; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1434

Honey Price Support Regulations Governing 1982 and Subsequent Crops; Amdt. 3

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the regulations governing the Honey Price Support Program to provide that, beginning with 1984 crop honey, the quality and color of honey delivered to the Commodity Credit Corporation (CCC) shall be determined in accordance with Agricultural Stabilization and Conservation Service (ASCS) Specifications for Unprocessed Honey. Currently, honey is graded according to the United States Standards for Grades of Extracted Honey which is a criterion for processed honey. This action will provide for more realistic and equitable grading of unprocessed honey which is acquired by the CCC under the price support loan and purchase program.

DATE: Submit comments by December 3, 1984.

ADDRESS: Interested persons should submit comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Ross D. Ballard, (202) 447–7988. A copy of the ASCS Specifications for Unprocessed Honey is available for review from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." This rule has been classified "not major" since it will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-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 proposed rule applies to are: Commodity Loans 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 the rule since 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 matter of this rule.

Currently, the regulations governing the Honey Price Support Program provide that the United States Standards for Extracted Honey are to be used to determine the quality and color of raw, extracted honey acquired by CCC. These standards were developed

for processed honey. Unprocessed honey often contains substances, such as pollen, wax, and comb, which do not affect the quality of raw honey. The Agricultural Marketing Service has developed the ASCS Specifications for Unprocessed Honey in cooperation with the ASCS staff in Washington, D.C., and field locations. The specifications were developed to equitably determine the quality of unprocessed honey delivered to CCC in settlement of honey price support loan and purchase agreements. The specifications will be available at local county ASCS offices. Accordingly, it is proposed that the regulations governing the price support program be amended to provide that ASCS Specifications for Unprocessed Honey shall be used to grade unprocessed honey delivered to CCC under the price support loan and purchase program.

List of Subjects in 7 CFR Part 1434

Honey, Loan programs—agriculture, Price support programs, Warehouse.

PART 1434—[AMENDED]

Proposed Rule

Accordingly, it is proposed that 7 CFR 1434.17 (b) and (c) be revised to read as follows:

§ 1434.17 Determination of quality.

* * * * *

(b) *Quality for settlement*—(1) *Farm storage in eligible containers.* When honey is delivered to CCC in eligible containers from farm storage, its quality and color shall be determined by the Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service (AMS), in accordance with the ASCS Specifications for Unprocessed Honey on the basis of samples drawn by ASCS representatives supervising delivery. Samples shall not be drawn until the producer has designated all lots. Single containers shall not be considered as lots unless necessitated by color or floral source. The cost of quality and color determination for a maximum of four lots shall be for the account of CCC.

(2) *Identity-preserved warehouse-stored.* When honey stored identity-preserved in containers in an approved warehouse is delivered to CCC, its grade, and color shall be determined by the Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service (AMS), in accordance with the ASCS Specifications for Unprocessed Honey on the basis of samples drawn by ASCS representatives supervising delivery. The cost of such determination shall be for the account of CCC.

(c) *Segregation by color.* Table honey in eligible containers shall, insofar as is practicable, be segregated into lots by color to conform with the color categories which are set forth in the ASCS Specifications for Unprocessed Honey. If a lot of honey is not segregated so that it can be certified as one color in accordance with the ASCS Specifications for Unprocessed Honey, the rate of settlement for honey delivered under a loan or purchase agreement shall be based on the darkest color shown on the inspection certificate. However, if the inspection certificate at time of delivery to CCC shows that a farm-stored or identity-preserved warehouse-stored lot of honey contains more than 2 colors and if the number of samples of the darkest color shown on such certificate is not more than one-sixth of the total number of samples, the color for the purpose of settlement shall be the next lighter color than the darkest color.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 5, 62 Stat. 1072, as amended (15 U.S.C. 714c); secs. 201, 401, 63 Stat. 1052, as amended, 1054, as amended (7 U.S.C. 1446, 1421))

Signed at Washington, D.C. on September 27, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-26166 Filed 10-3-84; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 34

Industrial Radiography Radiation Surveys and Licensee's Performance Inspection Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations that apply to industrial radiography. The proposed rule would require industrial radiography licensees to perform an additional survey of any radiography device at any time the device is put into storage, and would change an existing recordkeeping requirement. Currently, each licensee must record the required survey of the device made after the last exposure before storage. The proposed rule deletes this recordkeeping requirement and substitutes a requirement that a record of the new storage survey be maintained. The proposed rule would also require that each license application describe the program the licensee will use to evaluate the performance of each radiographer and radiographer's assistant at intervals not exceeding 3 months to ensure that they are following the Commission's regulatory requirements and the licensee's operating and emergency procedures when performing radiography. This action is intended to provide additional assurance that radiographic operations are conducted safely.

DATE: Submit comments by November 18, 1984. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch. Hand deliver comments to: Room 1121, 1717 H Street NW., Washington, DC, between 8:15 a.m. and 5:00 p.m. Examine comments received and the regulatory analysis at: NRC Public Document Room, 1717 H Street NW., Washington, DC. Obtain regulatory analysis (single copy) from: Donald O. Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–4588.

FOR FURTHER INFORMATION CONTACT: Donald O. Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–4588.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is considering three amendments to its regulations pertaining to industrial radiography. One amendment would require licensees to perform an additional radiation survey of the radiographic exposure device at the time of storage, delete an existing requirement to record the radiation survey made of the device immediately after the last exposure prior to storage, and add a requirement to make and maintain a record of the storage survey. This amendment to § 34.43 would provide a method of ensuring that the sealed source is in the proper position within the device when the device is stored. The second amendment would revise § 34.11(d) to specify that each license application must describe a program by which the licensee will evaluate the performance of each radiographer and radiographer's assistant at intervals not exceeding 3 months. This amendment would clarify

the requirements for the description of the in-house inspection program that the applicant must provide in the license application. The third amendment provides a definition of "storage area" in § 34.2, *"Definitions"*. This definition is provided so that it is clear at what locations the storage survey is to be made. Interested persons are invited to comment on any or all of the proposed amendments.

Radiation Survey and Record

The Commission received a petition for rulemaking, assigned Docket No. PRM–34–3, from the Chicago Bridge and Iron Company. The Commission requested comments on the petition in the **Federal Register** on November 23, 1982 (47 FR 52722). As discussed below, this proposed rule would in effect grant the petition. The petitioner suggested an amendment of 10 CFR 34.43(c) that would require that each licensee survey a radiographic exposure device when it is placed in storage. This survey would be made using a radiation survey instrument at a point on the surface of the device specified by the licensee in its operating procedures. This last survey would occur at or near the place of storage, and would provide a record showing that the radiographic exposure device had been stored with the sealed source in a safe location within the device.

Under the current regulations, § 34.43(b) requires that, after each radiographic exposure, the radiographer perform a radiation survey of the radiographic device to ensure that the sealed source has been returned to its shielded position. Paragraph (c) of § 34.43 requires that the radiographer record the results of the survey following the last radiographic exposure made before locking the device and ending direct surveillance of the operation. This survey is made where the device is last used before storage. The licensee must keep a record of the survey for 2 years.

The petitioner contends that because no check of the sealed source position is required, the current regulation does not ensure safe storage of the sealed source in the radiographic device, yields equivocal records, and is inconvenient. More specifically, the petitioner contends that the device may be subject to rough handling when being moved under field conditions from the area of use to the area of storage. If the source were dislodged during the movement to the storage area, the radiographer might store the device with the sealed source outside of its proper location within the device. The petitioner contends that, by requiring that the radiographer make the final survey at the time of storage and at a point on the device specified by the licensee in its operating procedures, the recorded exposure rate would provide unequivocal assurance that the source was properly located within the device, and would also provide a check on the decay of the sealed source and the constancy of the survey instrument. The petitioner also contends that it is easier to record the survey data at the location of storage than at the location of use because of weather and work conditions that are encountered in field radiography.

The Commission received one telephone and three written comments on the petition. Three commenters concurred completely with the petition. One commenter said that the survey should be made at the sealed source outlet port with the safety plug installed. One commenter said that licensees should not be required to submit modified procedures for review until it was time for them to renew their licenses.

The petitioner's suggested amendment would eliminate the requirement that the last-use survey be recorded, and put in its place a requirement that a time-of-storage survey be made and recorded. Although the Commission is aware of only one overexposure that was caused by failure of the locking mechanism (NUREG/BR–0024, p. 153, case 46 [1]) followed by moving the radiographic device, several incidents have been observed where radiographic devices were stored with the source in an unshielded position caused by failure to lock the mechanism. The probability of occurrence and the consequences of this type of event seem to be of sufficient magnitude to justify the time-of-storage survey requirement suggested by the petitioner. In addition it is considered to be a good safety practice to survey at the time of storage, and many radiographers include this survey in their routine procedures. Therefore, the Commission agrees that it is desirable to require that the time-of-storage survey be made and recorded. However, this would not relieve licensees from requiring that radiographers make a survey immediately after the last exposure and before transport to the place of storage, although no record of the last use survey would be required.

The Commission also agrees that the measurement of the exposure rate at a point on the surface of a device, during the storage survey, would provide additional assurance that the sealed source was properly stored within the device as well as data on source decay and instrument operability useful to both the licensee and NRC inspectors. However, storage survey procedures should also be consistent with the survey procedure required after each exposure. Therefore, the proposed amendment would require that the time-of-storage survey be made around the entire circumference of the radiographic exposure device, consistent with existing survey procedures (10 CFR 234.43(b)), and that the survey include a measurement of the radiation exposure rate at the source outlet port with the safety plug installed, as recommended by one commenter.

A record of the time-of-storage survey result would provide assurance to the Commission that the radiographer had surveyed the device after the last exposure. The Commission agrees that it may be more convenient to record the results of a survey taken at the location of storage than one taken in the field, and that this storage survey record may be more important to safety.

Since the time-of-storage survey and record procedure are similar to the currently required last-use survey and record procedure, licensees would not be required to submit modified procedures for review. If the Commission implements the proposed rule, a copy will be sent to each licensee. A cover letter will inform the licensee that the new survey and record method should be used and that a license amendment need not be requested.

Performance Inspection of Radiographers and Radiographers' Assistants

In order to receive a specific license for radiography, the applicant presently must have an in-house inspection program to ensure that radiographers and radiographer's assistants are following NRC regulatory requirements and the licensee's operating and emergency procedures. The in-house inspection must be conducted by the licensee every 3 months. This requirement was intended to be explicit in § 34.11(d) of the Commission's rules.

The Commission intends that the applicant describe in the license application the program that will be used to inspect the work methods of each radiographer and radiographer's assistant during an actual radiographic operation to ensure that each individual is following applicable regulatory requirements and operating and emergency procedures. Each inspection

[1] Copies of NUREG/BR–0024 may be obtained from the GPO Sales Program Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–7333.

would be conducted by having an individual who knows the applicable requirements and procedures observe each worker during an actual radiographic exposure to ensure that each worker is following the requirements and procedures. The proposed rule clarifies this requirement. Some license applicants and licensees believe that a system of spot checks of some radiographers and radiographers' assistants is sufficient to meet the requirement of existing regulation. The Commission does not agree that a system of spot checks is adequate to provide assurance that radiographers are working safely. The Commission is proposing that the regulation be revised to specify that a description of the inspection program be included in license applications and that the inspection program provide for the inspection of the work methods of each radiographer and radiographer's assistant actively engaged in radiography, at intervals not to exceed 3 months. If a radiographer has not participated in a radiographic operation for more than three months, the rule provides that individual's performance will be observed and recorded the next time he or she participates in a radiographic operation.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in categorical exclusion 10 CFR 51.22(c)(3) (i) and (iii). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act (44 U.S.C. 3051 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements as part of the 1983 renewal for 10 CFR Part 34. Approval of the paperwork requirement was granted 08/10/83, OMB No. 3150–0007.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this proposed regulation. This analysis examines the costs and benefits of the alternatives considered. The analysis is available for inspection in the Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Donald O. Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–4588.

Public comment on the analysis is requested. Comments may be submitted to the NRC as indicated under the **ADDRESSES** heading.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The NRC has currently issued 369 licenses for the performance of industrial radiography that would be affected by this proposed rule. Although a substantial number of these licensees would be considered small entities, the proposed requirements are not expected to have a significant economic impact on these licensees.

The proposed radiation survey and record amendment requires an additional survey upon storage of the radiographic device, which is considered a minimal regulatory burden. The amendment substitutes a storage survey record requirement for the currently required last use survey record, which imposes no additional regulatory burden. The quarterly performance inspection of each radiographer and radiographer's assistant is already required of license applicants. The proposed rule clarifies what information must be submitted with a license application.

The additional time-of-storage survey is estimated to cost about $150.00 per radiographer per year. This is based on each radiographer working 250 days each year, at two locations each day, and estimate that it takes about 0.01 hours to complete a storage survey, and that the hourly wage for the average radiographer, plus overhead, is $30.00. Each survey can be estimated to cost approximately 30 cents. The benefit of this additional survey requirement is significantly increased assurance that radiographic sources are safety stored in the shielded position.

Since the quarterly performance inspection of radiographers is already required by license condition, there will be no new or additonal burden on NRC licensees. The total cost of the quarterly performance inspection program, whether required by license condition or regulation, is about $120 per worker each year, assuming each inspection takes one-half hour of worker time and one-half hour of inspector time.

The NRC does not believe these costs constitute a significant economic impact on small entities. However, the Commission is seeking comments and suggested modifications, especially from small entities, because of the widely differing conditions under which many licensees operate.

Any small entity subject to this regulation which determines that, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates the following:

(a) The licensee's size in terms of annual income or revenue and number of employees;

(b) How the proposed regulation would result in a significant economic burden upon the licensee as compared to that on a large licensee;

(c) How the proposed regulations could be modified to take into account the licensee's differing needs of capabilities; and

(d) Whether the assumptions that a radiographer works an average of two locations a day and that a radiation survey takes about 0.01 hour to complete accurately reflect the licensees' actual work experience.

List of Subjects in 10 CFR Part 34

Packaging and containers, Penalty, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C 553, the NRC is proposing to adopt the following amendments to 10 CFR Part 34.

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

1. The authority citation for Part 34 is revised to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 34.32 also issued under sec. 206, 88 Stat. 1246 (42 U.S.C. 5846).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 34.22, 34.23, 34.24, 34.25 (a), (b) and (d), 34.28, 34.29, 34.31 (a) and (b), 34.32, 23.33 (a), (c) and (d), 34.41, 34.42, 34.43 (a) (b) and (c) and 34.44 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 34.11 (d), 34.25 (c) and (d), 34.26, 34.27, 34.28(b), 34.29(c), 34.31(c), 34.33 (b) and (e) and 34.43(d) are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§§ 34.2, 34.11, 34.22, 34.28, 34.29, 34.31–34.33, 34.43–34.44, 34.51 and Appendix A [Amended]

2. Remove the authority citations following §§ 34.2, 34.11, 34.22, 34.28, 34.29, 34.31, 34.32, 34.33, 34.43, 34.44, 34.51, and Appendix A.

3. In § 34.2 paragraphs (g) and (h) are redesignated as paragraphs (h) and (i), and a new paragraph (g) is added to read as follows:

§ 34.2 Definitions.

* * * * *

(g) "Storage area" means any location, facility, or special vehicle at or in which a radiographic exposure device or storage container is secured, when not in use, by lock or physical barrier so as to prevent accidental exposure, tampering with or unauthorized removal of the device.

* * * * *

4. In § 34.11, paragraph (d) is revised to read as follows:

§ 34.11 Issuance of specific licenses for use of sealed sources in radiography.

* * * * *

(d) The applicant has established and submits a description of an in-house inspection program adequate to ensure that the Commission's regulatory requirements and the applicant's operating and emergency procedures are followed by radiographers and radiographers' assistants. The inspection program must:

(1) Include observation of and recording of the performance of each radiographer and radiographer's assistant during an actual radiographic operation at intervals not to exceed three months;

(2) Provide that, if a radiographer and radiographer's assistant has not participated in a radiographic operation for more than three months since the last inspection, that individual's performance must be observed and recorded the next time the individual participates in a radiographic operation; and

(3) Include retention of inspection records for two years on performance of radiographers and radiographer's assistants.

* * * * *

5. Section 34.43 is revised to read as follows:

§ 34.43 Radiation surveys.

(a) The licensee shall ensure that at least one calibrated and operable radiation survey instrument is available at the location of radiographic operations whenever radiographic operations are being performed, and at the storage area as defined in § 34.2(g) whenever a radiographic exposure device is being placed in storage.

(b) The licensee shall ensure that a survey with a calibrated and operable radiation survey instrument is made after each exposure to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device must be surveyed. If the radiographic exposure device has a source guide tube, the survey must include the guide tube.

(c) The licensee shall ensure that a survey with a calibrated and operable radiation survey instrument is made at the time a radiographic exposure device is placed in a storage area to determine that the sealed source is in its shielded position. The entire circumference of the radiographic exposure device must be surveyed. In addition, for devices having a source outlet port, a measurement of the radiation exposure rate at this outlet port, with the safety plug installed, must be taken.

(d) The licensee shall ensure that a record of the survey required in paragraph (c) of this section, including the measurement of the radiation exposure rate at the source outlet port, with the safety plug installed, is made and is maintained for two years.

Dated at Bethesda, Maryland, this 27th day of August, 1984.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 84–26367 Filed 10–3–84; 8:45 am]

BILLING CODE 7590–01–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Ch. II

[RM 84–6]

Implementation of the Semiconductor Chip Protection Act of 1984; Inquiry and of Public Hearing

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of inquiry and of public hearing.

SUMMARY: This notice of inquiry and of a public hearing is issued to advise the public that the Copyright Office of the Library of Congress will institute a rulemaking proceeding to implement certain provisions of the Semiconductor Chip Protection Act of 1984, provided that the bill is enacted before the 98th Congress adjourns. Different bills (S. 1201 and H.R. 5525) have passed the Senate and the House of Representatves. By this notice, the Copyright Office invites public comment, views and information to assist it in the preparation of regulations on specific issues such as the nature of identifying material to be deposited in connection with an application for registration of a claim to protection in a mask work and recommended methods for affixation and positions of mask work notice.

Since the time available to complete a regulatory proceeding on the registration of mask works in the Copyright Office and other related matters is limited in the pending bills, the comment period set in this notice is accordingly short.

DATES: The hearing will be held on October 18, 1984 in Washington, D.C. Anyone desiring to testify should submit a request by letter or telephone no later than October 16, 1984. To assist the Copyright Office in scheduling witnesses, we urge the public scrupulously to observe the date for requesting time to testify, even if written statements are submitted later. Ten copies of written statements should be received by the Copyright Office by 4:00 p.m., October 16, 1984, if at all possible. In any case, persons who testify should file written statements no later than October 31, 1984. Interested persons who do not wish to testify should submit ten copies of written statements by October 31, 1984.

ADDRESSES: Hearing location: The hearing will be held on October 18, 1984 in the Dining Room, A, LM–620 of the James Madison Memorial Building of the Library of Congress, First and Independence Ave., SE., Washington, D.C., beginning at 9:30 a.m.

Written requests to present testimony and ten copies of written statements, supplementary statements, or comments, should be submitted as follows: If sent by mail, address to: Library of Congress, Department D.S., Washington, D.C. 20540.

If delivered by hand, copies should be brought to: Office of General Counsel, James Madison Memorial Building, Room 407, First and Independence Avenue, SE., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287–8380.

SUPPLEMENTARY INFORMATION: At the time this notice was prepared for publication, the Senate and the House of Representatives had passed two different bills (S. 1201 and H.R. 5525) to afford protection for "mask works" (defined as a "series of related images" in the Senate bill and "2-dimensional

and 3-dimensional features of shape, pattern, and configuration" in the House bill). The Senate bill would amend the Copyright Act of 1976, title 17 of the United States Code, Chapters 1–8 by adding "mask works" as a new category of copyrightable subject matter, and make other consequential amendments. The House bill would create a new, sui generis form of protection for "mask works," independent of and apart from the Copyright Act, based on an amalgam of intellectual property law principles, but predicated more on copyright-type principles than any other single field of intellectual property. Both bills have many features in common, and have the common objective of affording protection against unauthorized reproduction and distribution of the intellectual work represented by the creation of semiconductor chip products. H.R. 5525 if enacted would be codified as chapter 9 of title 17 U.S.C.

Given the importance of the legislation and the absence of any known opposition to the principle of protection for "mask works," it appears likely that a bill will be enacted into law before the 98th Congress adjourns. The Register of Copyrights is designated as the administrator of the law in both bills. Since the Copyright Office will probably have only a short period of time after enactment to begin administration of the new law, the Office has decided to request written comment by October 31, 1984 and to hold a public hearing in Washington, D.C. on October 15, 1984. The purpose of this notice is to solicit public comment with respect to administration of the contemplated law, especially with respect to forms, regulations governing registration, deposit, notice, fees, and similar matters. The administrative provisions of both bills are similar, but the House version (H.R. 5525) requires additional rulemaking by the Office. The public is invited to comment on either bill's administrative provisions; for the sake of simplicity, the background information that follows focuses upon the specific provisions of the House bill.

Section 902 of the proposed Semiconductor Chip Protection Act of 1984[1] provides generally that mask works that are original and are neither staple, commonplace, nor familiar in the semiconductor industry, nor variations thereof that are combined in an unoriginal way, are eligible for protection under new chapter 9 of title 17 of the United States Code. As a condition of protection, however, section 908(a) stipulates that protection of a mask work under chapter 9 terminates "if application for registration of a claim of protection in the mask work is not made * * * within two years after the date on which the mask work in first commercially exploited." In accordance with section 905 and the other provisions of proposed chapter 9, the owner of a mask work enjoys the exclusive rights to do and to authorize any of the following:

(1) To reproduce the mask work by optical, electronic or any other means;

(2) To import or distribute a semiconductor chip product in which the mask work is embodied; and

(3) To induce or knowingly to cause another person to do any of the acts described in paragraphs (1) and (2).

The owner of exclusive rights in a mask work for which registration has been made under section 908, or for which an application for registration has been or is eligible to be filed, may transfer the rights in whole or in part. Where there are conflicting transfers of exclusive rights, section 903(c) provides that "the transfer first executed shall be void as against a subsequent transfer which is made for a valuable consideration and without notice of the first transfer, unless the first transfer is recorded in the Copyright Office within three months after the date on which it is executed, bu in no case later than the day before the date of such subsequent transfer."

Another aspect of the protection of mask works under chapter 9, is the provision in section 909 for a mask work notice. Unlike the copyright notice required pursuant to chapter 4 of title 17 of the United States Code, the affixation of the mask work notice, as set forth in section 909(b), is optional.

With respect to registration of claims of protection of mask works, the recordation of transfers of exclusive rights, and recommended methods of affixation and positions of the mask work notice, the Register of Copyrights is responsible for adopting regulations to assist owners and users of mask works in carrying out the intent of Congress to extend protection to this new form of creative work. Although specific grants of regulatory authority are made in connection with issues such as the mask work notice, there is a general reference in section 908(b) to the provisions of chapter 7 of title 17 relating to the regulatroy authority of the Register. Under section 702 of title 17 U.S.C., the Register of Copyrights is authorized "to establish regulations not inconsistent with law for the administration of the functions and duties made the responsibility of the Register under this title." It also proivdes that "[a]ll regulations established by the Register under this title are subject to the approval of the Librairan of Congress."

This notice of inquiry is made in order to assist the Register in drafting regulations for the implementation of the proposed Semiconductor Chip Protection Act of 1984. The issues addressed in this notice are of specific concern to the Copyright Office in instituting a rulemaking proceeding; and the Office invites public comment, views and information on the subjects noted below. There may be additional matters in connection with the proposed Semiconductor Chip Protection Act not listed below that a member of the public would like to bring to the attention of the Copyright Office. Public comment is invited on the following issues as well as any other issues that may be of assistance to the Office in implementing any new law to protect mask works. Depending upon the date of enactment and the delay allowed to prepare for implementation in relation to the deadlines established for public comment, the Office may not be able fully to consider public comments before printing registration forms and adopting interim administrative practices. Any comments received will be given full consideration in subsequent reviews of Office forms, practices and procedures.

Public Comment Invited on the Following Issues

1. *Registration form.* Section 908(c) of chapter 9 requires that an application for regisration of a mask work in the Copyright Office be made on a form prescribed by the Register of Copyrights and include "any information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work, the existence or duration of protection, or ownership of the work."

The Register has long experience in preparing forms for registration of claims in works subject to copyright. Generally, the information required of an applicant on such forms has been limited. In view of the unique character of mask works, however, it is not clear whether a more detailed registration record would be beneficial to the public. While the Office fully understands that originality rather than priority of creation entitles claimants to protection, it is the act of registration that establishes legal protection. Moreover, since virtually all "mask works" may be based knowingly on earlier mask work design components and since earlier designs may be well-known in the semiconductor chip industry, it may be useful and in public interest for the

[1] Any reference to sections are to H.R. 5525.

Office to require an applicant to describe with some specificity the nature and scope of the mask work for which registration of a claim is sought. Where a prior work has been substantially reproduced in a second mask work, should there be a clear indication in an application form of the portions reproduced and the new material added?

2. *Filing fee for registration and fees for other services.* The Register of Copyrights is authorized pursuant to section 908(d) to "set reasonable fees for the filing of applications to register claims to protection in mask works under this chapter [chapter 9], and for other services relating to the administration of this chapter or rights under this chapter, taking into consideration the cost of providing those services, the benefits of a public record, and statutory fee schedules under this title [title 17 U.S.C.]."

With the exception of the fee for filing of an application for registration, the Register is inclined to prescribe, by regulation, that the fees for copyright services established under section 708 of title 17, apply, where appropriate, to services rendered by the Copyright Office under chapter 9. For the filing of an application for registration, however, the Office believes a slightly higher fee is required. Current thinking is to set the filing fee at twenty dollars ($20). The copyright registration fee of ten dollars ($10) allows the Office to recover less than 30% of the processing costs for copyright claims. Pursuant to the proposed new authority under chapter 9, the fee should allow recovery of a much higher percentage of costs, but less than full recovery of costs.

3. *Application for registration.* Section 903(a) provides that the exclusive rights in a protected mask work vest in the owner of the mask work; and "owner" of a mask work is defined in section 901 as "the author of the mask work, the legal representatives of a deceased author or of an author under a legal incapacity, the employer of an author who created the mask work for the employer in the case of a work made within the scope of the author's employment, or a person to whom the rights of the author or of such employer are transferred * * *."

In light of the above provisions, the Copyright Office intends, at this point, to allow only the initial owner of all of the exclusive rights in a mask work, or a person who has obtained ownership of all rights in the work initially belonging to such owner, to be identified in an application as the "claimant" for purposes of registration. Unlike the requirements for registration of copyright claims, an application would not be accepted from an "author" who was not also an "owner" of a mask work, or from one who claims to own less than all exclusive rights. Transfers of less than all rights could, however, be recorded.

As a general rule, the Copyright Office plans to accept only one application for registration for the same version of a particular mask work. The Office invites comments as to whether and under the circumstances an owner of a mask work should be allowed to register an intermediate form of a semiconductor chip product, beyond the "technical drawing" stage (where application under the Copyright Act might be possible). If applications are allowed in such cases, the Office tentatively believes it must require a clear statement in subsequent application forms that an earlier registration has been made for particular version of a mask work fixed in specific layers of a semiconductor chip product. This provision appears necessary since, under section 904(a), protection for a mask work begins on the date of registration or first commercial exploitation. If multiple applications are allowed, different parts of a semiconductor chip product could be protected for varying periods. Should the Office encourage or discourage this development? Are there any safeguards or conditions that should be applied to protect the public interest, other than clear disclosure of the basis of the claim? What statements or descriptions of the basis of claiming are appropriate for mask works?

Under H.R. 5525, note that once a mask work fixed in a semiconductor chip product has been commercially exploited an application may be submitted only for that version and not an earlier intermediate form of the product.

4. *Deposit copy and identifying material.* One of the more difficult issues under consideration by the Copyright Office is the type of deposit to require for registration of a claim of protection in a mask work. Section 908(d) of the Act requires that the Register "specify the identifying material to be deposited in connection with the claim for registration." Although not directly applicable to the issue of deposit for registration, a statement in the report of the Senate Committee on the Judiciary to accompany S. 1201, S. Rep. No. 98–425, 98th Cong., 2d Sess. 19 (1984), provides some guidance. The Senate Committee clearly noted that "deposit of chips in the Library of Congress would serve no useful purpose." The Copyright Office concurs in this view.

The question remains, however, what material should be required for deposit purposes that would clearly identify the mask work for which protection is claimed. Public comment, views and information on this issue would be most helpful. Perhaps earlier "drawings" on mylar sheets, if available, would sufficiently identify a mask work produced from the drawings for purposes of registration in the Copyright Office, or should more detailed representations be required?

In the case of semiconductor chip products, would it be practical to allow an applicant to deposit the required identifying material in some machine-readable form such as a magnetic tape, perhaps in combination with mylar sheets? If this type of deposit were permitted, the semiconductor industry may be asked to furnish, or at least advise the Office on the acquisition and operation of equipment needed to effectively process the deposited material. Any additional costs involved would also have to be taken into account in determining the filing fee for registration. The Office hopes to work closely with representatives of the semiconductor industry in establishing deposit procedures that will provide an adequate public record, while not placing an undue burden on owners of mask works.

5. *Mask work notice.* A regulation on recommended methods of affixation and placement of a mask work notice relates directly to the forms in which the owner of a mask work anticipates the work will be commercially exploited.

The over-all standard set in § 201.20(c)(1) of 37 CFR with respect to the manner of affixation and position of the copyright notice may also be applied in the mask work notice. Section 201.20(c)(1) provides generally that "the acceptability of a notice depends upon its being permanently legible to an ordinary user of the work under normal conditions of use, and affixed to the copies in such manner and position that, when affixed, it is not concealed from view upon reasonable examination." In applying this standard to mask works, the acceptability of a notice would vary depending on the nature of the material object in which the work was fixed. For example, where the coordinates of a mask work are reproduced in a magnetic tape or disc, the mask work notice should be embodied in the mask work fixed in the tape or disc in such a form that it would be reasonably visible to a user "under normal conditions of use," or permanently affixed to the housing or

container. The Copyright Office is particularly interested in receiving comments concerning the affixation and placement of a mask work notice in connection with this and other forms in which a mask work may be reproduced.

In the usual case, a mask work will be fixed in a semiconductor chip product. For such works, reasonable notice would depend on the location of the chip product in normal use. Where a chip product is normally concealed in use, would affixation of a mask work notice on the permanent housing or container for the mask work constitute reasonable notice of protection?

6. *Publication of registrations made in the Copyright Office.* A final determination of the type of publication that should be made of registrations of claims of protection of mask works must await a decision on the nature of the identifying material required for deposit. As a preliminary matter, however, the Office asks whether a complete record of a registration, including any forms and material deposited in the Copyright Office, should be made available to the public, in advance of specific requests. Although a publication along the lines of the *Official Gazette* of the U.S. Patent and Trademark Office may not be appropriate or useful, perhaps something more than the current *Catalog of Copyright Entries* would provide a useful service to the public. If the Copyright Office decides to require a detailed description of the nature and scope of a mask work claim in an application for registration, perhaps this and other information relevant to a particular work could be made readily available to the public on a semiannual basis in a machine-readable form. Comment is invited.

(17 U.S.C. 702)

List of Subjects in 37 CFR Ch. II

Mask works, Semiconductor chips.

Dated: October 1, 1984.

David Ladd,

Register of Copyrights.

Approved by.

Donald C. Curran,

Associate Librarian of Congress.

[FR Doc. 84-26405 Filed 10-3-84; 8:45 am]

BILLING CODE 1410-03-M

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37 CFR Part 201

[Docket RM 84-4]

Compulsory License for Cable Systems; Public Hearing on Status of Low Power Television Stations

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of public hearing.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is reviewing its interpretation of section 111 of the Copyright Act concerning whether the signals of low power television stations should be treated as "local" or "distant" signals for purposes of computing cable television copyright royalties in certain cases. This notice invites participation in a public hearing intended to elicit comments, views, and information which will assist the Office in this review of the status of low power television stations.

DATES: The hearing will be held on October 12, 1984 in Washington, D.C. Anyone desiring to testify should contact the Office of the General Counsel, Copyright Office at (202) 287-8380 by October 11, 1984. Ten copies of written statements should be submitted to the Copyright Office by 4:00 p.m. on October 11, 1984, if possible, and in any case no later than October 22, 1984. Comments are also invited from persons who do not wish to testify by October 22, 1984.

ADDRESSES: Hearing location: The hearing will be held on October 12, 1984 in Dining Room A, LM-620 (Yellow Quadrant) of the James Madison Memorial Building, Library of Congress, First and Independence Ave., SE., Washington, D.C., beginning at 10:00 a.m.

Ten copies of written statements, supplementary statements, or comments should be submitted as follows:

If sent by mail—Library of Congress, Department D.S., Washington, D.C. 20540.

If delivered by hand: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room 407, First and Independence Ave., Washington, D.C.

All requests to testify should clearly identify the individual or group desiring to testify.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287-8380.

SUPPLEMENTARY INFORMATION: Section 111(c) of the Copyright Act of 1976, title 17 of the United States Code, established a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject to various conditions, including the requirements that cable systems file Statements of Account semi-annually and pay statutory royalty fees in accordance with section 111(d)(2) and as adjusted by the Copyright Royalty Tribunal in accordance with section 801(b)(2).

A question has arisen regarding the status of low power television stations under the Copyright Act's definition of the "local service area of a primary transmitter." That definition establishes the demarcation between so-called "local" and "distant" signals under the cable compulsory license. The demarcation is critically important since large cable systems, whose semiannual gross receipts exceed $214,000, compute their copyright royalties beyond the minimum fee [1] on the basis of distant signal carriage (the "distant signal equivalent" formula is applied).

The definition of local service area is found in section 111(f):

"The 'local service area of primary transmitter,' in the case of a television broadcast station, comprises the area in which such station is entitled to insist upon its signal being retransmitted by a cable system pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976. * * *

The FCC rules in effect on April 15, 1976, did not require low power television stations to be carried by cable systems. Under the law as written, the difference in local and distant signals is arguably frozen as of April 15, 1976. The Committee on the Judiciary explained that they used this date in the relevant section 111(f) definition since they believed "that any such change for copyright purposes, which would materially affect the royalty fee payments provided in the legislation, should only be made by an amendment to the statute." H.R. Rep. No. 1476, 94th Cong., 2d Sess. 99 (1976).

Within the past year, the Copyright Office, in correspondence with representatives of cable systems, has advised them that low power television stations, which on April 15, 1976 were not subject to the Federal Communications Commission's "must-carry" rules and are even now not subject to them, would presumably be classified as "distant" signals under the definition in 17 U.S.C. 111(f). Most recently, members of Congress and representatives of The American Low Power Television Association, Low Power Technology, Inc., Low Power Television, Inc., Community Broadcasters of America, Inc., The

[1] All cable systems pay a minimum fee for the privilege of making secondary transmissions, irrespective of gross receipts or actual distant signal carriage. 17 U.S.C. 111(d)(B)(i), (C) and (D).

Radio and Television Commission of the Southern Baptist Convention, The American Christian Television System, Inc., ACTS Satellite Network, Inc., Kentucky New Era, Inc., Shoblom Broadcasting, Inc. and John Boler have asked the Copyright Office to reconsider on an urgent basis the status of low power television stations under the definition of "local service area of primary transmitter."

In response to these requests, the Copyright Office has decided to hold a public hearing on October 12, 1984 for the purpose of eliciting comment on the correct interpretation of the Copyright Act as it relates to the status of signals of low power television stations retransmitted by cable systems. Comment is specifically invited in two areas: (1) If a cable system retransmits a low power television signal, should the signal be characterized as "local" or "distant" for purposes of applying the distant signal equivalent value formula? If the response is that the signal should be considered "local," how are the limits of the station's "local service area" defined and by what authority? (2) If a cable system retransmits a low power television station on the basis of a voluntary license from the station and all owners of copyright in all copyrighted works transmitted by the low power television station have granted explicit voluntary licenses for the secondary transmission by cable, must the cable system nevertheless specify that carriage in its Statement of Account and pay copyright royalties under the compulsory license, (assuming the cable system retransmits at least one additional broadcast signal), or is the retransmission of such a low power television station outside the cable compulsory license since all copyright owners have consented voluntarily to the retransmission?

(17 U.S.C. 111; 702)

List of Subjects in 37 CFR Part 201

Cable television, Copyright.

Dated: October 1, 1984.

David Ladd,

Register of Copyrights.

Approved by:

Donald C. Curran,

Acting Librarian of Congress.

[FR Doc. 84-26404 Filed 10-3-84; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[WH-FRL-2686-1]

Vermont; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of Vermont for Final Authorization, Public Hearing, and Public Comment Period.

SUMMARY: Vermont has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Vermont's application and has made the tentative decision that Vermont's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to the State of Vermont to operate its program in lieu of the federal program.

Vermont's application for final authorization is available for public review and comment, and a public hearing will be held to solicit comments on the tentative decision if significant public interest is expressed.

DATES: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for November 14, 1984. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by November 5, 1984. EPA will determine by November 6, 1984, whether there is significant interest to hold the public hearing. Vermont will participate in the public hearing held by EPA on this subject if a hearing is to be held. All written comments on Vermont's final authorization application must be received by the close of business on November 16, 1984.

ADDRESSES: Copies of Vermont's final authorization application are available during regular business hours at the following addresses for inspection:

Agency of Environmental Conservation, Division of Water Resources and Environmental Engineering, Air and Solid Waste Program, Heritage II Building, 79 River Street, Montpelier, Vermont 05602, Telephone (802) 828-3395.

U.S. EPA Headquarters Library, PM-211A, 401 M Street SW., Washington, D.C. 20460 (202) 382-5926.

U.S. EPA Region I Library, JFK Federal Building, Room E 121, Boston, Massachusetts 02203, Contact: Peg Nelson (617) 223-5791.

Written comments on the application and written or telephone communication of interest in EPA's holding a public hearing on the Vermont application must be sent to: Mary Jane O'Donnell, State Waste Programs Branch, U.S. EPA, Room 409, JFK Federal Building, Boston, Massachusetts 02203 (617) 223-1927.

If you wish to find out whether or not EPA will hold a public hearing on the Vermont application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after November 6, 1984, the contact person listed below or Anne Whiteley, Vermont Agency of Environmental Conservation, Heritage II Building, 79 River Street, Montpelier, Vermont 05602 (802) 828-3395.

If significant public interest is expressed, EPA will hold a public hearing on Vermont's application for final authorization on Wednesday, November 14, 1984 at 10:00 a.m. at the Pavillion Auditorium, Pavillion Building, 109 State Street, Montpelier, Vermont 05602.

For further information contact: Mary Jane O'Donnell, State Waste Programs Branch, U.S. EPA, Room 409, JFK Building, Boston, Massachusetts (617) 223-1927.

SUPPLEMENTAL INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize state hazardous waste programs to operate in the State in lieu of the federal hazardous waste program. Two types of authorization may be granted. The first type, known as "interim authorization", is a temporary authorization which is granted if EPA determines that the state program is "substantially equivalent" to the federal program (Section 3006(c), 42 U.S.C., 6226(c)). EPA's implementing regulations at 40 CFR 271.121-127.137 established a phase approach to interim authorization: Phase I, covering the EPA regulations in 40 CFR Parts 260-263 and 265 (universe of hazardous wastes, generator standards, transporter standards and standards for interim status facilities) and Phase II, covering the EPA regulations for permitting hazardous waste management facilities. Phase II has three components. Phase IIA covers general permitting procedures and technical standards for containers, tanks, surface impoundments, and waste piles. Phase IIB covers incinerator facilities, and Phase IIC addresses landfills and land treatment facilities. By statute, all

interim authorizations expire on January 26, 1985. Responsibility for the hazardous waste program returns (reverts) to EPA on that date if the State has not received final authorization.

The second type of authorization is a "final authorization" that is granted by EPA if the Agency finds that the state program: (1) Is "equivalent" to the federal program, (2) is granted by EPA if the Agency finds that the State is consistent with the federal program and other state programs, and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6226(b)). States need not to have obtained interim authorization in order to qualify for final authorization. EPA regulations for final authorization appear at 40 CFR 271.1–271.23.

B. Vermont

The State of Vermont received Phase I interim authorization on January 8, 1981 and Phase II interim authorization on January 24, 1984. Vermont submitted their draft application on final authorization on January 4, 1984. EPA's comments on the final authorization application was forwarded to the State on March 16, 1984. EPA raised a number of issues concerning the Vermont draft application and the ability of the state program to demonstrate equivalence to the federal program. On July 9, 1984, Vermont submitted a complete application for final authorization in response to EPA's comment letter. Prior to the submission of the complete application to EPA, Vermont solicited public comment and held a public hearing on June 15, 1984. No member of the public attended and no public comments were received.

On August 23, 1984, EPA transmitted its comments to the State on their complete application. EPA identified a number of issues that needed further clarification and also questioned the ability of the state program to demonstrate equivalence to the EPA program. The major issues are as follows:

1. *Interagency Coordination:* The Vermont Agency of Environmental Conservation, the Vermont Department of Health, and the Vermont Department of Agriculture regulate certain portions of the Vermont Hazardous Waste Program. EPA requested clarification of the administrative coordination procedures of these three agencies. EPA also requested that the Directors of the three agencies sign the Memorandum of Agreement with EPA.

2. *Accumulation Time:* The Vermont regulations did not contain a provision equivalent to 40 CFR 262.34(a)(2) and 40 CFR 262.34(a)(3) which outline generators marking and labelling requirements for tanks and containers. EPA felt that Vermont's regulations in this particular area were less stringent than EPA's regulations.

3. *Attorney General's Statement:* EPA felt a number issues needed further clarification in the Attorney General's Statement.

On August 31, 1984, Vermont responded to EPA's August 23, 1984 letter in the form of a revised application. The following discussion indicates how Vermont responded to EPA's major concerns.

1. *Interagency Coordination:* Vermont responded to some of EPA's concern through a Memorandum of Understanding with the agencies that have responsibilities for hazardous waste management. Vermont has agreed to submit to EPA by December 1, 1984 a Memorandum of Understanding and a Memorandum of Agreement, signed by the various state directors, which responds to EPA's concerns.

2. *Accumulation Time:* Vermont has promulgated regulations which respond to EPA's concerns regarding marking and labelling of tanks and containers. These regulations became effective on September 13, 1984. With this change Vermont's regulations on accumulation time became equivalent to EPA's regulation.

3. *Attorney General's Statement:* Vermont responded to EPA's concern regarding their Attorney General's Statement.

Thus, EPA tentatively intends to grant final authorization to Vermont to operate its program in lieu of the federal program. Copies of Vermont's application are available for inspection at the locations indicated in the **"ADDRESSES"** section of this notice.

In making its final decision, EPA will consider all public comments on the tentative determination and the measures taken by the State to address EPA's concerns. Issues raised by the public comments may be the basis for a decision to deny final authorization to Vermont. EPA expects to make a final decision on whether or not to approve Vermont's program by January 7, 1985 and will give notice of it in the **Federal Register.**

It is possible that the schedule for EPA's final decision could be changed if substantial amendments are made to Vermont's application in response to public comments. This is because 40 CFR 271.5(c) provides that if the state's application materially changes during EPA's review period, the statutory review period begins again upon receipt of the revised submission. The State and EPA may also extend the review period by agreement (see 40 CFR 271.5(d)). EPA will give notice of its final decision or of a change in schedule in the **Federal Register** by January 7, 1985. That notice will include a summary of the reasons for the final decision, if made at that time, and a response to all major comments received during the public comment period.

Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorizations suspends the applicability of certain federal regulations in favor of the state program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Executive Order 12291

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

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, and Confidential business information.

Authority: This notice is issued under the authority to Sections 2002(a), and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: September 13, 1984.

Michael R. Deland,

Regional Administrator.

[FR Doc. 84-26346 Filed 10-3-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. 6599]

Proposed Flood Elevation Determinations; Missouri

Correction

In FR Doc. 84–12053 beginning on page 19343 in the issue of Monday, May 7, 1984, make the following corrections:

On page 19350, column four of the table "Location" entry thirteen, second line, "Road" should read "Pond"; also in

entry thirty-five, "About .50 miles upstream of" should appear before "Missouri Highway D".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-172B; Notice No. 84-12]

Cylinder Retester Identification Procedures

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

ACTION: Notice of proposed rulemaking.

SUMMARY: MTB proposes to revise the Hazardous Materials Regulations (HMR): (1) To establish new procedures under the periodic retesting of cylinders which would require that cylinders be marked with the cylinder retester's identification number to provide means for the identification of the retesters who retested a particular cylinder, and (2) to expand the functions performed by approval agencies to include inspections other than manufacturer related testing specified under Part 178.

DATE: Comments must be received no later than January 3, 1985.

ADDRESSES: *Address comments to:* Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: David E. Henry, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Washington, D.C. 20590, (202) 472-5982.

SUPPLEMENTARY INFORMATION: On August 17, 1978, MTB amended § 173.34(e)(1) to require, as pertinent here, that:

> Each person who represents that he performs retesting [of cylinders] in accordance with [paragraph (e)] must have a retester's identification number issued by the MTB or have a valid Bureau of Explosives approval issued prior to August 17, 1978. Such persons holding a B or E approval without a termination date must obtain a retester's identification number from MTB before December 31, 1979. [Docket HM-163; 43 FR 36445; August 17, 1978.]

This action was part of an overall program to withdraw all delegations of authority previously made to the Bureau of Explosives (B of E). At the time, MTB believed that the cylinder retest verification and approval functions being performed by the B of E could be performed by persons qualified as independent inspection agencies as provided in § 173.300a under the direction of MTB. MTB believes the soundness of its actions relative to cylinder retesting have been substantiated by the favorable experience of the independent inspection program since August 1978. It is primarily this experience which is the foundation of the proposals in this notice.

To assure the continuity of the cylinder oversight responsibility, MTB developed procedures and requirements for retesters to assure that cylinder hydrostatic retesting would be performed by qualified retesters. These procedures and requirements are available to prospective cylinder retesters upon request from MTB.

The cylinder retest approval procedures require a prospective applicant to request, in writing, an application form and a list of participating independent inspection agencies approved under § 173.300a. The applicant must make arrangements to have an independent inspection agency perform an inspection of his cylinder retest facility. Based upon a favorable recommendation from the independent agency, and other data demonstrating that the applicant has capabilities in both personnel and equipment to retest cylinders, the applicant is issued a cylinder retester identification number by MTB. Each retester identification number is valid for five-years. Conditions contained in each document granting a retester identification number include the following:

a. Limits on the types of cylinders that may be retested.

b. A requirement that testing must be performed by or in the presence of a designated hydrostatic test operator whose performance has been witnessed by the independent inspection agency, or one who has been qualified in a program acceptable to MTB.

c. A requirement that a copy of the document which grants the retester his identification number must be maintained adjacent to the testing apparatus, and a copy of the document must be signed by the facility manager and returned to MTB within 20 days of receipt by the facility.

d. A requirement that the retester notify MTB within 20 days of any change in management, equipment, or designated testers.

Requirements for notification of changes in management pertain only to those management employees directly responsible for supervision of the retesting. Depending on the size and organization of some companies, MTB believes it may be advantageous for some retesters to maintain a centralized personnel listing of all testing personnel throughout the company. Consequently, in place of notification, a retester may be permitted to maintain a current listing, with qualifications, of each person who conducts retesting by making a written request and securing written acceptance by MTB. Similarly, notification of changes in equipment is required only for replacement of a component which would cause the cylinder hydrostatic retest equipment to be different from that observed and recommended by the independent inspection agency.

In addition, the retester is required to request authorization from MTB to retest cylinders other than those upon which the inspector's report was based.

The above description of the current retester qualification program is intended to serve two purposes. First, it is presented to offer notice that the program exists and to explain its operation, so as to avoid expanding the already voluminous provisions of § 173.34(e) through codification of these procedures therein. It should be noted that a general recodification of § 173.34 is being developed by MTB, and this action is consistent with that effort. Secondly, it is necessary to describe the current program and procedures in order to provide a basis for the additional requirements proposed below.

It is proposed to enable MTB to specify certain special conditions in addition to the standard conditions, based on its review of the applicant's retest program and the completed report of the independent inspection agency. If special conditions were specified, the applicant would be given 20 days to submit written comments on those conditions to MTB. Pending a decision by MTB on the applicant's request for adjustments, the applicant could proceed with its retesting program if it complied with all conditions contained in the issuance document, including those special conditions being challenged.

The other proposed new provision (which would appear as an amendment

to § 173.34(e)) is that upon the successful completion of each retest, the retester would be required to stamp the cylinder with his identification number and the date of retest. MTB believes this proposal is important because it would identify the person who performed the test. The application of the retest markings could not adversely affect other required markings on the cylinder.

In proposing to adopt the procedures and requirements discussed above, and to give full effect to the program generally, it is necessary to propose a change to § 173.300a to reflect the fact that independent inspection agencies approved thereunder would be eligible to perform inspections in functional areas other than the currently stated limitation manufacturer's testing under Part 178. As proposed, an approved independent inspection agency could perform inspection functions as required by any provision in the Hazardous materials Regulations (49 CFR Parts 171–189) for which it has been qualified.

MTB requests that persons commenting on this notice include any information that they may have concerning the difficulties, and burdens experienced by currently authorized cylinder retesters in meeting the conditions of their registration. MTB also requests that any special problems concerning corporate organizations (i.e., centralized programs or decentralized programs) be brought to our attention.

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

b. *Paperwork Reduction Act.* Information collection requirements contained in this regulation which pertain to the procedures that cylinder retesters must follow are not yet approved by OMB. The requests for OMB approval will be submitted in the near future.

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

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Part 173 would be amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. In § 173.34, the introductory text to paragraph (e), (e)(1), (e)(6) and Note 1 in paragraph (e)(9) would be revised to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(e) *Periodic retesting of cylinders.* Each cylinder that becomes due for periodic retest specified in the following table and exceptions, must be retested in conformance with the applicable requirements of this paragraph.

* * * * *

(1) This periodic retest must include a visual internal and external examination in accordance with CGA Pamphlet C–6, and a test by interior hydrostatic pressure in a water jacket or other apparatus of suitable form for determination of the expansion of the cylinder. The internal inspection may be omitted for cylinders of the type and in the service described under paragraphs (e) (9) and (10) of this section.

(i) No person may represent that he has retested a DOT specification cylinder under this section, by marking the cylinder with a test date or by any other means, unless that person holds a current retester's identification number issued by the MTB pursuant to that person's application and a recommendation from an independent inspection agency qualified under § 173.300a of this subchapter. Under its terms, a retester's identification number is valid for five years from the date of issuance, and may be renewed upon application and submitted at least 90 days prior to expiration of the current authorization in the manner of the original issuance. Application may be obtained upon request from the Office of Hazardous Materials Regulation, U.S. Department of Transportation, Washington, D.C. 20590.

(ii) The marking of a test date on a DOT specification cylinder is considered to be a certification by the person affixing the date that all applicable requirements of this section have been met with respect to that cylinder. The equipment used for retesting under this section must be maintained in the condition and the capabilities demonstrated by the retester in complying with the cylinder retester's criteria approved by the Associate Director for HMR.

(iii) No cylinder required to be retested in accordance with this paragraph, or paragraphs (e) (9) or (10) of this section, may be used for the transportation of a hazardous material unless it has been retested successfully under this section, and the retester has marked the cylinder by stamping the cylinder retester identification number and date of retest plainly and permanently into the metal of the cylinder or on a metal plate which must be permanently secured to the cylinder.

* * * * *

(6) Each cylinder passing retest must be marked with the cylinder retester's identification number set in a square pattern between the month and year of the retest date, in not less than ⅛-inch characters with the first character occupying the upper left corner of the square pattern. The second character must be in the upper right position, the third in the lower right, and the fourth in the lower left. Example: A cylinder retested in May, 1984, and approved by a retester who has been issued identification number A123 would be stamped:

A 1
5 84
3 2

Stamping must be in accordance with the location requirements of the specification. Date of previous tests must not be obliterated. Cylinders which are subject to the requirements under subparagraphs (8), (9) (modified hydrostatic test only), (10), and (12) are not required to be marked with a retester's identification number.

(9) * * *

Note 1.—Cylinders requalified by the modified hydrostatic test method or external inspection shall be marked after each retest or reinspection by stamping the date of retest or reinspection on the cylinders followed by the symbol E (external inspection) or S (modified hydrostatic test method) as appropriate.

* * * * *

2. In § 173.300a, paragraph (d) would be amended by adding a sentence at the end of the paragraph to read as follows:

§ 173.300a Approval of independent inspection agency.

(d) * * * After approval, the Associate Director for HMR may authorize, upon request, the independent inspection agency to perform other inspections and functions for which the Associate Director for HMR finds the applicant to be qualified. Such

additional authorizations will be noted on each inspector's approval documents.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A. to Part 1)

Issued in Washington, D.C. on September 27, 1984.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-26342 Filed 10-3-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status and Critical Habitat for the Alabama Beach Mouse, Perdido Key Beach Mouse, and Choctawhatchee Beach Mouse

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Service gives notice that the comment period on the proposal to determine endangered status and critical habitat for the Alabama beach mouse, Perdido Key beach mouse, and Choctawhatchee beach mouse will be reopened to allow for a review of two papers by several well-known mammalogists and taxonomists.

DATES: The public comment period is reopened October 4, 1984. Comments on the proposal must be received by November 5, 1984.

ADDRESSES: Comments and materials concerning the proposal should be sent to the Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Endangered Species Field Supervisor, at the above address (telephone 904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

The Alabama beach mouse (*Peromyscus polionotus ammobates*), Perdido Key beach mouse (*P. p. trissyllepsis*), and Choctawhatchee beach mouse (*P. p. allophrys*) are small mammals restricted to the Gulf Coast sand dune habitat between Fort Morgan, Baldwin County, Alabama, and Shell Island, Bay County, Florida. The three subspecies are threatened through the destruction of their sand dune habitat by residential and commercial development, recreation activity, and tropical storms. In the **Federal Register** of June 7, 1984 (49 FR 23794-23804), the Service issued a proposed determination of endangered status and critical habitat for the three mammals. The period for submission of public comments on the proposal was originally scheduled to last until August 6, 1984. In the **Federal Register** of August 13, 1984 (49 FR 32321), the Service scheduled a public hearing for August 28, 1984, and extended the comment period until September 7, 1984.

During the public comment period, June 7 through September 7, 1984, the Service received numerous comments. Of particular interest to the Service are two papers questioning the subspecific designation of the three beach mice. These papers are:

Dawson, W.D. 1984. A challenge to the subspecific taxonomy of *Peromyscus polionotus*. Unpublished paper, Univ. South Carolina, 35 pp.

Griswold, K.E. Undated. A review of taxonomic status and population dynamics of *Peromyscus polionotus* from western Florida and eastern Alabama. Unpublished paper, Louisiana Tech Univ., 22 pp. (Submitted to the U.S. Fish and Widlife Service on August 28, 1984)

These two papers were prepared by consultants retained by development interests.

The Service desires to make its final decision on the best scientific and commercial information available. Thus, the Service reopens the comment period on the proposal to allow for a review of the two papers by several well-known mammalogists and taxonomists. Also, since development is imminent on a portion of the proposed critical habitat, the Service has initiated discussions with the Alabama Department of Environmental Management and representatives of the Broadmoor Group to protect beach mice. The reopening of the comment period will allow information on this and subsequent discussions to be included in the administrative record. Minutes of meetings with the Broadmoor Group and correspondence relating to such meetings will be included in the administrative record. Written comments concerning the proposal and particularly the taxonomic questions may not be submitted until November 5, 1984, to the Field Station, address given above.

Author

The primary author of this notice is Ms. Robin H. Fields of the Jacksonville Endangered Species Field Station, address given below.

Authority

The authority for this section is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: September 27, 1984.

James W. Pulliam, Jr.,

Regional Director.

[FR Doc. 84-26344 Filed 10-3-84; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 49, No. 194
Thursday, October 4, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committees on Administration, Regulation; Public Meetings

Committee on Administration

Date: Tuesday, October 23, 1984. Time: 9:00 a.m. Location: 400 Maryland Avenue, SW., Room 7002, Wash., D.C. Agenda: Discussion of a draft recommendation to agencies and Congress on administrative settlement of tort and other monetary claims, based in part on a study by Prof. George Bermann of Columbia University School of Law. Contact: Charles Pou, Jr., 202–254–7065.

Committee on Regulation

Date: Wednesday, October 17, 1984. Time: 9:00 a.m. Location: Suite 500, Office of the Administrative Conference, 2120 L Street, NW., Wash., D.C. Agenda: (1) Review of second draft report of consultant Dean Richard J. Pierce of the University of Pittsburgh School of Law. Dean Pierce's report is entitled "Regulation, Deregulation, Federalism and Administrative Law." Dean Pierce has also submitted a second draft of a proposed recommendation. This project will center on the criteria and procedures appropriate for use when a federal agency that is in the process of deregulating an activity must decide whether regulation of the same activity by the states should also be limited. (2) Decision on whether to go forward at this time with a proposed recommendation on representation by economic and financial experts, or to combined this topic with a larger study of representation by non-lawyers in all types of agency proceedings. Contact: William C. Bush, 202–254–7065.

Public Participation

Attendance at the committee meetings is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with a committee before, during, or after the meeting. Minutes of the meetings will be available on request to the contact persons. The contact persons' mailing address is: Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. These meetings are subject to the Federal Advisory Committee Act (Pub. L. 92–463).

Dated: October 2, 1984.

Richard K. Berg,

General Counsel.

[FR Doc. 84–26459 Filed 10–3–84; 8:45 am]

BILLING CODE 6110–01–M

CIVIL AERONAUTICS BOARD

Fitness Determination of Air Caribe International, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 84–9–70, Order to Show Cause.

SUMMARY: The Board is proposing to find that Air Caribe International, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards.

Responses

All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than October 15, 1984.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 84–9–70 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84–9–70 to that address.

By the Civil Aeronautics Board: September 24, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–26401 Filed 10–3–84; 8:45 am]

BILLING CODE 6320–01–M

Fitness Determination of Kobrin Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 84–9–57, Order to Show Cause.

SUMMARY: The Board is proposing to find that Kobrin Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards.

Responses

All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than October 15, 1984.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 84–9–57 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84–9–57 to that address.

By the Civil Aeronautics Board: September 19, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–26402 Filed 10–3–84; 8:45 am]

BILLING CODE 6320–01–M

[Dockets 42224 and 42254]

Complaint of Frontier Holdings, Inc., Against Continental Air Lines, Inc. and Complaint of Western Air Lines, Inc., Against Continental Air Lines, Inc.; Prehearing Conference

Notice is herby given that a prehearing conference in the above-captioned consolidated proceeding will be held on October 17, 1984, at 9:30 a.m. (local time) in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C., before Chief Administrative Law Judge Elias C. Rodriguez.

In order to facilitate the conduct of the conference, the parties are instructed to submit one copy to each party and two copies to the Chief Judge of their respective (1) proposed issues and stipulations; (2) proposed requests for information and evidence; (3) statement of position; and (4) proposed procedural dates. The submissions shall be served by October 11, 1984 (actual date of delivery, not mailing date).

Dated at Washington, D.C., September 28, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-26403 Filed 10-3-84; 8:45 am]

BILLING CODE 6320-01-M

Order Establishing International Cargo Rate Flexibility Policy

The Board, by Policy Statement PS-109, effective February 27, 1983, adopted a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. That policy, implemented by Regulation ER-1322, effective February 27, 1983 (14 CFR Part 221), eliminates the requirement of economic justification for international cargo rates which are within Board established zones of flexibility. As stated in ER-1322, the Board has taken action to allow air carriers to respond more quickly to changing costs and competitive conditions.

In establishing the SFRL for the two-month period starting October 1, 1984, we have projected nonfuel costs based on the year ended June 30, 1984, and have determined fuel prices on the basis of experienced monthly fuel cost levels as reported to the Board.

By Order 84-9-86 cargo rates may be increased by the following adjustment factors over the April 1, 1982, level:

Atlantic	1.0226
Western Hemisphere	1.0593
Pacific	.9671

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, DC 20428. Persons outside the metropolitan area may send a postcard request.

For Further Information Contact: John D. Coakley, (202) 673-5196.

By the Civil Aeronautics Board: September 28, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-26399 Filed 10-3-84; 8:45 am]

BILLING CODE 6320-01-M

Order Establishing Standard Foreign Fare Level

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. The SFFL thus computed becomes the benchmark for measuring the statutory nonsuspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in sec. 1002(d) of the Federal Aviation Act of 1958, as amended. Order 80-2-69 established the first interim SFFL and subsequent Order 84-7-81 established the currently effective two-month SFFL applicable through September 30, 1984.

In establishing the SFFL for the two-month period starting October 1, 1984, we have projected nonfuel costs based on the year ended June 30, 1984, and have determined fuel prices on the basis of experienced monthly fuel cost levels as reported to the Board.

By Order 84-9-87 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	1.1291
Latin America	1.2428
Pacific	1.2373
Canada	1.2172

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, DC 20428. Persons outside the metropolitan area may send a postcard request.

For Further Information Contact: Robert I. Stein, (202) 673-5116.

By the Civil Aeronautics Board: September 28, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-26400 Filed 10-3-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Publication of Quarterly Update of Foreign Government Subsidies on Articles of Quota Cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Susan E. Silver, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for each of the countries for which subsidies were identified in our July 1, 1984, quarterly update to our annual subsidy list. The appendix to this notice lists the country, the subsidy program of programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign

government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Dated: September 27, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

APPENDIX—QUOTA CHEESE SUBSIDY PROGRAMS

Country and program(s)	Gross [1] subsidy (cents per pound)	Net [2] subsidy (cents per pound)
Belgium: European Community (EC) Restitution Payments	.0	.0
Canada:		
Export Assistance on Swiss Cheese	26.5	26.5
Export Assistance on Aged Cheddar N/Ov. 2.27 Kg/pkg	26.5	26.5
Export Assistance on NSPF Cheeses	26.5	26.5
Denmark: EC Restitution Payments	1.5	1.5
Finland:		
Export Subsidy	43.7	43.7
Indirect Subsidies	15.4	15.4
Total	59.1	59.1
France: EC Restitution Payments	3.2	3.2
Ireland: EC Restitution Payments	.0	.0
Italy: EC Restitution Payments	14.5	14.5
Luxembourg: EC Restitution Payments	.0	.0
Netherlands: EC Restitution Payments	.0	.0
Norway:		
Indirect (Milk) Subsidy	15.2	15.2
Consumer Subsidy	33.7	33.7
Total	48.9	48.9
Switzerland: Deficiency Payments	62.3	62.3
U.K.: EC Restitution Payments	.0	.0
W. Germany: EC Restitution Payments	.0	.0

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 84-26330 Filed 10-3-84; 8:45 am]
BILLING CODE 3510-DS-M

[C-201-001]

Leather Wearing Apparel From Mexico; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

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

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on leather wearing apparel from Mexico. The review covers the period January 1, 1983, through June 30, 1983.

As a result of the review, the Department has preliminarily determined the total bounty or grant to be zero for 17 firms and 2.71 percent *ad valorem* for all other firms. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 54261) the final results of its last administrative review of the countervailing duty order on leather wearing apparel from Mexico and announced its intent to conduct the next administrative review. As required by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of Mexican leather wearing apparel. Such merchandise is currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. These products include leather coats and jackets for men, boys, women, girls and infants, and other leather apparel products including leather vests, pants and shorts. Also included are outer leather shells and parts and pieces of leather wearing apparel.

The review covers the period January 1, 1983, through June 30, 1983, and eight programs: CEDI, FOMEX, CEPROFI, FOGAIN, FONEI, state tax incentives, import duty reductions and exemptions and National Industrial Development Plan ("NIDP") preferential discounts.

Analysis of Programs

(1) CEDI

The Certificado de Devolucion de Impuesto ("CEDI") is a certificate issued by the Government of Mexico in an amount equal to a percentage of the value of exported goods. The CEDI certificates may be used to pay a wide range of federal tax liabilities (including payroll taxes, value added taxes, federal income taxes, and import duties). The CEDI rate was 15 percent for the period January 1, 1982, through August 25, 1982, and zero after the Mexican government suspended the CEDI program for all exports on or after August 26, 1982. Therefore, CEDI benefits were not available for exports during the period of review.

(2) FOMEX

The Fund for the Promotion of Exports of Mexican Manufactured Products ("FOMEX") is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program since August 1, 1983. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at preferential rates to manufacturers and exporters of goods for two purposes: pre-export (production) financing and export financing. We consider both export and pre-export FOMEX loans export subsidies since these loans are given only on merchandise destined for export.

For FOMEX pre-export loans, given in Mexican pesos, we found that the annual interest rate the financial institutions charged borrowers was 8 percent during the period of review.

We used as a benchmark for the commercial interest rate in Mexico the nominal interest rates published by the Banco de Mexico in the *Indicadores Economicos*. This benchmark rate was used first in the Department's Final Affirmative Countervailing Duty Determination on bricks from Mexico (49 FR 19564, May 8, 1984) and its use represents a change from our previous practice in which we used the annual effective rates published in the same source. Based on this information, we preliminarily determine that, during the period of review, comparable peso-denominated loans were available commercially at 61.63 percent. The resultant interest differential during the period of review is 53.63 percent. Since the Mexican government was unable to identify the FOMEX pre-export loans applicable to exports destined to the U.S., we allocated the benefit from all pre-export loans over the value of total exports to all markets during the period.

On this basis, we preliminarily determine the amount of bounty or grant from FOMEX pre-export loans to be 2.17 percent *ad valorem* during the period. There were no FOMEX export loans for this merchandise during the period of review.

(3) FOGAIN

The Guarantee and Development Fund for Medium and Small Industries ("FOGAIN") is a program that provides long-term loans to all small and

medium-size firms in Mexico. However, the interest rates vary under the program depending on whether a small or medium-size business has been granted priority status, and whether a business is located in a zone targeted for industrial growth.

We determine this program to be countervailable, to the extent it provides financing on terms inconsistent with commercial considerations, because of priority status granted to certain small and medium-size businesses based on the type of merchandise produced, and/or to those located in particular zones. Without these conditions which limit the availability of the program, FOGAIN would not be counteravailable, because all small and medium-size firms in Mexico are at a minimum eligible to receive FOGAIN loans at the least beneficial interest rate available under the program. Thus the program is countervailable to the extent that the interest received by a small or medium-size firm is below the least beneficial rate which a firm can receive under FOGAIN.

The interest rates on these loans are also subject to change over the life of the loans, and we therefore treated these loans as a series of short-term loans. To determine the bounty or grant, we used as our benchmark the least beneficial interest rate that would have been available under FOGAIN. We allocated the benefit amount over total sales for the period. On this basis we calculated a bounty or grant of 0.54 percent *ad valorem*.

(4) Other Programs

We also examined the following programs and preliminarily find that leather wearing apparel firms did not use them during the period of review.

(A) Certificates of Fiscal Promotion ("CEPROFI")
(B) State Tax Incentives
(C) Fund for Industrial Development ("FONEI")
(D) Import Duty Reductions and Exemptions
(E) National Industrial Development Plan ("NIDP") Preferential Discounts

Firms Not Receiving Any Benefits

In this case the Department has established a certification process that would allow a rate of assessment and of cash deposit of estimated countervailing duties of zero for those firms certified and verified as having neither applied for nor received countervailable benefits. We have received certificates from 17 firms stating that they neither applied for nor received benefits under the eight programs during the period of review and would not do so in the future. We have also received certificates from the Mexican government stating that these 17 firms did not receive benefits under these programs during the period of review. Those 17 firms are:

(1) Antonio Hurtado
(2) Confecciones Generales, S.A. de C.V.
(3) Delfina Diaz
(4) Elegance de Baja California, S.A.
(5) Fernando Nila
(6) Hector Garcia
(7) Jesus Jasso
(8) Jesus Rivera
(9) Jose Mora
(10) Jose Sotelo
(11) Juan Altamirano
(12) Karen International, S.A. de C.V.
(13) Luis Bravo
(14) Manufacturas Industriales de Nogales, S.A.
(15) Pedro Zaragosa
(16) Rosa Ramos
(17) Victor Velazco

Preliminary Results of Review and Tentative Determination Not To Revoke in Part

As a result of our review, we preliminarily determine the total bounty or grant during the period of review to be zero for the 17 certified firms listed above, and 2.71 percent *ad valorem* for all other firms. The Department intends to instruct the Customs Service to assess no countervailing duties on shipments of this merchandise from the 17 certified firms and countervailing duties of 2.71 percent of the f.o.b. invoice price on shipments from all other firms exported on or after January 1, 1983, and on or before June 30, 1983.

As provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service not to collect a cash deposit of estimated countervailing duties on shipments of this merchandise from the 17 certified firms and to collect 2.71 percent of the entered value on shipments from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. These deposit requirements shall remain in effect until publication of the next administrative review.

The Department has received a request, pursuant to § 355.42 of the Commerce Regulations, that the countervailing duty order be revoked with respect to Manufacturas Industriales de Nogales, S.A. ("MINSA"), Elegance de Baja California, S.A., and Karen International, S.A. That request is based on the grounds that, upon the completion of this administrative review, leather wearing apparel manufactured and exported by these three firms will have been without the benefit of a net subsidy for at least a two-year period.

The Department does not believe the countervailing duty order should be revoked with respect to these three firms. Section 355.42 of the Commerce Regulations provides that the Secretary may act to revoke an order if he determines that "a subsidy * * * is no longer being bestowed * * * and is satisfied that there is no likelihood of resumption of the subsidy * * *."

There are at least nine programs which we have found countervailable and which continue to be applicable to leather wearing apparel, namely the eight programs covered in this review as well as the Article 94 loans program found countervailable in the final determination on cement from Mexico (48 FR 43063, September 21, 1983). CEDI has been suspended, but not eliminated, and the other eight programs remain in effect. As long as these programs are still in existence and usable by manufacturers or exporters of leather wearing apparel, we cannot be satisfied that there is "no likelihood of resumption of the subsidy," and therefore, preliminarily determine that the order should not be revoked with respect to these three firms.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in such written comments or at a hearing.

This administrative review and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: September 27, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-26329 Filed 10-3-84; 8:45 am]
BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Issuance of Permit; Southwest Fisheries Center

On July 27, 1984, Notice was published in the **Federal Register** (49 FR 30222) that an application had been filed with the National Marine Fisheries Service by the Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, to take four (4) California sea lions (*Zalophus californianus*) for the purpose of scientific research.

Notice is hereby given that on September 27, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit to the Southwest Fisheries Center, subject to certain conditions set forth therein.

The Permit and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C., and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 27, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-26317 Filed 10-3-84; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Sea World, Inc.

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: Sea World, Inc. (P2"O").

b. Address: 1720 South Shores Road Mission Bay, San Diego, California 92109.

2. Type of Permit: Public Display.

3. Name and Number of Animals: False killer whale (Pseudorca crassidens), 2.

4. Type of Take: Import.

5. Location of Activity: Import from Japan.

6. Period of Activity: 3 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

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, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 27, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-26316 Filed 10-3-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Control Limits for Certain Cotton, Wool and Man-Made Fiber Products Produced or Manufactured in the Republic of Korea

October 1, 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 October 5, 1984. For further information contact Ross Arnold, International Trade Specialist (202) 377–4212.

Background

On May 14 and 25 and June 5 and 14, 1984, the Government of the United States requested consultations with the Government of the Republic of Korea with respect to other woven fabrics, n.e.s., of man-made fibers in Category 614, wool dresses in Category 436, cotton underwear in Category 352, man-made fiber swimwear in Category 659pt. (only T.S.U.S.A numbers 379.2340, 379.3170, 379.9100, 379.9570, 383.1290, 383.2235, 383.8300, 383.8400 and 383.9255), wool knit shirts and blouses in Category 438 and wool headwear in Category 459pt. (only T.S.U.S.A. numbers 702.7500 and 702.8000). This request was made on the basis of the agreement of December 1, 1982, as amended, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that, inasmuch as no solution has been agreed upon in consultations with the Government of the Republic of Korea, the Government of the United States is establishing import restraint limits for cotton, wool and man-made fiber textile products in the foregoing categories, exported during the twelve-month period which began on January 1, 1984, as provided under the terms of the bilateral agreement. Should a different solution be reached in consultations with the Government of the Republic of Korea, further notice will be published in the **Federal Register**.

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).

SUPPLEMENTARY INFORMATION: On December 16, 1983 a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (48 FR 55894), which established import restraint limits for certain specified cotton, wool and mand-made fiber textile products, produced or

manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1984. In the letter which follows this notice additional limits are being established for Categories 352, 436, 438, 459pt., 614 and 659pt., exported during 1984. The limits have not been adjusted to account for any imports exported during 1984. These charges will be made as the data become available.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 1, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 13, 1983 concerning cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported during 1984.

Effective on October 5, 1984, paragraph 1 of the directive of December 13, 1983 is hereby further amended to incude the following limits for cotton, wool and man-made fiber textile products in Categories 352, 436, 438, 459pt.[1], 614 and 659pt.[2], produced or manufactured in Korea and exported during 1984.

Category	12-mo. restraint limit [3]
352	101,389 dozen.
436	12,854 dozen.
438	60,960 dozen.
459 pt.[1]	455,968 pounds.
614	17,854,487 square yards.
659 pt.[2]	426,654 pounds.

[1] In Category 459, only T.S.U.S.A. numbers in 702.7500 and 702.8000.
[2] In Category 659, only T.S.U.S.A. numbers in 379.2340, 379.3170, 379.9100, 379.9570, 383.1920, 383.2235, 383.8300, 383.8400 and 383.9255.
[3] The restraint limits have not been adjusted to account for any imports exported during 1984.

Textile products in the foregoing categories which have been exported to the United States prior to January 1, 1984 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-26326 Filed 10-3-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] In Category 459, only T.S.U.S.A. numbers in 702.7500 and 702.8000.

[2] In Category 659, only T.S.U.S.A. numbers in 379.2340, 379.3170, 379.9100, 379.9570, 383.1920, 383.2235, 383.8300, 383.8400 and 383.9255.

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; Amendments to Systems of Records Notice

AGENCY: Office of the Secretary, Defense.

ACTION: Notice of amendments to systems of records.

SUMMARY: The Office of the Secretary of Defense proposes to amend two notices for systems of records subject to the Privacy Act of 1974. The specific changes to the notices being amended are set forth below, followed by the systems notices, as amended, published in their entirety.

DATE: This shall be effective without further notice November 5, 1984, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301-1155, Telephone 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93-579; 44 Stat. 1896, *et seq.*) have been published in **Federal Register** at:

FR Doc. 83-12048 (48 FR 25827) June 6, 1983
FR Doc. 83-4418 (49 FR 6145) February 17, 1984
FR Doc. 83-17736 (49 FR 27602) July 5, 1984
FR Doc. 83-20096 (49 FR 30560) July 31, 1984
FR Doc. 83-22569 (49 FR 33700) August 24, 1984
FR Doc. 83-24410 (49 FR 36133) September 14, 1984

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered system report.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense

AMENDMENTS

DMRA&L 01.0

System name:

Teacher Correspondence Files (48 FR 25832, June 6, 1983).

Changes:

Delete second and third words of fourth line under *"System Location"* and add "installations".

Add the following heading *"PURPOSE(S)"* before the heading *Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses:*

Add the followng paragraph under the above heading. "The collected information is used by the Teacher Recruitment Section to maintain accurate record of correspondence with individuals making inquiry to Section, any individual records might be transferred to any component of the Department of Defense having a need to know in the performance of official business."

Delete the heading *"Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses."*

Delete the heading *"Internal Users, Uses, and Purposes."*

Delete the Paragraph under the above heading.

Delete The heading *"External Users, Uses, and purposes"* and add the heading *"Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses."*

Delete the first four words in paragraph under the above heading.

Delete fifth word of sentence under *"Retention and Disposal"* and add words "one to three".

Delete last word of third line under *"System Manager(s) and Address* and add "MI&L" and add "4000" at end of line.

Add "400" at end of first paragraph under Record Access Procedures."

DMRA&L 02.0

System name:

Educator Application Files (48FR 25832, June 6, 1983).

Changes:

Delete last line under "*System location*" and add "Control Data Corporation/Bureau Information

Services (CDC/BIS) located in Lakewood, Ohio."

Delete second word under *"Routine uses of records maintained in the system including categories of users, uses and purposes of such uses,"* and add "CDC/BIS."

Delete ninth word of seventh paragraph under heading *"Physical safeguards"* and add "CDC/BIS," delete second word of line twelve of the above heading and add "CDC/BIS."

Delete fifth word of third line under heading *"Romote terminal access"* and add "CDC/BIS," delete sixth word of fifth line of the above heading and add "CDC/BIS."

Delete seventh word of third-line under heading *"storage media"* and add "CDC/BIS."

Delete fifth word of second line under heading *"Risk analysis"* and add "CDC/BIS."

Delete fourth and fifth words of second line under heading *"Retention and disposal"* and add "2 years," delete sixth word of fourth paragraph under the above heading and add "CDC/BIS."

Delete last word under heading *"System manager(s) and address"* and add "0690."

Delete last word under heading *"notification procedures"* and add "0690."

Revised systems DMRA&L 01.0 and DMRA&L 02.0 read as follows:

DMRA&L 01.0

SYSTEM NAME:

Teacher Correspondence Files.

SYSTEM LOCATION:

Teacher Recruitment Section, Staffing Branch, Office of Dependents Schools, Office of Assistant Secretary of Defense (Manpower, Installations, and Logistics), Room 120, Hoffman Building, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual with whom or about whom the Teacher Recruitment Section has correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains all correspondence received from and responses to individuals writing the Teacher Recruitment Section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C 901–907.

PURPOSE(S):

The collected information is used by the Teacher Recruitment Section To maintain accurate record of correspondence with individuals making inquiry to Section, any individual records might be transferred to any component to the Department of Defense having a need to know the performance of official business.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual's file folders.

RETRIEVABILITY:

Filed alphabetically by either the last name of the correspondent or the last name of the employee/applicant the correspondence concerns.

SAFEGUARDS:

Building employes security guards, office locked during nonbusiness hours.

RETENTION AND DISPOSAL:

Files are retained for one to three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Dependents Schools, Office of the Assistant Secretary of Defense (MI&L), Pentagon, Washington, D.C. 20301–4000.

NOTIFICATION PROCEDURE:

Information may be obtained from: Chief, Teacher Recruitment Section, DOD, Office of Dependents Schools, Room 120, Hoffman Building, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, Telephone: 202–325–0885.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Teacher Recruitment Section, Office of Dependents Schools, Office of the Assistant Secretary of Defense (MI&L), Pentagon, Washington, D.C. 20301–4000.

Written requests for information should contain full name and address of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or other identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Correspondence initiated by the individual or by others on his or her behalf and replies.

EXEMPTION CLAIMED UNDER THIS SYSTEM:

None.

DMRA&L 02.0

SYSTEM NAME:

Educator Application Files.

SYSTEM LOCATION:

Manual and automated records are maintained at the Teacher Recruitment Section, Personnel Division, Department of Defense Dependents Schools (DoDDS), Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, Virginia 22331 and manual records at the Five DoDDS regional personnel offices. A terminal is located in the Hoffman Building complex. Automated records are maintained at the main computer site which is operated by the control data Corporation/Bureau Information Services (CDC/BIS) located in Lakewood, Ohio.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective teachers applying for position within the DoDDS system and current DoDDS teachers and educators applying for either interregional transfers or positions in the DoDDS Educator Career Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Prospective Teachers: Files contain all papers and forms relating to the individual's application for employment to include Personal Qualification Statement (SF 171), Supplemental Application of Employment with DoDDS (DS Form 5010), Professional Evaluation, DoDDS (DS Form 5011), DoDDS-Application Index (DS Form 5012), interviewer's worksheets, official college transcripts, copy of teaching certificates, copy of birth certificate, and correspondence to or concerning the applicant.

Interregional Transfer Applicants: Files contain all papers and forms relating to the individual's applications. A coded worksheet developed by the regional staff is provided to the central personnel office for processing (remainder of material retained at the

region). Also included are miscellaneous worksheets and correspondence relating to the application.

Educator Career Program Applicants: Files contain all paper and forms relating to the individual's application to include: DoDDS Educator Career Program Application (DS Form 5080), DoDDS Assessment of Potential (DS Form 5081), DoD Education Career Program Rating Sheet (DS Form 5082) and miscellaneous worksheets and correspondence relating to the application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 902, 903 and 931.

PURPOSE(S):

Teacher Recruitment Section and Regional Offices: To determine qualifications and make selections of candidates for vacant positions within the DoDDS system (including new teachers, interregional transfers, and Educator Career Program positions), to review types of experience, educational background, evaluation of previous employers, professional credentials, to interviewers' ratings.

Department of the Army, Air Force, and Navy Staff agencies and Commands: To complete processing of hired individuals, to obtain Office of Personnel Management National Agency-Check, medical examination, passports; to arrange transportation and shipment/storage of household goods; and to provide gaining Civilian Personal Offices necessary documentation for placing individual on rolls.

Any individual's records in a system of records might be transferred to any Component of the Department of Defense having a need to know in the performance of official business.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, USES AND PURPOSES OF SUCH USES:

The CDC/BIS which operates the automated system.

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTRICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored at the DoDDS personnel office or regional offices; some files are supported by automated files which are maintained on disks and/or taps at the central computer site.

RETRIEVABILITY:

The manual files are filed alphabetically by name. The automated records are indexed by name or system assigned number (asigned chronologically upon input). Also, any combination of data in the automated file can be used to select individual records. Only authorized individuals (i.e., personnel staffing specialists) are provided user identification numbers and passwords to access the system via terminal.

SAFEGUARDS:

Paper records are maintained in files which are accessible only to authorized personnel.

a. *Description of automated process.* Current hardcopy records of information and disks are maintained in the DoDDS personnel office where access can be controlled. The office is locked after normal duty hours and building is secured by a private security force. Hardcopy records of interregional transfer applicants and a portion of the Career Educator applicants are maintained in the regional offices in locked cabinets and/or locked offices where access can be controlled and which are locked after normal duty hours. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

b. *Physical safeguards.* A high-speed remote batch terminal, used for this system, is located in the DoDDS personnel office. The office is secured after normal duty hours to preclude unauthorized access. Access to the personnel terminal and all hardcopy records are controlled by office personnel. Access to automated data files by terminal is controlled by the use of a user ID and password system. The central computer site is owned and operated by the CDC/BIS which has a complex security system. The site is guarded 24 hours a day, year-round, and employs a system of electronic locks, alarm systems closed-circuit television, and intercom devices to preclude access by unauthorized personnel. All visitors are registered, escorted, and accounted for a all times. CDC/BIS has a back-up power supply so that the system will remain on-line during power shortages. Back-up tapes are run daily, weekly, and monthly and stored in fireproof vaults. A second copy of monthly tapes is stored in an off-site vault with 24-hour security.

c. *Remote terminal access.* Access to the terminal is controlled by the use of user identification numbers and passwords. The passwords are initially assigned by CDC/BIS; however, the user is immediately instructed to change it to something only known to him/her. Only through a complex internal checking system, can authorized CDC/BIS personnel access the password in the event it is lost or forgotten by the user. The password can be changed as frequently as desired and is now changed every 6 months or upon the departure of employee which has knowledge of it.

d. *Storage Media.* Hardcopy files are stored in the personnel office or in regional offices. Disks used in the personnel office are also stored there. Data retained CDC/BIS is on disks and magnetic tape.

e. *Risk analysis.* The main computer site is adequately secure for storage of personal information. CDC/BIS is bound to uphold all provisions of the Privacy Act in accoredance with GSA contract procedures. The terminal is protected so that unauthorized access to information can be prevented.

RETENTION AND DISPOSAL:

Prospective Teachers: Records are retained for recruitment period (no more than 2 years). For nonselected applicants, portions are returned to applicant for future use and portions are destroyed unless the applicant has indicated a desire to reapply in which case portions of the file are retained until the next recruitment period. Records of selected applicants are forwarded to the Departments of the Army, Air Force, and Navy as appropriate for processing.

Interregional Transfer Applicants: File is retained for 1 year and destroyed.

Career Educator Program Applicants: Applicants are retained for 2 years (unless updated by applicant) and destroyed.

Automated Records: Back-up tapes at CDC/BIS are erased every 6 months via complete overwriting. Archive tapes after release by user are degaussed. When released by user, all bytes used for data which are on disk are automatically reset to 0 before anyone may use the storage space. Disks used on the terminal in the personnel office are erased when no longer needed and reused (i.e., never leave the office and are never used by another system).

SYSTEM MANAGER(S) AND ADDRESS:

Ms. Marilee Sprenkle, Chief, Teacher Recruitment Section, Office of Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, Telephone (202) 325–0690.

NOTIFICATION PROCEDURES:

Information may be obtained from: Chief, Teacher Recruitment, DoD Dependents Schools, Room 120, 2461 Eisenhower Avenue, Alexandia, Virginia 22331, Telephone: (202) 325–0690.

RECORD ACCESS PROCEDURES:

Requests from individuals for their own files should be sent to the address indicated in "Notification Procedure" section, above. Written requests for information should contain the full name and address of the individual and a notarized signature.

CONTESTING RECORD PROCEDURES:

The agency rules for access to records and for contesting contents and appealing initial determination by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instructions No. 81.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned, current and past employers, and educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5). (See 32 CFR Part 286b (OSD Admin. Inst No. 81).)

[FR Doc. 84–26325 Filed 10–3–84; 8:45 am]

BILLING CODE 3810–01–M

Organization of the Joint Chiefs of Staff; National Defense University Board of Visitors; Meeting

AGENCY: National Defense University, Department of Defense.

ACTION: Notice of meeting.

SUMMARY: The President of the National Defense University has scheduled a meeting of the National Defense University Board of Visitors.

DATE: The meeting will be held from 9:00–11:45 a.m. and 1:30–4:00 p.m., Friday, November 9, 1984.

ADDRESS: The meetings will be held in the Hill Conference Center, Theodore Roosevelt Hall (Bldg. 61), Fort Lesley J. McNair, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: The Director, University Plans and Programs, National Defense University, Fort Lesley J. McNair, Washington, D.C. 20319–6000. To reserve space, interested persons should write or phone (693–7129).

SUPPLEMENTARY INFORMATION: The discussions will include progress and plans for the National Defense University and curricula, faculty, and students of the Industrial College of the Armed Forces, the National War College, and the Armed Forces Staff College. The meeting is open to the public, but the limited space available for observers will be allocated on a first-come, first-served basis.

Dated: September 27, 1984.

P.H. Means,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 84–26324 Filed 10–3–84; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

September 27, 1984.

The USAF Scientific Advisory Board Ad Hoc Committee on the Military Aerospace Platform will meet in the ANSER Building, 3 Crystal Gateway, Arlington, VA on October 25–26, 1984.

The purpose of the meeting is to obtain an understanding of technologies and design features of various aerospace industry concepts for a military aerospace platform/transatmospheric vehicle. The meeting will convene from 8:30 a.m. to 5:00 p.m. on October 25 and from 8:00 a.m. to 3:30 p.m. on October 26.

The meeting concerns matters listed in section 552(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 84–26311 Filed 10–3–84; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Privacy Act of 1974; Amendment to Notices for Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Amendments to Notices for Systems of Records.

SUMMARY: The Department of the Army proposes to amend 19 systems notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification of changes, amended notices are printed below in their entirety.

DATES: This action shall be effective without further notice November 5, 1984, unless comments are received which would result in a contrary determination.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–S, 2461 Eisenhower Avenue, Alexanderia, VA 22331–0301.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Headquarters, Department of the Army, at the above address; telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: The Army's systems or records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** as follows:

FR Doc 83–12048 (48 FR 25502), June 6, 1983
FR Doc 83–18883 (48 FR 32046), July 13, 1983
FR Doc 83–24181 (48 FR 40291), September 6, 1983
FR Doc 83–28792 (48 FR 49086), October 24, 1983
FR Doc 84–1118 (49 FR 2006), January 17, 1984
FR Doc 84–2331 (49 FR 3506), January 27, 1984
FR Doc 84–3683 (49 FR 5170), February 10, 1984
FR Doc 84–6438 (49 FR 8993), March 9, 1984
FR Doc 84–11652 (49 FR 18600), May 1, 1984
FR Doc 84–14035 (49 FR 22122), May 25, 1984
FR Doc 84–15558 (49 FR 24045), June11, 1984
FR Doc 84–16178 (49 FR 24914), June 18, 1984
FR Doc 84–16520 (49 FR 25499), June 21, 1984
FR Doc 84–17271 (49 FR 26625), June 28, 1984
FR Doc 84–18684 (49 FR 28754), July 16, 1984
FR Doc 84–19506 (49 FR 29812), July 24, 1984

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 522a(o) which requires the submission of an altered system report.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

AMENDMENTS

A0239.01DAAG

System name:

Request for Information Files (48 FR 25560), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To control administrative processing of requests for information either pursuant to the Freedom of Information Act or to Executive Order 12356, including appeals from denials."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 22503, June 6, 1983."

A0240.01DAAG

System name:

Privacy Case Files (48 FR 25561), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To process and coordinate individual requests for access and amendment of personal records; to process appeals on denials of requests for access or amendment to personal records by the data subject against agency rulings; and to ensure timely response to requestors."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

A0241.01HQDA

System name:

HQDA Correspondence and Control/ Central Files System (48 FR 49087), October 24, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To control correspondence, document actions taken, and locate records for reference purposes."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first paragraph. Substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983." At the beginning of the second paragraph, insert: "Note: Disclosure * * * records."

A0305.10aDACA

System name:

Joint Uniform Military Pay System—Active Army (JUMPS–AA) (48 FR 40298), September 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To provide basis for computing each active member's pay entitlements, to provide a history of pay transactions, and to answer inquiries and claims pertaining to such entitlements."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first paragraph.

A0305.10bDACA

System name:

Joint Uniform Military Pay System-Reserve Components-Army (48 FR 40299), September 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To maintain a record of member's drill attendance, entitlements and deductions in order to compute and disburse his/her pay while keeping a record of taxes and disbursements other than those to the members."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first paragraph.

A0305.10dDACA

System name:

Health Program Pay and Reimbursement System (48 FR 25568), June 6, 1983.

Changes:

System name:

Delete present title; substitute therefor: "Health Professions Scholarship Program".

System location:

Delete entry; substitute therefor: "Fitzsimmons Army Medical Center, Denver CO 80240. A segment of this system exists at the Army Medical Department Personnel Support Agency, 1900 Half Street, SW, Washington, DC 20324."

Categories of records in the system:

Delete entry; substitute therefor: "Contract between the Army and the University participating in the Health Professions Scholarship Program; tuition payments; individual's military pay records, cost data work sheets, active duty military pay vouchers, personal financial history records, monthly payroll listings of current members showing entitlements and deductions, bank identification data for deposit of pay, member's permanent home address, current mailing address and telephone number, orders to active duty, student's elective to defer entry on active duty, and similar relevant documents."

After "Authority for maintenance of the system", add:

"Purpose(s):

To establish the pay account of students accepted into the Health Professions Scholarship Program; to determine appropriate pay, deductions, reimburable expenses, taxes and disbursements."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "Information may be disclosed to:

"Department of the Treasury: To record check issue data, taxable earnings and taxes withheld.

"States and cities/counties which have an agreement with the Department of the Army: To verify tax liability against member's state and city/county tax returns.

"Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retention and disposal:

Delete entry; substitute therefor: "Individual pay records are retained at the Finance and Accounts Office, Fitzsimmons Army Medical Center while reservist is enrolled in the Health Professions Scholorship Program. Upon member's completion of program, records are forwarded to the U.S. Army Finance and Accouinting Center, Indianapolis, IN 46249 for recoupment determination."

System manager(s) and address:

Delete entry; substitute therefor: "The Surgeon General, Headquarters, Department of the Army, Washington, DC 20310."

Notification procedure:

Add: "so long as reservist is enrolled in the Scholarship Program. Thereafter, information may be obtained from the Commander, Army Medical Department Personnel Support Agency, Washington, DC 20324."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records concerning themselves in this system of records may write as indicated under 'Notification procedure', providing his/her full name, present address and telephone number, and sufficient detail to locate the record."

Contesting record procedures:

Delete entry; substitute therefor: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entries; substitute therefor: "From the individual; university/college in which student is enrolled; Army records and reports."

A0306.01aDACA

System name:

Civilian Employee Pay System (48 FR 40301), September 6, 1983.

Changes:

System ID:

Delete suffix "a".

After "Authority for maintenance of the system", add:

"Purpose(s):

To provide basis for computing civilian pay entitlements; to record history of pay transactions; to record leave accrued and taken, bonds due and issued, taxes paid; to answer inquiries, and process claims."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first paragraph.

A0306.02aDACA

System name:

Nonappropriated Fund Employee Pay System (48 FR 40302), September 6, 1983.

Changes:

System ID:

Delete suffix "a".

System location:

Delete information following "entities;".

After "Authority for maintenance of the system", add:

"Purpose(s):

To calculate the net pay due each employee; to provide a history of pay transactions, entitlements and deductions; to maintain a record of leave accrued and taken; to keep a schedule of bonds due and issued; to record taxes paid; to respond to inquiries and/or claims."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "Data required by law, e.g., employees' earnings, taxes withheld, Federal Insurance Contributions Act contributions, are provided to the Treasury Department, the Social Security Administration, Internal Revenue Service, states and cities which have an agreement with the Department of the Army to receive taxable earnings information."

A0309.05aDAAG

System name:

Resosurce Management and Cost Accounting Files (48 FR 25572), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

System location:

Delete "44 FR 74011, * * * 1979"; substitute therefor: "48 FR 25773, June 6, 1983."

After "Authority for maintenance of the system", add:

"Purpose(s):

To project manpower and monetary requirements; to allocate available resources to specific projects; to schedule workload and assess progress; to project future organizational milestones; to evaluate individual performance and equipment efficiency; to set standards and methods; to record and control personnel and equipment utilization; to document inventories; to; interpolate training needed by unit or individual; to monitor use of overtime; to control and monitor obligations and expenditures of Government funds; to provide audit trail; to generate statistical reports of workload and production levels and other trends within the organization; and to provide other accounting and monitoring reports."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

A0314.08DACA

System name:

Check Cashing Privilege Files (48 FR 40303), September 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To determine individuals to be denied check cashing privileges at installation check cashing facilities."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

A0314.09aDACA

System name:

Nonappropriated Fund Accounts Receivable System (48 FR 40304), September 6, 1983.

Changes:

System ID:

Delet suffix "a".

After "Authority for maintenance of the system", add:

"Purpose(s):

To maintain current rosters as subsidiary records for accounts receivable and cash accountability control; to provide monthly statements to customers; to provide ledger balances for activity financial statements; to prepare listing of accounts 30, 60, and 90 days; to answer inquiries on account status and specific transactions."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delet entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

A0314.24DAAG

System name:

Nonappropriated Fund Employee Insurance and Retirement Files (48 FR 40304), September 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To substantiate initial enrollment and subsequent changes in the NAF Group Insurance and Retirement Plan; to verify monthly deductions and to compute annuities, refunds, and death benefits."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

A0319.04DACA

System name:

Validation Files (48 FR 25575), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To obtain data for determining propriety and validity of Army financial transactions."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Notificaiton procedure:

After "from", delete remainder and add the following: "the System Manager. Individuals should furnish their full name, SSN, current address and telephone number."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under 'Notification procedure'."

Contesting record procedures:

After "determinations", delete remainder and substitute therefor: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

A0319.06DACA

System name:

Household Goods Shipment Excess Cost Collection File (48 FR 25575), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To establish liability and issue notices of amounts due the United States for excess household goods shipments."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Notification procedure:

After "from", delete remainder and add the following: "the System Manager. Individuals should furnish their full name, SSN, current address and telephone number."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under 'Notification procedure'."

Contesting record procedures:

After "determinations", delete remainder and substitute the following: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

A0319.07DACA

System name:

FHA Mortgage Payment Insurance Files (48 FR 40305), September 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To determine the amount of insurance payments and to control authorized payments."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefore: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

A0319.10DACA

System name:

Conversion Files (48 FR 25576), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To evaluate claim and, if approved, issue Treasury check to claimant."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefore: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Notification procedure:

After "from", delete remainder and add the following: "the System Manager. Individuals should furnish their full name, SSN, current address and telephone number."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under 'Notification procedure'."

Contesting record procedures:

After "determinations", delete remainder and substitute the following: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Change entry to read: "From the individual, Government agencies, records and reports."

A0319.11DACA

System name:

Disbursing Office Establishment and Appointment Files (48 FR 25577), June 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To obtain data in the appointment or termination of deputies and bond issuing agents and the appointment or termination of other than Finance Corps officers as accountable officers and special disbursing agents."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefore: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Notification procedure:

After "from", delete remainder and add the following: "the System Manager. Individuals should furnish their full name, SSN, current address and telephone number."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under 'Notification procedure'."

Contesting record procedures:

After "determinations", delete remainder and substitute the following: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

A0319.13DACA

System name:

Bankruptcy Processing Files (48 FR 40305), September 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To obtain data for submitting claims of the Army to the Department of Justice for filing with the bankruptcy court and controlling financial transactions on pay accounts."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefore: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Notification procedure:

Delete information following "System Manager". Add: "Individuals must furnish their full name, SSN, current address and signature."

Record access procedures:

Change entry to read: "Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under 'Notification procedure'."

A0319.14DACA

System name:

Pecuniary Charge Appeal Files (48 FR 25578), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To obtain data for determining the propriety of the pecuniary liability fuling."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefore: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Notification procedure:

After "from", delete remainder and add the following: "the System Manager. Individuals should furnish their full name,SSN, current address and telephone number."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under 'Notification procedure'."

CONTESTING RECORD PROCEDURES:

After "determinations", delete remainder and substitute the following: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

RECORD SOURCE CATEGORIES:

Change entry to read: "From Army records and reports."

As revised, Systems A0239.10 DAAG, A0240.01 DAAG, A0241.01 HQDA, A0305.10 DACA, A0305.10b DACA, A0305.10d DACA, A0306.01 DACA, A0306.02 DACA, A0309.05 DAAG, A0314.08 DACA, A0314.09 DACA, A0314.24 DAAG, A0319.04 DACA, A0319.06 DACA, A0319.07 DACA, A0319.10 DACA, A0319.11 DACA, A0319.13 DACA, and A0319.14 DACA read as follows:

AO239.01DAAG

SYSTEM NAME:

Request for Information Files.

SYSTEM LOCATION:

These records exist at Headquarters, Department of the Army, starff and field operating agencies, major commands, installations and activities receiving requests to access records pursuant to the Freedom of Information Act, or to declassify documents pursuant to Executive Order 12356. They also exist in offices of Initial Denial Authorities (see Army Regulation 340–17) when an individual's request is denied. Upon appeal of that denial, record is maintained in the Secretary of the Army's Office of General Counsel. Official mailing addresses are in the appendix following the Army's inventory of system notices, at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who requests an Army record under the Freedom of Information Act, or requests mandatory review of a classified document pursuant to Executive Order 12356.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's request, related papers, correspondence between office of receipt and records custodians, Army staff offices and other government agencies; retained copies of classified or other exempt materials; and other selective documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552: Freedom of Information Act, as amended by Pub. L. 93–502; Executive Order 12356.

PURPOSE(S):

To control administrative processing of requests for information either pursuant to the Freedom of Information Act or to Executive Order 12356, including appeals from denials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfilm.

RETRIEVABILITY:

By requestor's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly trained and have official need therefor.

RETENTION AND DISPOSAL:

Records reflecting granted requests are destroyed after 2 years. When requests have been denied, records are retained for 5 years, except that, if appeals result, records are retained 4 years after final denial by the Army or 3 years after final adjudication by the courts, whichever is later

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Requests should be addressed to the custodian of the record sought; if unknown, write to: HQDA (DAAG–AMR–S), 2461 Eisenhower Avenue, Alexandria, VA 22331.

RECORD ACCESS PROCEDURES:

Written requests should be addressed to the office that processed the initial inquiry or access request. Individual may obtain assistance from the System Manager. Personal visits may be made to the office maintaining the records upon presentation of acceptable identifiction such as valid driver's license, and furnishing verbal information that can be verified.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Army organizations, Department of Defense components, and other Federal, State, and local government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The majority of records in this system are not exempted. Copies of documents residing in the Office of an Initial Denial Authority having a law enforcement mission which fall within (j)(2) are exempted from the following provisions of Title 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). Copies of documents maintained by other Initial Denial Authorities not having a law enforcement mission which fall within 5 U.S.C., section 552a (k)(1) through (k)()7) are exempt from the following provisions of Title 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

A0240.01DAAG

SYSTEM NAME:

Privacy Case Files.

SYSTEM LOCATION:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving Privacy Act requests. They also exist in offices of Access and Amendment Refusal Authorities (see Army Regulation 340–21) when an individual's request to access and/or amend his/her record is denied. Upon appeal of that denial, record is maintained by the DA Privacy Review Board. Official mailing addresses are in the appendix following the Army's inventory of system notices, at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request information concerning themselves which is in the custody of the Department of the Army, including requests to amend such records pursuant to Title 5 U.S.C. 552a(d) (Privacy Act of 1974), as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents which notify requestors of the existence of records on them, providing or refusing access to or amendment of records, acting on appeals or refusals to provide access to or amend records, and providing or developing information for use in litigation. Included are requests, approval and refusal actions, appeals and actions on appeals, including DA Privacy Review Board minutes and actions, copies of the requested and amended/unamended records, statements of disagreement, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012; 5 U.S.C. 552a.

PURPOSE(S):

To process and coordinate individual requests for access, and amendment of personal records; to process appeals on denials of requests for access or amendment to personal records by the data subject against agency rulings; and to ensure timely response to requestors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfilm.

RETRIEVABILITY:

By name of requestor on whom the records pertain.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Offices of Access and Amendment Refusal Authorities: Approved requests, unappealed refusals and refusals fully over-ruled by appellate authorities: Destroy after 4 years; refusals upheld in whole or in part by appellate authorities: Destroyed after 10 years, provided legal proceedings are completed.

Offices of appellate authorities: Appeals adjudicated fully in favor or requestor: Destroyed after 4 years. Appeals refused in full or in part: Destroyed after 10 years provided legal proceedings are completed.

Other offices: destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant general, Headquarters, Department of the Army, ATTN: DAAG–AMR–S), 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Requests should be addressed to the custodian of the record sought; if unknown, write to: HQDA (DAAG–AMR–S) at the above address.

RECORD ACCESS PROCEDURE:

Written requests should be addressed to the office that processed the initial inquiry, access request, or amendment request. Individual may obtain assistance from the System Manager. Personal visits may be made to the office maintaining the records upon presentation of acceptable identification such as valid driver's license, and furnishing verbal information that can be verified from the individual's case file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Army organizations, Department of Defense components, and other Federal, state, and local government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The majority of records in this system are not exempted. Copies of documents residing in the office of an Access and Amendment Refusal Authority having a law enforcement mission which fall within (j)(2) are exempted from the following provisions of Title 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). Copies of documents maintained by the DA Privacy Review Board and by those Access and Amendment Refusal Authorities not having a law enforcement mission which fall within 5 U.S.C., section 552a (k)(1) through (k)(7) are exempted from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

A0241.01HQDA

SYSTEM NAME:

HQDA Correspondence and Control/ Central Files System.

SYSTEM LOCATION:

Office, Secretary of the Army; Office, Chief of Staff; Headquarters, Department of the Army Staff agencies. Addresses are listed in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who either initiated, or are the subject of, communications with the Headquarters, Department of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries, with referrals and responses, and other communications pertaining to any function or subject involving or of interest to Headquarters, Department of the Army level. Records may include, but are not restricted to, complaints, appeals, grievances, investigations, alleged improprieties, personnel actions, medical reports, intelligence, and similar matters. They may be either specific or general in nature and may include such personal information as an individual's name, SSAN, date and/or place of birth, description of events or incidents of a sensitive or privileged nature, commendatory or unfavorable data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012; 5 U.S.C., section 301.

PURPOSE(S):

To control correspondence, document actions taken, and locate records for reference purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

Note.—Disclosure of information from documents or records which properly become part of another system of records will be as authorized in the "routine uses" portion of that system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and/or microfiche in Office, Secretary of the Army, Office, Chief of Staff Army, and those Army Staff (ARSTAF) agencies having primary functional responsibility for the subject matter being addressed. Selected identification data are stored in the automated index central computer facility.

RETRIEVABILITY:

Paper records are retrieved by date; microfiche is retrieved by subject (based on Alpha Numeric Filing System) and within the subject, is individually identified by cartridge number, year and sequence number and personal names if appropriate. Primary access to the automated index is accomplished through a document control number.

SAFEGUARDS:

Records are controlled; access to information from specified documents is restricted to persons who have been designated by their agency to have official need for the information in the performance of their duties. ARSTAF agencies are linked to the automated index by on-line terminals, thereby sharing a common data base, but do not have access to the record itself.

File areas within the Secretariat and the Office, Chief of Staff and certain ARSTAF file areas are protected by electronic surveillance systems with combination lock doors; all other file areas (within ARSTAF) are protected consistent with the sensitivity of Privacy Act data included therein. Users of the system receive training designed to preclude misuse or unauthorized disclosure of information.

RETENTION AND DISPOSAL:

Non-policy documents are kept 10 years. They are converted to microform and destroyed after verification that the microform is an acceptable substitute for the original document. The hard copy and microform remain in current files area for 2 years after completion of action, then are retired to the Washington National Records Center (WNRC).

Policy action files are permanent. Original documents are converted to microform. The hard copy and microform remain in current files area for 2 years, then are retired to WNRC. The hard copy is destroyed at a future date after the microform is properly certified to meet archival standards set by General Services Administration.

Information in the automated index is kept permanently. At the beginning of each calendar year the index of all permanent documents added to the central file that year is transferred to tape. The tape is kept in-house to support Army operations and is destroyed when no longer needed for current operations. A duplicate copy of that tape is transferred to the Machine Readable Archives, National Archives and Records Service, GSA.

SYSTEM MANAGER(S) AND ADDRESS:

The Administrative Assistant to the Secretary of the Army: for OSA records.

The Director of the Army Staff: For Communications directed to the Office of the Chief of Staff, Army.

Heads of Army Staff agencies: For records in their functional areas.

All of the above officials are located in The Pentagon, Washington, DC 20310 (except for the Chief of Engineers who is located at the Pulaski Building, Washington, DC 20314).

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact the System Manager having functional responsibility or interest. Inquiries should include full name, SSN, current address, details that will assist in identifying the records sought, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records should address their inquiry as outlined in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; correspondence emanating withing the Army Secretariat, the Office, Chief of Staff, and ARSTAF agencies; other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of the records in this system may be exempted under 5 U.S.C., section 552a (k)(1) through (k)(7) from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f). Documents are generated by other elements of the Army or are received from other agencies and individuals. Because of the broad scope of the contents of this system and since the introduction of documents is largely unregulatable, specific portions or documents that may require an exemption cannot be predetermined. Therefore, and to the extent that such material is received and maintained, selected individual documents may be exempted from disclosure under any of the provisions of subsections (k)(1) through (k)(7), Title 5 U.S.C. 552a.

AO305.10aDACA

SYSTEM NAME:

Joint Uniform Military Pay System-Active Army (JUMPS–AA).

SYSTEM LOCATION:

Centralized at U.S. Army Finance and Accounting Center, Indianapolis, IN 46249. Decentralized segments exist at Army Finance and Accounting Offices world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, casual payment receipts, substantiating documents, temporary pay records,

transmittal letters, locator files, financial data record folders, miscellaneous pay files, and personal financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 101 et seq.

PURPOSE(S):

To provide basis for computing each active member's pay entitlements, to provide a history of pay transactions, and to answer inquiries and claims pertaining to such entitlements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to:

Treasury Department: To record check and bond issue data and taxable earnings and taxes withheld from military personnel.

Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act.

Veterans Administration: To record the collection of premiums for National Service Life Insuance and to transfer contributions to Post Vietnam Era Veterans Education Account.

Cities and States which have an agreement with the Department of the Army: To verify tax liability against members's state and city income tax returns.

American Red Cross: To assist military personnel and their dependents in determining the status of monthly pay, dependents' allotments, loans, and related financial transactions.

Department of Health and Human Services: The name, rank and SSN of each member of the Armed Forces on active duty to the Inspector General for comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children.

City of New York: Department of Income Maintenance: Name and address of allottees whose ZIP Codes are in New york City and dollar amount of allotments for the purpose of detecting and curtailing fraud and abuse in Federal Assistance Programs, specifically Aid to Families with Dependent Children, and Food Stamps.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage, cord files, computer magnetic tapes and paper printouts, and microfilm.

RETRIEVABILITY:

By SSN, name, and substantiating document number.

SAFEGUARDS:

The US Army Finance and Accounting Center employs security guards. An employee badge and visitor registration system is in use. Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to the member's servicing finance and accounting officer. Computer equipment and files are located in a separate secure area. Within finance and accounting offices Armywide, access in limited to designated personnel having official need for the information in the performance of their duties.

RETENTION AND DISPOSAL:

Individual military pay records are converted to microfiche which are retained for 56 years. Other records are retained for varying periods but total retention does not exceed 56 years; disposition if to Federal Records Centers; destruction thereafter is by burning or shedding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from either the appropriate finance and accounting office or the Commander, US. Army Finance and Accounting Center, Indianapolis, IN 46249. Individual must furnish full name, SSN, military status, and home address.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Comnmander, US Army Finance and Accounting Center, ATT: FINCP, Indianapolis, IN 46249 or the appropriate finance and accounting officer, and should contain the information indicated in "Notification procedure". In addition, information may be obtained by calling 317/542-2891.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From Department of Defense staff and field installations, the Social Security Administration, financial institutions, the Treasury Department, and automated systems interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO350-10bDACA

SYSTEM NAME:

Joint Uniform Military Pay System-Reserve Components—Army.

SYSTEM LOCATION:

Centralized at US Army Finance and Accounting Center, Indianapolis, IN 46249. Decentralized segments exist at Army Finance and Accounting Office world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the US Army National Guard and US Army Reserve who are drawing inactive duty training pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, substantiating documents, transmitting letters, index cards, financial data record folders, miscellaneous military pay vouchers, personal financial history records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., section 101 et seq.

PURPOSE(S):

To maintain of record of member's drill attendance, entitlements and deductions in order to compute and disburse his/her pay while keeping a record of taxes and disbursements other than those to the member.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to:

Treasury Department: To record check issue data, taxable earnings and taxes withheld.

Individual States of the US: To furnish wages earned for the calendar year; these data are furnished to the state of home record.

Army National Guard Bureau: To furnish budget data to account for every expenditure within categories established.

Individual National Guard States Associations: To furnish a report and an associated check regarding state sponsored life insurance premium withheld.

American Red Cross: To assist military personnel and their dependents in determining the status of monthly pay, dependents' allotments, loans, and related financial transactions.

DISCLOSURE TO COMSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage; cards, computer magnetic tape and paper printouts, microfiche.

RETRIEVABILITY:

By SSN, name of the member, and document number.

SAFEGUARDS:

The US Army Finance and Accounting Center employs security guards. An employee badge and visitor registration system is in use. Records are mainained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to the members' servicing finance and accounting officer. Computer equipment and files are located in a separate secure area. Within finance and accounting offices, Army-wide, access is limited to designated personnel having official need for the information in the performance of their duties.

RETENTION AND DISPOSAL:

Individual military pay records are converted to microfiche which are retained for 56 years. Other records are retained for varying periods but total retention does not exceed 56 years; dispositon is to Federal Records Centers; destruction thereafter is by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Individuals may also contact US Property and Fiscal Officer, Army National Guard of each state and/or the District of Columbia, Puerto Rico and the Virgin Islands. Individuals may also contact the finance and accounting officer at Ft Indiantown Gap, PA; Ft McPherson, GA; Ft Riley, KS; Presidio of San Francisco, CA. These finance and accounting officers are responsible for US Army Reserve pay accounts only. Individuals must provide full name, SSN, and military status.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the Commander, US Army Finance and Accounting Center, ATTN: FINCP, Indianapolis, IN 46249 or telephoned to 317/542–2891 and should contain the information indicated in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

The source of all data to establish and maintain JUMPS–RC–Army originates at unit level; i.e., all units of US Army National Guard and US Army Reserve which perform inactive duty training and whose members receive drill pay as a result of this training furnish the data to support the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0305.10dDACA

SYSTEM NAME:

Health Professions Scholarship Program.

SYSEM LOCATION:

Fitzsimmons Army Medical Center, Denver, CO 80240. A segment of this system exists at the Army Medical Department Personnel Support Agency, 1900 Half Street, SW, Washington, DC 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the US Army Reserve who are enrolled in the Army Health Professions Scholarship Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contract between the Army and the University participating in the Health Professions Scholarship Program; tuition payments; individual's military pay records, cost data work sheets, active duty military pay vouchers, personal financial history records, monthly payroll listings of current members showing entitlements and deductions, bank identification data for deposit of pay, member's permanent home address, current mailing address and telephone number, orders to active duty, student's elective to defer entry on active duty, and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Chapter 104, et seq.; Pub. L. 92–426.

PURPOSE(S):

To establish the pay account of students accepted into the Health Professions Scholarship Program; to determine appropriate pay, deductions, reimbursable expenses, taxes and disbursements.

ROUTING USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to:

Department of the Treasury: To record check issue data, taxable earnings and taxes withheld.

States and cities/counties which have an agreement with the Department of the Army: To verify tax liability against member's state and city/county tax returns.

Social Security Administration: To record earned wages by member under the Federal Insurance Contributions Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes; computer printouts; microfilm; ledger cards.

RETRIEVABILITY:

By member's name, SSN.

SAFEGUARDS:

Information is accessible only to authorized personnel having official need therefor. Records are stored in secured buildings protected by Military Police/security guards.

RETENTION AND DISPOSAL:

Individual pay records are retained at the Finance and Accounts Office, Fitzsimmons Army Medical Center while reservist is enrolled in the Health Professions Scholarship Program. Upon completion of program, member's records are forwarded to the US Army Finance and Accounting Center, Indianapolis, IN 46249 for recoupment determination.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Finance and Accounting Officer, Fitzsimmons Army Medical Center, Denver, CO 80240 so long as reservist is enrolled in the Scholarship Program. Thereafter, information may be obtained from the Commander, Army Medical Department Personnel Support Agency, Washington DC 20324.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records concerning themselves in this system of records may write as indicated under "Notification procedure", providing his/her full name, present address and telephone number, and sufficient detail to locate the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; university/college in which student is enrolled; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO306.01DACA

SYSTEM NAME:

Civilian Employee Pay System.

SYSTEM LOCATION:

Army Finance and Accounting Offices world-wide and US Property and Fiscal Offices in the US, Puerto Rico, Virgin Islands, and the District of Columbia having civilian payroll responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and contract teachers employed by Department of the Army, Office, Secretary of Defense, and specified elements of the Navy and Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's pay, leave, and retirement records; individual withholding/deduction authorization for dependents, allotments, health benefits, savings bonds, etc; tax exemption certificates; personal exception and indebtedness papers; statements of charges, claims, repatriated payment files; roster of authorized timekeepers and signature cards; payroll and retirement control and working paper files; unemployment compensation data request; reports of retirement fund deductions; management narrative and statistical reports relating to pay, leave, and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6 General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

PURPOSE(S):

To provide basis for computing civilian pay entitlements; to record history of pay transactions; to record leave accured and taken, bonds due and issued, taxes paid; to answer inquiries and process claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed: To the Office of Personnel Management: To record monies paid into Federal Retirement Fund and to provide information pertaining to health benefits.

To the Treasury Department: To record checks and bonds issued.

To the Social Security Administration: To report earned wages by employees under the Federal Insurance Contributions Act.

To the Internal Revenue Service: To record taxable earnings and taxes withheld.

To states and cities: To provide taxable earnings of employees to those states and cities which have entered into an agreement with the Department of the Army and the Treasury Department.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage; card files, computer magnetic tapes, discs and printouts, and microfilm.

RETRIEVABILITY:

Automated records are retrieved by SSN within payroll block; manual records are retrieved by surname within payroll block.

RETENTION AND DISPOSAL:

Individual pay record files are permanent; they are retained at installation while member is actively employed. They are forwarded to new installation when member is transferred to another Army activity. When employee transfers to another agency under the Department of Defense not serviced by Army or separates from Federal Service, record is forwarded to the Office of Personnel Management. Microfilm of manually maintained individual retirement records is sent to the National Personnel Records Center after 3 years.

Personnel exceptions and indebtedness files are permanent. These documents are filed in individual's Official Personnel Folder (OPF). Upon separation or transfer, if OPF is not on file locally, records are forwarded to National Personnel Records Center, General Services Administration, St Louis, MO 63118.

Repatriated personnel payment files are permanent; forwarded to National Personnel Records Center after 3 years.

Subsistence and quarters rate deviation files are permanent; they are retired on discontinuance of the installation.

Retention periods vary for other records according to category of record. The minimum retention period is 2 years and the maximum period is 12 years, after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarter, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, US Army Finance and Accounting Offices, or if National Gaurd technician, from the National Guard Bureau, 5600 Columbia Pike, Falls Church, VA 22041, or from US Property and Fiscal Offices.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed as indicated in "Notification procedure", and should include individual's full name, SSN, current address, and signature.

CONTESTING RECORD PROCEDURES.

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, former employers, DOD Staff agencies and field commands, Social Security Administration, Treasury Department, financial organizations, and automated systems interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO306.02DACA

SYSTEM NAME:

Nonappropriated Fund Employee Pay System.

SYSTEM LOCATION:

Decentralized segments at installations/activities world-wide having nonappropriated fund entities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of the Department of the Army who are paid from nonappropriated funds and who are under exclusive control of the Secretary of the Army or his designees but not paid from appropriated funds or not otherwise excluded; authorized, voluntary off-duty enlisted or officer personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual records of appointment or assignment; officially authenticated time and attendance records, supported by substantiating documents; individual leave records, payroll control files, individual withholding authorization files, withholding tax exemption certificate files, withholding tax files, savings bond schedule files, other deduction type files, payroll journal and check register, earnings statement, earnings records, tips received, pay check stub or envelopes, subsistence and quarters files, unemployment compensation data request files, health, hospitalization, and life insurance files, income tax withheld, employer and employee Federal Insurance Contributions Act files, Federal Unemployment Insurance tax files, Employer Quarterly Federal Tax Return, state tax files, city tax files, Fair Labor Standards Act files, and total employer liability for accrued leave at separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 2105, 5531, 5533; Pub. L. 92–203; Fair Labor Standards Act.

PURPOSE(S):

To calculate the net pay due each employee; to provide a history of pay transactions, entitlements and deductions; to maintain a record of leave accrued and taken; to keep a schedule of bonds due and issued; to record taxes paid; to respond to inquiries or claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data required by law, e.g., employees' earnings, taxes withheld, Federal Insurance Contributions Act contributions, are provided to the Treasury Department, the Social Security Administration, Internal Revenue Service, states and cities which have an agreement with the Department of the Army to receive taxable earnings information.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage, card files, magnetic tapes, discs, and computer printouts.

RETRIEVABILITY:

By individual's surname and SSN within each nonappropriated fund activity payroll.

SAFEGUARDS:

Files are maintained in areas accessible only to designated personnel who have need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Individual pay records are permanent; they are forwarded to the National Personnel Records Center after 3 years. They are retained at installation while member is actively employed; forwarded to new installation when member is transferred. Upon separation, or termination of employment, files are placed in an inactive status and retained 18 months after close of pay year.

Leave records are retained 10 years and then destroyed.

Individual insurance and retirement records are destroyed 6 years after termination of involvement with nonappropriated fund activity.

Other management and accounting information reports are retained from 1 to 3 years before destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: FINCD. Individual should furnish full name, SSN, period and location of employment, and signature.

RECORD ACCESS PROCEDURE:

Requests from individuals should be sent to the System Manager, furnishing details required by "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Time and Attendance reports, former employers, Social Security Administration, Treasury Department, DOD staff agencies and field installations, Government benefit programs, servicing civilian personnel offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO309.05DAAG

SYSTEM NAME:

Resource Management and Cost Accounting Files.

SYSTEM LOCATION:

Headquarters, Department of the Army, Staff and field operating agencies, major commands, installations and activities. Official mailing addresses are contained in the appendix to the Army's inventory of system notices published at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned/attached to the organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records by individual of man-hours applied to the accomplishment of assigned tasks or projects. Specific data elements include name, SSN/employee identification number, organizational element, military rank/civilian grade, job title, clearance status, rating data, regular/overtime wage rates, regular/overtime hours worked, hours of leave taken, record of official travel, project

code, accounting code and cost data, workload units accomplished, file references and related information, and records control data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3012.

PURPOSE(S):

To project manpower and monetary requirements; to allocate available resources to specific projects; to schedule workload and assess progress; to project future organizational milestones; to evaluate individual performance and equipment efficiency; to set standards and methods; to record and control personnel and equipment utilization; to document inventories; to interpolate training needed by unit or individual; to monitor use of overtime; to control and monitor obligations and expenditures of Government funds; to provide audit trail; to generate statistical reports of workload and production levels and other trends within the organization; and to provide other accounting and monitoring reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards, magnetic tapes, cards, or discs; microform, miccrofiche, computer printouts and paper records.

RETRIEVABILITY:

By individual's name, SSN or employee identification number; information may also be accessed by a non-personal data element such as project code, cost accounting code, or organizational element.

SAFEGUARDS:

Automated systems employ computer hardware/software safeguard features. All records are maintained in controlled areas, within buildings/rooms which are secured during non-duty hours. Personal information is accessed only by individuals who have need therefor in their official duties.

RETENTION AND DISPOSAL:

Magnetic media are erased after 1 year; manual records are destroyed after 1 year by pulping, tearing, or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjustant General, Headquarters, Department of the Army, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system contains information on them should contact the agency head/installation commander of the Department of the Army organization to which they are (or were) assigned/employed and should furnish full name, SSN, office believed to have the record, and time frame, any other information which will assist in locating the information, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system of records should address an inquiry as indicated in "Notification procedure", providing the information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Employee time cards; organization manpower rosters; individual personnel and training records; production records; travel orders; unit inventory records; and other relevant Army documents and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO314.08DACA

SYSTEM NAME:

Check Cashing Privilege Files.

SYSTEM LOCATION:

All Army installations/activities with facilities to cash checks.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose checks, written at Army facilities, have been dishonored and/or whose check cashing privileges have been suspended or revoked.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to advancing, revoking, or suspending, restoring and general supervison of check cashing privileges. Included are letters to individuals about bad checks, warnings that a recurrence in issuing a bad check may result in withdrawing check cashing privileges, notices from banks that the bank was in error, notices to activities that check cashing privileges have been suspended or restored for certain individuals, returned checks, lists of persons whose privileges have been suspended or withdrawn, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To determine individuals to be denied check cashing privileges at installation check cashing facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, paper records in file folders, computer tapes.

RETRIEVABILITY:

By individual's name or SSN.

SAFEGUARDS:

Files are maintained in areas accessible only to authorized persons having an official need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Destroyed 3 years after individual has made restitution for dishonored check.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, US Army Finance and Accounting Center, Ft Benjamin Harrison, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the installation commander where check was cashed.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertaining to themselves should write to the installation commander, furnishing full name, SSN, details relevant to the incident, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are

contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the dishonored check, the individual, banking facilities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO314.09DACA

SYSTEM NAME:

Nonappropriated Fund Accounts Receivable System.

SYSTEM LOCATION:

Nonappropriated fund activities at Army installations world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past members of Officer or Noncommissioned Officer Club facilities whose accounts show balances other than zero; persons using Post billeting facilities on a fee paid basis (bachelor officer quarters, visitor officer quarters and guesthouse facilities) and persons no longer using such facilities whose accounts have other than zero balances; any individual having a statement of account for the billing period, individuals occupying government housing at any military installation; individual class B telephone subscribers; members, customers or civilians having 30 day credit terms for "charge" sales and/or dues obligations to NAF activities; all persons whose accounts have been dishonored by banking institutions and their checks returned to NAF activities; individuals who have cash loans charged to their accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, rank, amount of charges, billings of items or services furnished, subsidiary ledgers containing detail of services billed and paid by individual; work order forms, invoice listings, monthly receipt vouchers, date and method of payment, file of billings associated with returned/dishonored checks, and relevant similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66; 10 U.S.C. 2481 and 3012; 5 U.S.C. 5101; Pub. L. 216, section 401; Pub. L. 784, section 113.

PURPOSE(S):

To maintain current rosters as subsidiary records for accounts receivable and cash accountability control; to provide monthly statements to customers; to provide ledger balances for activity financial statements; to prepare aged listing of accounts receivable, 30, 60, and 90 days; to answer inquiries of members on account status and specific transactions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and/or discs by account in numerical and alphabetical order; computer hard copy printouts filed in binders; copies of statements filed in folders.

RETRIEVABILITY:

By customer name and SSN.

SAFEGUARDS:

Records are maintained in lock-type cabinets within storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed after 3 years following audit with no exceptions or irregularities disclosed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Individuals may submit written request to the custodian of nonappropriated funds activities at the installation where record is believed to exist.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertaining to them in this system should write to the appropriate nonappropriated fund activity custodian, furnishing full name, SSN, and account number.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From daily transaction registers/journals received from billeting officer, signal officer, and/or club officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO314.24DAAG

SYSTEM NAME:

Nonappropriated Fund Employee Insurance and Retirement Files.

SYSTEM LOCATION:

The Adjutant General's Office, Headquarters, Department of the Army, 2461 Eisenhower Avenue, Alexandria, VA 22331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army nonappropriated fund Group Insurance and Retirement Plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly and cumulative insurance and retirement deductions for each employee; name, and SSN.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–595; 28 U.S.C. 401a.

PURPOSE(S):

To substantiate initial enrollment and subsequent change in the NAF Group Insurance and Retirement Plan; to verify monthly deductions and to compute annuities, refunds, and death benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/discs, microfiche, paper records.

RETRIEVABILITY:

By individual's surname within each NAF activity.

SAFEGUARDS:

Records are located in controlled areas within building having security guards; information is accessed only by individuals who are properly cleared and trained and have need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are permanent; retained in active file until individual terminates employment, retires or is deceased; held 1 additional year and subsequently retired to the Washington National Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: DAAG–NFI, 2461 Eisenhower Avenue, Alexandria, VA 22331.

RECORD ACCESS PROCEDURES:

Individuals should address requests as specified in "Notification procedure", furnishing their full name, SSN, NAF activity in which employed, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; NAF personnel officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO319.04DACA

SYSTEM NAME:

Validation Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member or Department of Army civilian or former military member or individual suspected of fraud or improper payment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, copies of vouchers/orders/notices of exception/military pay orders/certificates of dependency, sworn statements, and correspondence between the Comptroller of the Army, US General Accounting Office, Department of the Army staff agencies, US Army Criminal Investigation Command, and/or other governmental agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

PURPOSE(S):

To obtain data for determining propriety and validity of Army financial transactions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need therefor.

RETENTION AND DISPOSAL:

Records are destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Office, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Individuals should furnish their full name, SSN, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Federal Bureau of Investigation, Criminal Investigation Detachments, finance officers, Provost Marshals and individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO319.06DACA

SYSTEM NAME:

Household Goods Shipment Excess Cost Collection Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army and Air Force members who have shipped excess household goods.

CATEGORIES OF RECORDS IN THE SYSTEM:

Government bills of lading, supporting documents, and copy of excess cost billing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., 301.

PURPOSE(S):

To establish liability and issue notices of amounts due the United States for excess household goods shipments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper in file folders.

RETRIEVABILITY:

By service number/SSN.

SAFEGUARDS:

Building employ security guards. An employee badge and visitor registration system is utilized. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained

RETENTION AND DISPOSAL:

Records are destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Individuals should furnish their full name, SSN, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From paid Government bills of lading.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO319.07DACA

SYSTEM NAME:

FHA Mortgage Payment Insurance Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member with more than 2 years of active duty service who applies for an FHA loan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application, certificate of eligibility, record of payments, notices of termination of eligibility, and correspondence with FHA and other Government offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C., 3101.

PURPOSE(S):

To determine the amount of insurance payments and to control authorized payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By Army member's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized persons having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Record are destroyed 10 years after final separation of the individual from the Army.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Individuals should furnish their full name, SSN, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the applicant, his/her commanding officer, FHA, and other government records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO319.10DACA

SYSTEM NAME:

Conversion Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and former members of the Armed Services and civilians who file military payment certificate (MPC) claims and/or foreign currency claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application for exchange of military payment certificates; letter request for exchange of MPC and foreign currency; military pay vouchers; substantiating documents such as receipts; and correspondence between the US Army Finance and Accounting Center and claimant, and other Army and Government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To evaluate claim and, if approved, issue Treasury check to claimant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By claimant's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final action on claim.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Individuals should furnish their full name, SSN, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Government agencies, records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO319.11DACA

SYSTEM NAME:

Disgursing Office Establishment and Appointment Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military members or Department of Army civilians who are appointed a deputy or bond issuing agent; individuals appointed an accountable officer or special disbursing agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include Department of the Army Form 1866 (Designation and Appointment of Deputy to Disbursing Officer), USAFAC Form 35–12FL (Certification as Issuing Agent of US Savings Bonds), USAFAC Form 35–13FL Issuing Agent) and letter requests for the approval and appointment of other than Finance Corps officers as accountable officers and special disbursing agents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To obtain data in the appointment or termination of deputies and bond issuing agents and the appointment termination of other than Finance Corps officers as accountable officers and special disbursing agents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after revocation of appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained by writing to the System Manager, Individual should furnish their full name, SSN, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Finance and Accounting Officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO319.13DACA

SYSTEM NAME:

Bankruptcy Processing Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military members or Department of Army civilian employees for whom bankruptcy notice has been received.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's court notices; financial statements; certificates for deductions; agreements; military pay vouchers; correspondence between the Judge Advocate General, U.S. Attorney, U.S. District Courts, and other government agencies relevant to the proceeding.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To obtain data for submitting claims of the Army to the Department of Justice for filing with the bankruptcy court and controlling financial transactions on pay accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employes security guards. Records are maintained in areas accessible only to designated persons having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after conclusion of bankruptcy proceedings.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, Individual must furnish full name, SSN, current address, and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From courts, government records, and similar documents and sources relevant to the proceeding.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO319.14DACA

SYSTEM NAME:

Pecuniary Charge Appeal Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military members or civilian employees held pecuniarily liable for charges for which an appeal is filed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations, copies of vouchers, certificates, statements and correspondence between Department of the Army staff agencies and other Government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSES(S):

To obtain data for determining the propriety of the pecuniary liability ruling.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after close of case.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained by writing to the System Manager. Individual must provide full name, SSN current address and telephone number.

RECORD ACCESS PROCEDURE:

Individuals desiring access to information concerning themselves should write to the System Manager, providing information required under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–26337 Filed 10–3–84; 8:45]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education; Meeting Change

AGENCY: National Advisory Council on Vocational Education, Department of Education.

ACTION: Amendment of notice.

SUMMARY: This notice is intended to notify the general public of change of meeting site for the October 9 meeting of the Council published in FR Vol. 49, No. 189, September 27, 1984, page 38178. The address should read: National Alliance of Business Conference Room, 5th Floor, 1015 15th St., NW., Washington, D.C.

Signed at Washington, D.C. on October 1, 1984.

James W. Griffith,

Executive Director.

[FR Doc. 84–26398 Filed 10–3–84; 8:45 am]

BILLING CODE 4000–01–M

Assessment Policy Committee, National Assessment of Educational Progress (NAEP); Meeting

AGENCY: Department of Education.

ACTION: Notice of Meeting.

SUMMARY: The Secretary of Education announces a meeting of the Assessment Policy Committee of the National Assessment of Educational Progress (NAEP). The purpose of the meeting is to provide guidance and direction to the MAEP project which is supported by the National Institute of Education. The entire meeting will be open to the public and interested persons are invited to attend.

DATE: October 13, 1984, 8:30 a.m. to 5:00 p.m.

Location: Hyatt Regency New Orleans, Poydras at Loyola Avenue New Orleans, LA 70140.

FOR FURTHER INFORMATION CONTACT: Dr. Douglas Rhodes, Associate Director, National Assessment of Educational Progress, CN 6710, Princeton, NJ 08541–6710, (800–233–0267).

SUPPLEMENTARY INFORMATION: One of the primary purposes of NAEP is to assess the performance of children and young adults in the basic skills of reading, mathematics, and communication. The Assessment Policy Committee (APC) is eatablished by section 405(k)(2)(A) of the General Education Provisions Act, 20 U.S.C. 1221e. The committee is responsible for the design of NAEP, including the selection of learning areas to be assessed, the development and selection of goal statements and assessment items, the assessment methodology, the form and content of the reporting, and dissemination of results, and studies to evaluate and improve the form and utilization of the National Assessment.

The Agenda for the meeting includes—

- The design for the 1986 Assessment;
- The nature of technical assistance NAEP offers to states;
- The role of the APC; and
- Proposals for new projects.

In order to assure adequate seating arrangements and to obtain an advance copy of the final agenda, persons may contact Dr. Douglas Rhodes at the address cited above.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development)

Dated: October 1, 1984.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 84–26364 Filed 10–3–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Alaska Power Administration

Eklutna Project; Order Confirming, Approving, and Placing Increased Power Rates in Effect on an Interim Basis

AGENCY: Alaska Power Administration, Department of Energy.

ACTION: Notice of Rate Order, Eklutna Project, Alaska.

SUMMARY: Notice is given of a Rate Order, No. APA–6, by the Deputy Secretary of the Department of Energy, under Delegation Order No. 0204–108, placing increased power rates into effect October 1, 1984, on an interim basis for power marketed by the Alaska Power

Administration from the Eklutna Project, Alaska. The rate order involves wholesale rate schedules A–F9 for firm power and A–N10 for nonfirm power and A–W1 for wheeling. The increased rates will produce an increase of $1,038,500 which is equivalent to approximately 50 percent more than the amount produced by rates previously in effect. The rates are subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

FOR FURTHER INFORMATION CONTACT:

Gordon J. Hallum, Chief, Power Division, Alaska Power Administration, Department of Energy, P.O. Box 50, Juneau, Alaska 99802, (907) 586–7405

J. Emerson Harper, Acting Director, Office of Power Marketing Coodination, CE–90, Department of Energy, James Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–1040.

SUPPLEMENTARY INFORMATION: Rate Schedules A–F9 and A–N10, applicable to wholesale customers, supersede Rate Schedules A–F8 and A–N7. Rate Schedules A–F8 and A–N7 were confirmed and approved by order of the Federal Energy Regulatory Commission (FERC), Docket No. EF80–1011, issued August 3, 1981. FERC approval of Schedules A–F8 and A–N7 expires December 31, 1984.

Issued in Washington, DC, September 25, 1984.

Danny J. Boggs,

Deputy Secretary.

Order Confirming and Approving Power Rates on an Interim Basis

September 25, 1984.

Pursuant to the authority vested in the Secretary of Energy and by sections 203(a), 301(b), 302(a), 402(e), 641, 642, 643, and 644 of the Department of Energy Organization Act (Pub. L. 95–91) and by Delegation Order No. 0204–108, the Deputy Secretary of the Department of Energy has been delegated on a non-exclusive basis the authority to confirm, approve, and place in effect on an interim basis power and transmisssion rates for the Alaska, Southeastern, Southwestern, and Western Area Power Administrations for such periods as he or she may provide. The Federal Energy Regulatory Commission has been delegated the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation. This rate order is issued pursuant to the delegation to the Deputy Secretary.

Background

The Eklutna Project was completed by the U.S. Bureau of Reclamation in 1955. The Alaska Power Administration has operated and maintained the project since 1967. The Eklutna Project is a single-purpose project comprised of a dam, reservoir, 30,000–kW hydroelectric plant, 45 miles of 115–kV transmission lines, and four substations serving the Anchorage and Palmer areas. All project costs are allocated to power. The entire output of the project is under contract with three preference customers in the Anchorage-Palmer area. Pursuant to a 1969 negotiated operating agreement with its three firm power customers, APA annually allocates 153,000,000 kWh to the three customers. Allocations are: 25,500,000 kWh to Matanuska Electric Association; 45,900,000 kWh to Chugach Electric Association; and the remaining 81,600,000 kWh to the City of Anchorage, all on a take-or-pay basis. The allocations are subject to adjustment due to extended curtailment of service from uncontrollable forces, including inadequate supply of water for power generation.

Rate Schedules A–F8 and A–N7 for the Eklutna Project were confirmed and approved by order of the Federal Energy Regulatory Commission, Docket No. EF80–1011, issued August 3, 1981. The rate schedules expire December 31, 1984. Existng rates produce approximately $2,057,100 annually.

Schedule A–F8 for wholesale firm power service, available to wholesale power customers, provided for a charge of 12.5 mills/kWh for all firm energy, with no capacity charge.

Schedule A–N7 for wholesale nonfirm power service, available to firm power customers normally maintaining their own generating facilities, provided for a charge of 6.0 mills/kWh for all nonfirm energy, with no capacity charge.

Schedule A–W1 for wheeling power is a new provision for a uniform wheeling charge for all three Eklutna Project customers.

As reqired by DOE Order No. RA 6102.2, two repayment studies, a current repayment study showing a continuation of the existing rates and a revised power repayment study, were prepared in January 1984. The studies showed that an increase in project rates to 19 mills/kWh for firm energy and 10 mills/kWh for nonfirm energy are necessary for production of revenues sufficient to amortize the project investment and pay annual expenses. Based on the repayment studies, an increase in annual revenues of $1,038,500 was proposed for a 5-year period beginning October 1, 1984. The increase is approximately 50 percent.

Public Notice and Comment

Opportunities for public review and comment on the proposed increased rates were announced by notice in the **Federal Register** on May 8, 1984, and by paid advertisement in Anchorage and Plamer, Alaska, newspapers on June 7 through June 12, 1984. The three project customers were notified by mail. Each customer also received a copy of the proposal. The proposal was discussed with each of the customers individually on May 29 and 30, and with all three together on June 12, 1984. On the evening of June 12, 1984, a public information/comment forum was held, but there were no attendees from the public. Opportunity for oral presentation of views was afforded at the forums. Written comments were invited for a period of 30 days after the date of the public comment forum.

Environmental Impact

Alaska has reviewed the possible environmental impact of the rate adjustment under consideration and has concluded that, because the increased rates would not significantly affect the quality of the human environment within the meaning of the Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Availability of Information

Information regarding this rate adjustment, including studies, comments, transcripts, and other supporting material, is available for public review in the offices of the Alaska Power Administration, Room 825, Federal Building, 709 West Ninth Street, Juneau, Alaska 99802, and in the Office of the Director of Power Marketing Coordination, James Forrestal Building, Room 6B–104, 1000 Independence Avenue, SW., Washington, DC. 20585.

Submission to the Federal Energy Regulatory Commission (FERC)

The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm

and approve on an interim basis, effective October 1, 1984, Rate Schedules A–F9, A–N10, and A–W1. These rates shall remain in effect on an interim basis for a period of 12 months unless such period is extended or until the FERC confirms and approves the rates on a final basis.

Issued at Washington, DC this 25th day of September, 1984.

Danny J. Boggs,

Deputy Secretary.

[FR Doc. 84–26390 Filed 10–3–84; 8:45 am]
BILLING CODE 6450–01–M

Office of Conservation and Renewable Energy

[Case No. DW–003]

Energy Conservation Program for Consumer Products; Petition for Waiver of Dishwasher Test Procedure From ANDI–CO Appliances, Inc.

AGENCY: Conservation and Renewable Energy Office, DOE.

SUMMARY: Today's notice publishes a "Petition for Waiver" from ANDI–CO Appliances, Incorporated (ANDI–CO) of Fort Lee, New Jersey, requesting a waiver from the existing Department of Energy (DOE) test procedure for dishwashers. ANDI–CO is petitioning as the agent for AEG Household Appliances, a foreign manufacturer of dishwashers. ANDI–CO plans to import certain models of dishwashers manufactured by AEG Household Appliances to the United States. These dishwashers utilize an electrical supply voltage of 240 volts and, in their normal mode, use cold water input only and heat it to a designated program-selected temperature. The petition requests DOE to grant relief from the test procedure requirement relating to the electrical supply voltage specified for testing, the inlet water temperature specified for testing, and the procedure for calculating per-cycle energy consumption. DOE is soliciting comments, data, and information respecting the petition.

DATE: DOE will accept comments, data and information not later than November 5, 1984.

ADDRESS: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. DW–003, Mail Stop CE–113, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–113, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station CE–12, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9513.

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3266, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including dishwashers. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has also prescribed procedures by which manufacturers may petition for waiver of test procedure requirements for a particular basic model of a product covered by a test procedure and the Assistant Secretary for Conservation and Renewable Energy may temporarily waive such test procedure requirements for such basic model. Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedure or lead to results so unrepresentative of the model's true energy consumption as to provide materially inaccurate comparative data. These waiver procedures appear at 10 CFR 430.27. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Dishwashers are one of the products covered by the Federal Trade Commission's (FTC) Appliance Labeling Program. The energy consumption of dishwashers, as determined using DOE's test procedure, forms the basis of the estimated annual operating cost figures which FTC requires manufacturers of dishwashers to disclose on an Energy Guide label on each unit to assist consumers in making a dishwasher purchasing decision.

ANDI–CO filed a Petition for Waiver from the DOE test procedure for dishwashers on the grounds that the procedure gives materially inaccurate estimates of the energy consumed by its Favorit Model 263 and 265 dishwashers, which are designed to operate with an electrical supply voltage of 240 volts and with cold inlet water. ANDI–CO states that its present plans call for the importation of 100 of these dishwasher models for test marketing purposes. The petition points out that the DOE test procedure for dishwashers does not provide for testing units designed to operate with an electrical supply voltage of 240 volts. The test procedure only provides for testing dishwashers designed to operate with an electrical supply voltage of 115 volts. Further, the petition alleges that the test procedure requirement that measurement of energy consumption be based on an inlet water temperature of either 140 °F or 120 °F and a nominal water heater temperature rise of 90 °F or 70 °F, respectively, yields an inaccurate estimate of the annual operating cost of dishwashers designed to operate with cold inlet water.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

Issued in Washington, D.C., September 20, 1984.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

August 12, 1984.

ANDI–CO Appliances Inc.

Assistant Secretary for Conservation and Renewable Energy,
United States Department of Energy, 1000 Independence Ave. SW., Washington, D.C.

Dear Sir: Pursuant to 430.27 of Chapter 10 of the Code of Federal Regulations: we hereby request a waiver from testing and labeling of our *Favorit Model 263 & 265* dishwashers. For purposes of this application ANDI–CO is acting as "the agent" for AEG Household Appliances: "the manufacturer".

The Model 263 and the Model 265 are in fact the same design from both a mechanical and electrical viewpoint. The number variation designates a color difference. Although this appliance falls within the definition of a "dishwasher" it has certain unique design features not commonly found in appliances of American manufacture. This German dishwasher has:

(1) An electrical supply of 240 volts. Appendix C to Subpart B of Part 430 specifies a test condition of 115 volts.

(2) These units can be classified as water heating dishwashers. It commonly heats its own water and is not dependent upon domestic demand hot water supply. In its normal mode it uses cold water input only and heats it to the designated program

selected temperature. It can however use hot water input if there is a demand hot water system available with idle capacity.

(3) In principal this unit was designed to be independent of hot water systems. As you are aware there exist certain "off peak" demand hot water systems so consequently this unit was designed to take advantage of this concept and system if it was available. However, the key point is that the provisions of paragraph 23 of the testing conditions does not represent the normal conditions of operation.

(4) The calculation of per/cycle water energy consumption using electrically heated water is of course possible. However, the format of calculation as specified in paragraph 4.1 would need to be modified to correctly reflect the actual operation of this dishwasher.

(5) The design purpose of a water heating dishwasher has as its engineering basis the reduction of the capacity requirements of domestic hot water heaters. The obvious advantages of not using demand hot water combined with the additional advantage of using "off peak" hot water (should it be economically available) makes energy usage comparisons based on the present regulations for standard dishwashers-inequitable.

Accordingly, for the above reasons we hereby request a waiver from the testing and labeling requirements for these units. A preliminary brochure is enclosed. Our present plans are for the importation of 100 of these units for test marketing purposes.

Sincerely,

George W. Ullrich, P.E.,

Executive Vice President.

cc: Michael J. McCabe.

[FR Doc. 84-26386 Filed 10-3-84; 8:45 am]

BILLING CODE 6450-01-M

[F-013]

Energy Conservation Program for Consumer Products; Petition for Waiver of Furnace Test Procedures From the Coleman Co., Inc.

AGENCY: Conservation and Renewable Energy Office DOE.

SUMMARY: Today's notice publishes a "Petition for Waiver" from The Coleman Company, Inc. (Coleman) of Wichita, Kansas, requesting a waiver from the existing Department of Energy (DOE) test procedures for furnaces. Coleman manufactures residential and commercial heating appliances. The petition requests DOE to grant relief from the test procedure relating to the blower time delay specification for Coleman's 2900 model series gas furnaces. Coleman seeks to test using a blower delay time of 20 seconds instead of the specified 1.5 minutes. DOE is soliciting comments, data, and information respecting the petition.

DATE: DOE will accept comments, data and information not later than November 5, 1984.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. F-013, Mail Stop CE-112, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy Office of Conservation and Renewable Energy, Mail Station, CE-112, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-9127

Eugene Margolis, Esq., U.S. Department of Energy Office of General Counsel, Mail Station GC-12, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9513.

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3266, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has amended the prescribed test procedures by adding to CFR 430.27, Petitions for Waiver, to allow the Assistant Secretary for Conservation and Renewable Energy temporarily to waive test procedures for a particular basic model. 45 FR 64108 (September 26, 1980). Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedures or lead to results so unrepresentative of the model's true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Coleman's petition seeks a waiver from the DOE test provisions that require a 1.5 minute time delay between the ignition of the burner and the starting of the circulating air blower. Instead, Coleman requests the allowance to test using a 20 second blower time delay when testing its 2900 model series gas furnaces. Coleman states that since the 20 second delay is indicative of how the 2900 models actually operate and since such a delay results in an improvement in efficiency of approximately 0.5%, the waiver should be granted.

Under specific circumstances, the DOE test procedures contain exceptions which allow testing with blower delay times of less than the prescribed 1.5 minute delay. Coleman indicates that it is unable to take advantage of any of these exceptions for the 2900 model series.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

Issued in Washington, D.C., September 27, 1984.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

July 31, 1984.

Coleman Company, Inc.

Assistant Secretary for Conservation and Solar Energy,

United States Department of Energy, Washington, D.C.

Re: Petition for Waiver

Gentlemen: This is a petition for waiver which is being submitted pursuant to Title 10 CFR 430.27. Waiver is requested from the condensing furnace test procedure found at Appendix N to Subpart B of Part 430 which requires a 1.5 minute time delay between burner on and circulating air blower on. This is a request for authorization to use a delay of 20 seconds instead of 1.5 minutes.

The Coleman Company, Inc. manufactures a line of condensing furnaces comprising the 2900 model series. In order to achieve maximum energy efficiency from these units, the circulating air blower is activated 20 seconds after burner on. This change of state occurs approximately when the stack temperature reaches thermal equilibrium and saves a substantial amount of heat energy. Under the appendix N procedures, stack temperature in the 2900 series models is allowed to overshoot thermal equilibrium and a substantial amount of heat energy escapes out the vent. This energy waste would never occur in an actual installation. If this petition is granted, the true blower on delay time (t-) would be used in the calculations.

The standard test procedures do not give Coleman credit for this energy savings which averages approximately 0.5%. A 0.5% improvement is a reduction of 5% of the energy loss and we are of the opinion that this 5% savings is significant and that the prescribed test procedures, by prohibiting The Coleman Company from taking credit for the saved energy, distort the facts so as to provide materially inaccurate comparative data.

Confidential test data is available which confirms the 5% waste energy savings

claimed above. That data can be made available to you so long as it is protected by the Department of Energy from disclosure to others.

We are presently unaware of any other manufacturers who offer furnaces which include the timed on blower feature described and who are unable to take advantage of the exceptions presently recited in Appendix N to the regulations.

Please contact me for additional information.

Very truly yours,

Harold J. Pfountz,

Corporate Attorney.

cc: Bill Harrigill.

[FR Doc. 84-26387 Filed 10-3-84; 8:45 am]

BILLING CODE 6450-01-M

Automotive Propulsion Research and Development; Automotive Technology Development Contractors' Coordination Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

SUMMARY: The Department of Energy will hold the Automotive Technology Development Contractors' Coordination Meeting on automotive propulsion systems, and members of the public are hereby invited to attend as observers. Papers will be presented on the current state of research and development on automotive propulsion systems and on alternative fuels.

DATES: October 29–November 2, 1984.

ADDRESS: Hyatt Regency Dearborn Hotel, Dearborn, Michigan.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Marie Zerega, U.S. Department of Energy, Mail Station CE-131, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: (202) 252-8053.

SUPPLEMENTARY INFORMATION: Today's notice follows through on a statement in the notice of proposed regulations (43 FR 31929, 21932 (July 24, 1978)) under section 304(f) of the Department of Energy Act of 1978—Civilian Applications (Act), 15 U.S.C. 2703(f) (1970), in which the Department of Energy (DOE) announced its intention to open meetings to public attendance. Section 304(f) requires the DOE to issue administrative regulations prescribing procedures, standards, and criteria for review and certification of automotive propulsion research and development to be funded by new grants, cooperative agreements, or contracts, or as new DOE or agency projects under the Act. The purpose of the review and certification process is to insure that research and development newly funded under the Act will supplement rather than supplant, duplicate, displace, or lessen the same activities in the private sector.

The final regulations (43 FR 55228, November 24, 1978) provide for notice to the public of proposed research and development and an opportunity to file written objections. To enable the public to avail itself of the opportunity to participate in the review and certification process, the DOE stated in the notice of the proposed regulations that it would give notice of meetings, such as the one announced today, since relevant information is to be presented.

Below is a preliminary agenda:

Date	Topic	Session
Oct. 29	United States/Canadian Joint Session on Alternative Fuels.	Morning.
	Alcohol Fuels	
	Alcohol, Liquid Hydrocarbon and Gaseous Fuels.	Afternoon.
Oct. 30	Stirling Technology Session No. 1.	Morning.
	Stirling Technology Session No. 2.	Afternoon.
Oct. 31	Program Overview and Industry Prespective Update.	Morning.
	Heavy Duty Transport Technology No. 1.	
	Heavy Duty Transport Technology No. 2.	Afternoon.
Nov. 1	Gas Turbine Technology Session.	Morning.
	Ceramic Technology Session No. 1.	Afternoon.
Nov. 2	Ceramic Technology Session No. 2.	Morning.

Meeting registration is scheduled to be held from:

8:00 a.m.–3:00 p.m. (Monday, October 29 through Thursday, November 1).

8:00 a.m.–9:00 a.m. (Friday, November 2).

Registrants at the meeting pay an $85.00 registration fee which includes admission to all technical sessions, refreshments, and subsequently a copy of the report of the proceedings. Members of the public may register and pay the fee if they wish to avail themselves of these services and materials. However, if they do not, they are free simply to attend meeting sessions and listen to the proceedings. Members of the public intending to respond to this notice are requested to so advise the information contact named above in advance so that appropriate seating arrangements can be made.

Issued in Washington, D.C., September 20, 1984.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 84-26388 Filed 10-3-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Case Nos. 50154-6010-01-82, 50154-6010-02-82]

Availability of Tentative Staff Analysis; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of the availability of the Tentative Staff Analysis on the pending prohibition order proceeding relating to the Baltimore Gas and Electric Company's (BG&E) Brandon Shores Generating Units 1 and 2 (hereafter referred to as Brandon Shores 1 and 2) located in Anne Arundel County, Maryland.

The proposed prohibition order for Brandon Shores 1 and 2, issued on October 9, 1979 (44 FR 59264, October 15, 1979), will, if finalized, prohibit the units from burning petroleum or natural gas as a primary energy source. ERA's Tentative Staff Analysis concludes that the findings of technical capability and financial feasibility required by former section 301(b) of FUA can be made, and accordingly, recommends that a final prohibition order be issued to Brandon Shores 1 and 2. The Tentative Staff Analysis does not represent ERA's decision to issue a final prohibition order, however. That decision will be made following the expiration of the comment period established below, and will be based upon the evidence contained in the entire record of the proceeding, including any comments received in response to this notice. The prohibition order procedures for facilities electing continued coverage under former section 301 of FUA[1] are

[1] The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA), which became law on August 13, 1981, amended Title III of FUA in seveal important respects, including the limitation of DOE's unilateral authority to issue orders prohibiting the use of petroleum and natural gas or certain mixtures including these fuels as a primary energy source in an existing electric powerplant. Under former section 301, DOE could order the involuntary conversion of such powerplants. On October 1, 1981, ERA issued final rules pursuant to OBRA (46 FR 48118), providing procedures whereby an existing powerplant issued a proposed prohibition order under former section 301(b) of (c) of FUA as of August 13, 1981, the date of enactment of OBRA, could elect to continue the current prohibition order proceeding under the provisions of the former section 301. In accordance with the procedures provided, BG&E on November 9, 1981, notified ERA of its election to have Brandon Shore 1 and 2 remain subject to former section 301(b) of FUA and thus to become an electing powerplant as defined in 10 CFR 500.2.

found at 10 CFR 501.51, and 504.6. Additional information on the proceeding and a discussion of the Tentative Staff Analysis appear in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: Written comments on the proposed prohibition order and the Tentative Staff Analysis are due on or before October 18, 1984. A request for a public hearing must be made within the same 14 day period. (See explanation of comment period in the **SUPPLEMENTARY INFORMATION** section below.)

ADDRESSES: Fifteen copies of written comments or any requests for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Room GA–033, 1000 Independence Avenue, SW., Washington, D.C. 20585.

ERA Case Nos. 50154–6010–01–82 and 50154–6010–02–82 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Robert L. Davies, Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Coal and Electricity Division, Forrestal Building, Room GA–045, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–1316.

Steven E. Ferguson, Department of Energy, Office of General Counsel, Forrestal Building, Room 6D–033, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6947.

The public file containing a copy of the Tentative Staff Analysis and all other documents and supporting materials related to the proceeding is available for inspection upon request Monday through Friday from, 8:00 a.m. to 4:00 p.m., at the Department of Energy, Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington D.C. 20585, Phone (202) 252–6020.

SUPPLEMENTARY INFORMATION: The issuance of the proposed prohibition order to Brandon Shores 1 and 2 commenced a proceeding designed to prohibit the use of petroleum or natural gas as the primary energy source in these units if the required findings of section 301(b) of FUA (as then effective), discussed below, could be made. In accordance with 10 CFR 501.51(b), the publication of the proposed prohibition order would have commenced an initial three month public comment period, during which interested parties, including BG&E, could challenge ERA's initial finding that Brandon Shores 1 and 2 have or previously had the technical capability to use coal as their primary energy source. As noted in the section entitled Comments and Public Hearing Procedures of the proposed prohibition order, pursuant to section 501.51(b)(6), subsequent to the date of this order, ERA received a request from BG&E to reduce the initial comment period from three months to a period of 45 days. ERA granted this request. Separate notice of this decision was published on the same day as the proposed prohibition order (44 FR 59264, October 15, 1979). Additionally, the interested parties were required to furnish ERA with any evidence bearing upon the other statutory findings which former section 301(b) of FUA requires ERA to make prior to the issuance of a final prohibition order to Brandon Shores 1 and 2. BG&E was required by the then-effective 10 CFR 501.51(b)(3), during this period, to identify any exemptions for which it believed Brandon Shores 1 and 2 might qualify, but was not required to submit evidence supporting the claim of entitlement to any exemption at that time. The initial public comment period on the Brandon Shores 1 and 2 proposed prohibition order expired on November 29, 1979. No comments contrary to ERA's initial finding were received. However, BG&E did submit evidence relating to other statutory findings that ERA has to make under former section 301(b) and identified a potential exemption qualification that might be asserted against the application of the final prohibition order to Brandon Shores 1 and 2. The potential exemption qualification was noted and identified in the Notice of Intention to Proceed cited below.

On the basis of the evidence available to it following the expiration of the initial comment period, ERA determined to continue with the order proceeding concerning Brandon Shores 1 and 2, and accordingly, issued its Notice of Intention to Proceed with the proceeding on September 5, 1980 (45 FR 59941, September 11, 1980). This action commenced a three-month public comment period, which expired on December 12, 1980.

Tentative Staff Analysis: Summary

Since the expiration of the second comment period, the ERA staff has prepared a Tentative Staff Analysis in which it concludes that the findings required by former section 301(b) of FUA can be made and supported on the basis of reliable, probative and substantial evidence in the complete administrative record. The required findings include the initial finding that, under former section 301(b)(1), the powerplant has or previously had the technical capability to use coal as a primary energy source; the finding under former section 301(b)(2) that the powerplant could have the technical capability to use coal (if it does not currently have such capability) without substantial physical modification of the unit or substantial reduction in its rated capacity; and the finding under former section 301(b)(3) that it is financially feasible to use coal as the primary eneregy source in the powerplant.

Finding of Technical Capability

The finding of technical capability for Brandon Shores 1 and 2 is based upon design specifications which indicate that the units were designed and constructed to burn either oil or coal as their primary energy source.

They are identical 628 megawatt (MW) generating facilities whose main boilers are Carolina RBE–64 type single arrangement, dry bottom models manufactured by Babcock and Wilcox. Both units were to have been oil fired, but provisions were made in the original design for them to be converted to coal, although no coal firing equipment was initially installed.

The net rated output of each unit will probably be 620 MW when burning compliance coal, 8 MW being allotted to auxiliary power for the operation of coal pulverizers and additional fans. Neither the additional equipment nor the potential anticipated derating is "substantial" within the meaning of 10 CFR 504.6(c)–(e), in absence of evidence to the contrary.

Accordingly, the evidence of record cited above supports ERA's initial finding under former section 301(b)(1) of FUA that Brandon Shores 1 and 2 have or previously had the technical capability to use coal as a primary energy source. The evidence will also support an ERA finding under former section 301(b)(2) of FUA that each unit has the technical capability to use coal as its primary energy source without (a) substantial physical modifications of the powerplant, or (b) substantial reductions in the unit's rated capacity.

Finding of Financial Feasibility

The finding of financial feasibility is based upon calculations prepared by the Analysis Branch of the Office of Fuels Conversion using the general cost calculation formula prescribed by 10 CFR 504.12, which indicated that the use of coal as the primary energy source for Brandon Shores 1 and 2 will not substantially exceed the cost of using imported petroleum. In accordance with

former 10 CFR 504.6(f)(1),[2] the ERA staff, therefore presumed that the use of coal as the primary energy source for the unit is financially feasible. Furthermore, the staff review of the entire record did not reveal any potential inability on the part of BG&E to raise the necessary capital to finance these units.

Procedures

The publication of this Notice of Availability would normally commence a 45-day written comment period on the Tentative Staff Analysis. BG&E has, however, by letter dated August 24, 1984 requested that the public comment periods be reduced to the minimum period permitted under ERA regulations which is 45 days from the time of publication of the proposed orders (10 CFR 501.01(b)(8)). This minimum had, at the time of BG&E's request, been exceeded. Accordingly, ERA, in granting BG&E's request, is hereby giving notice of a reduced comment period of 14 days provided for the purpose of receiving comments on the proposed prohibition orders and the Tentative Staff Analysis. The comment period shall commence with the publication of this Notice. Any requests for a public hearing must also be made during this 14-day period. If a hearing is requested, it will be held in accordance with Subpart C of 10 CFR Part 501.

The Tentative Staff Analysis does not constitute a decision by ERA to issue a final prohibition order to Brandon Shores 1 and 2.

At the close of the comment period established by this notice, ERA shall determine whether the final prohibition order will be issued, based upon its review of the entire administrative record of the proceedings, as required by 10 CFR 501.51(c). Any final prohibition order issued, together with a summary of the basis therefor, will be published in the **Federal Register**. The final order shall take effect no earlier than sixty days after such publication.

Issued in Washington, D.C., on September 27, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-26385 Filed 10-3-84; 8:45 am]

BILLING CODE 6450-01-M

[2] Former 10 CFR 504.6(f)(1), which continues to be applicable to electing powerplants (SEE: 47 FR 22365, May 24, 1982), is found at 45 FR 253682, 53698.

[ERA Docket No. 84-10-NG]

Natural Gas Imports, the Washington Water Power Co.; Application to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application for Authorization to Import Natural Gas from Canada.

SUMMARY: Economic Regulatory Administration (ERA) gives notice of receipt on September 14, 1984, of the application of the Washington Water Power Company to import, at a proposed rate of U.S. $2.70 per MMBtu, up to 15,000 Mcf per day (approximately 2.6 Bcf per year) of Canadian natural gas for a term of two years from November 1, 1984, through October 31, 1986. The imported volumes are to be purchased from Amoco Canada Petroleum Company Ltd. (Amoco Canada) and transported by Westcoast Transmission Co., Ltd. (Westcoast) to the international boundary near Sumas, Washington. Washington Water Power requests that authorization be granted by October 31, 1984.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of interventions, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on October 24, 1984.

FOR FURTHER INFORMATION CONTACT:

Tom Dukes, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9590

Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION: Washington Water Power Company (Washington Water Power) is a combination electric and gas utility that provides gas at retail to residential, commercial, and industrial customers in eastern Washington and northern Idaho. It currently purchases substantially all of its natural gas from Northwest Pipeline Corporation (Northwest) whose system covers much of the applicant's service area.

The applicant seeks authorization to import up to 15,000 Mcf per day of Canadian gas for a term of two years for one industrial and two institutional customers. An agreement entered into September 11, 1984, by Washington Water Power and Amoco Canada provides for the purchase of 10,100 Mcf of natural gas per day on a best-efforts, interruptible basis at a cost of $2.70 per MMBtu (U.S.) for a one-year term commencing November 1, 1984, and terminating October 31, 1985. However, the contract would allow the applicant to purchase up to 15,000 Mcf gas per day if agreed to by Amoco Canada. The parties may extend the term of the contract for additional one-year periods and, if they do, the contract requires them to redetermine the contract price 60 days prior to the beginning of any additional period. Under the agreement, Amoco Canada will pay Westcoast for the cost of tramsporting the gas from the Pointed Mountain Field (British Columbia) to the U.S./Canadian border.

According to the application, no new facilities will be required to implement the proposed import. Northwest Pipeline Corporation (Northwest) will transport the gas from the point at which its existing transmission system interconnects with that of Westcoast near Sumas, Washington, to the Vancouver, Washington, area and then to the applicant's service area in northeast Washington. Nortwest holds a blanket certificate from the Federal Energy Regulatory Commission issued under Docket No. CP82-433-000 to transport natural gas. Washington Water Power's existing distribution system will be used to complete the ultimate delivery of the gas. No final agreement had been reached between Amoco Canada and Westcoast and between Northwest and the applicant on transportation charges and services at the date of the applicant's filing.

Washington Water Power proposes to sell the imported gas to one industrial and two institutional customers. The chart below, a variation of the chart contained in Exhibit A to the gas purchase agreement, identifies the three customers, maximum daily and anticipated annual contract quantities, and the applicant's take-and-pay obligations with respect to both daily and annual quantities.

	Maximum daily rate (Mcf)	Take and pay factor (Mcf)	Annual contract quantities (Mcf)	Contractor take and pay quantities (Mcf)
Washington State University	3,500	0	969,000	0
Fairchild Air Force Base	2,500	1,100	400,000	400,000

	Maximum daily rate (Mcf)	Take and pay factor (Mcf)	Annual contract quantities (Mcf)	Contractor take and pay quantities (Mcf)
Northwest Alloys, Inc	4,100	2,740	1,200,000	1,000,000
Total	10,100	3,840	2,580,000	1,400,000

In its application, Washington Water Power asserts that without the contribution of gas sales from the three prospective customers, gas costs to all of its gas customers will increase approximately 1.3 percent. It also asserts that prices to existing customers will have to be raised for any subsequent increase in the applicant's fixed costs unless new customers can be added and fixed costs spread more widely. Thus, the applicant concludes that its proposed importation is of direct economic benefit not only to the three specific customers, but to the remaining 75,000 customers on its system as well.

Washington Water Power maintanis that the volumes it plans to import will be competitive and not inconsistent with the public interest. The applicant cites that its existing gas cost from Northwest of $3.81 per MMBtu is $1.11 higher than the proposed rate of $2.70 per MMBtu offered by Amoco Canada. The applicant also notes that not only is the imported gas well below the current Canadian border price of $4.40, but significantly lower than the $3.25 per MMBtu composite cost of the fuels (coal and gas) now being used by the three proposed customers. Therefore, Washington Water Power consideres itself to be in full conformance with the February 1984 policy guidelines and delegation orders issued by the Secretary of Energy.

The decision of the application will be made consistent with the Secretary of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served in the primary consideration in determining whether it is in the public interest. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this asserting.

Other Information

In respnse to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any peson wishing to become a party to the proceeding and to have the written comments considered as the basic for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the approapriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-033-B, RG-43, Forrestal Building 1000 Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., October 24, 1984. A 20-day comment period has been provided in order to allow sufficient time to evaluate the application and any responses to this notice before the proposed November 1, 1984, effective date of applicant's contract with Amoco Canada.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trail-type hearing. Any request to file additional written comments shoud explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevent to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trail-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all praties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR Part 590.316.

A copy of Washington Water Power Company's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-033-B, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, exept Federal holidays

Issued in Washington, D.C., On September 28, 1984.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-26391 Filed 10-3-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP84-132-000]

Algonquin Gas Transmission Co.; Filing To Comply With the Requirements of Commission Order No. 380

September 28, 1984.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on September 14, 1984, tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Original Sheet No. 241
Third Revised Sheet No. 200
Original Sheets No. 232-240
Original Sheets No. 242-299

Algonquin Gas states that such tariff sheets are being filed to comply with Commission Order No. 380 which requires pipeline company tariffs be restated to show purchased gas cost separately from other charges. Sheet No. 241 contains the identification of the gas cost; Sheet No. 200 contains a revised Index to the Rate Sheets to identify Sheet No. 241. Original Sheets No. 232-240 and Original Sheets No. 242-299 are reserved for future use. The proposed effective date of such tariff sheets is September 14, 1984 which is the same that Order No. 380 requires a filing of restatement with the Commission.

Algonquin Gas further states that its Rate Schedule WS-1 contains a minimum commodity charge. The impact of Order No. 380 requires two adjustments to that rate schedule: (i) The removal of variable gas purchased costs from the minimum commodity charge; and (ii) the expansion of the purchased gas cost adjustment provision to recover a cost of gas purchased component from Texas Eastern

Transmission Corporation. To effectuate these required changes, Algonquin Gas, in addition, rendered for filing the following two tariff sheets:

First Revised Sheet No. 311
First Revised Sheet No. 631

Algonquin Gas also filed as an alternative to First Revised Sheet No. 631, First Revised Sheet No. 313 which places the purchased gas cost adjustment provision directly in Rate Schedule WS–1.

Algonquin Gas proposes the revised WS–1 tariff sheets to be effective November 16, 1984, which is the commencement of the next winter delivery season under Rate Schedule WS–1.

In the event Order No. 380 is declared illegal Algonquin Gas reserves the right to revert back to the tariff provisions which have been effective since service commencement, but which are being modified by Order No. 380.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

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, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protest should be filed on or before October 9, 1984. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26290 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–703–001]

Carnegie Natural Gas Co.; Application

September 27, 1984.

Take notice that on September 14, 1984, Carnegie Natural Gas Company (Carnegie), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236, filed in Docket No. CP84–703–001 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Carnegie to add and delete delivery points to an existing customer, United States Steel Corporation (U.S. Steel), all as set forth more fully in the application on file with the Commission and open to public inspection.

Carnegie requests that the subject application be considered as a companion application to Texas Eastern Transmission Company's (TETCO) pending aplication filed in Docket No. CP84–703–000. Carnegie states that its primary customer, U.S. Steel, has entered into certain agreements with TETCO for the transportation of contractually committed gas from Carnegie in Greene County, Pennsylvania, to its Fairless Plant in eastern Pennsylvania. TETCO has requested authority to provide this service by displacement in Docket No. CP84–703–000.

Carnegie further states that its existing certificate authority does not specifically authorize it to change delivery points or points of receipt of natural gas within Green County, Pennsylvania. Carnegie therefore requests authority to add and delete points of receipt and points of delivery to U.S. Steel in Greene County, Pennsylvania, from time to time without need to seek further Commission authorization, provided that such changes would not cause Carnegie to exceed its present total contractual sales volume to U.S. Steel.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 of 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission of its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Carnegie to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26280 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6680–001]

City of Sebastopol; Surrender of Preliminary Permit

September 28, 1984.

Take notice that the City of Sebastopol, Permittee for the Bean Creek Power Project, FERC No. 6680, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 6680 was issued on May 11, 1983, and would have expired on October 31, 1984. The project would have been located on Bean Creek, in Butte County, California.

The City of Sebastopol filed the request on September 17, 1984, and the surrender of the preliminary permit for Project No. 6680 is deemed accepted as of September 17, 1984, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26291 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 7369–001]

Coggin Municipal Light Plant; Surrender of Preliminary Permit

September 27, 1984.

Take notice that Coggin Municipal Light Plant, Permittee for the proposed Coralville Mill Dam Hydro Project No. 7369, has requested that its preliminary permit be terminated. The permit was issued on October 27, 1983, and would have expired March 31, 1985. The project would have been located on the Iowa River in Johnson County, Iowa. The Permittee cites that the proposed project is not economically feasible as the reason for the surrender request.

The Permittee filed its request on September 17, 1984, and the surrender of the preliminary permit for Project No.

7369 is deemed accepted 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26281 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-21-002]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 26, 1984.

Take notice that Columbia Gas Transmission Corporation (Columbia) on September 18, 1984 tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective on September 1, 1984:

Substitute Ninety-fifth Revised Sheet No. 16
Substitute Fourth Revised Sheet No. 16B
Substitute Fourth Revised Sheet No. 16C
Substitute Thirty-third Revised Sheet No. 64

Columbia states that the foregoing tariff sheets are being filed in compliance with Ordering Paragraph (B) of the Commission's Order issued August 31, 1984, which directs Columbia to file revised tariff sheets to reflect the downward modification to the rates of its pipeline suppliers contained in its original filing of July 31, 1984.

The instant filing reflecting this revision provides for (1) a revised increase in current Purchase Gas Cost Applicable to Sales Rate Schedules in the amount of $148,812,450, which is $6,198,428 less than that filed on July 31, 1984, and (2) a revised Purchased Gas Surcharge Applicable to Rate Schedule SGES in the amount of $1,783,585, which is $9,279 less than that filed on July 31, 1984.

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, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 4, 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26282 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-44-000 and TA85-1-44-001]

Commercial Pipeline Co., Inc.; PGA Filing

September 28, 1984.

Take notice that on September 21, 1984, Commercial Pipeline Co., Inc. ("Commercial") tendered for filing its 46th Revised Sheet No. 3A, superseding 45th Revised Sheet No. 3A reflecting Purchased Gas Adjustments and Total Rate as shown below.

	Current adjustment	Cumulative adjustment	Surcharge adjustment	Total rate
(Based)	$(.6361)	$.0071	$.0367	$4.5007
(Excess)	$(.6513)	$.0076	$.0367	$4.6097

The effective date of Commercial's filing is October 23, 1984.

Commercial states that this filing reflects adjustments in its purchased gas cost to provide for the tracking of a corresponding PGA adjustment by Commercial's sole supplier, Northwest Central Pipeline Corporation. The filing also reflects surcharge adjustments in accordance with Commercial's PGA.

Copies of the filing were served on Commercial's FERC jurisdictional customers, the Kansas Corporation Commission and the Missouri Public Service Commission.

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 and 385.214). All such petitions or protests should be filed on or before October 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26292 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-140-000]

Consolidated Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 28, 1984.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on September 21, 1984, filed a proposed change to its FERC Gas Tariff, Original Volume No. 1. The change, shown on First Revised Sheet No. 51, is proposed to be effective October 1, 1984, and provides for the discretionary waiver of the billing demand ratchet which is now a part of Consolidated's RQ Rate Schedule.

The waiver provision could allow Consolidated to sell up to 695,000 Dt of gas over the upcoming winter heating season by encouraging certain RQ customers to abandon their winter load management programs in favor of taking more gas at existing tariff rates.

Consolidated requests a waiver of the thirty-day notice requirement and any of the Commission's Rules and Regulations deemed necessary to permit the revised tariff sheet to become effective as proposed.

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, and 385.211). All such petitions or protests should be filed on or before October 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26293 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-414-010]

Delmarva Power and Light Co.; Compliance Filing

September 28, 1984.

Take notice that on September 17, 1984, Delmarva Power and Light Company submitted its Refund Compliance Report regarding Docket

No. ER78–414, pursuant to the letter order of August 17, 1984 in this docket.

The filing contains reports of refund nuclear disposal costs collected prior to December 1, 1978 and the rate refund report for the four non-settling resale customers. These refunds were made on August 31, 1984.

A copy of this filing has been mailed to each affected resale customer, to the parties of record and to each of the Company's State Public Service Commissions.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 16, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26294 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP84–46–000]

El Paso Natural Gas Co.; Petition To Reopen Final Well Category Determination and Request for Withdrawal

State of Texas, NGPA Section 108 Determination, El Paso Natural Gas Company, Yoes A #1 well, FERC JD No. 84–33180.

September 27, 1984.

On August 15, 1983, El Paso Natural Gas Company (El Paso) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination under § 275.202 of the Commission's regulations.[1] El Paso requests the reopening of a determination that qualifies natural gas produced from the Yoes A #1 well, located in Gray County, Texas, as stripper well natural gas under section 108 of the Natural Gas Policy Act of 1978 (NGPA).[2] The Commission received the Texas Railroad Commission (Texas) determination on May 11, 1984, and the determination became final on June 25, 1984.

El Paso requests reopening of the determination on the basis that the Yoes A #1 well produced natural gas during the initial qualifying period in excess of the limits prescribed by section 108(b) of the NGPA and § 271.805 of the Commission's regulations.

El Paso states that it filed an application for a section 108 determination under the deferred determination procedure set forth in § 271.807(c) of the Commission's regulations. El Paso based the application upon production from the subject well during three- and twelve-month periods ending in November 1983 and the twelve-month period ending in January 1984. In June 1984, El Paso discovered that its production summary erroneously indicated that the subject well had 31 production days for January 1984, when, in fact, the well produced for only nine days in January 1984. According to El Paso, when the twelve-month average daily production rate is recalculated using the correct data for the period ending January 1984, the well does not qualify as a stripper well under the requirement of § 271.807(c). Therefore, El Paso requests that the Commission reopen the final section 108 determination and allow El Paso to withdraw its application. El Paso states that, upon withdrawal of its application, it will refund any overcollections.

The Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(c)[3] will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register** with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rule 214 or 211 of the Commission Rules of Practice and Procedure.[4] All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26287 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES83–52–001]

Gulf States Utilities Co.; Application

September 28, 1984.

Take notice that on September 14, 1984, Gulf States Utilities Company filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking to increase the guarantee of the pollution control revenue bonds to be issued by the Parish of West Feliciana, State of Louisiana, to finance construction of pollution control facilities from $285,000,000 to $304,500,000 and to enter into lease or purchase and other agreements related thereto.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before October 12, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26296 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–568–000]

Gulf States Utilities Co.; Order Accepting for Filing and Suspending Rates, Granting Interventions, Denying Motions To Reject, Granting Summary Disposition in Part, and Establishing Hearing and Price Squeeze Procedures

Issued: September 28, 1984.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon and Oliver G. Richard III.

On July 30, 1984, Gulf States Utilities Company (GSU) tendered for filing a proposed two-step increase in rates for firm power service to 14 wholesale customers.[1] The "interim rates" would increase revenues by approximately $23.7 million (30.5%), based on the calendar year 1984 test period. The "proposed rates" would increase overall revenues by an additional $5.9 million, representing a total increase of approximately $29.6 million (38%). Approximately $4.6 million, or 15% of the proposed increase, reflects the inclusion in rate base of construction work in progress (CWIP) other than CWIP associated with pollution control and fuel conversion facilities. GSU also proposes revisions to its fuel adjustment clause pursuant to Commission Order No. 352. III *FERC Statutes and*

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[1] 18 CFR 275.202 (1983).

[2] 15 U.S.C. 3301–3432 (1982).

[3] 18 CFR 154.102(c) (1983).

[4] *Id.* §§ 385.214 or 211.

[1] *See* Attachment for rate schedule designations and affected customers.

Regulations ¶ 30,525 (1983). GSU requests an effective date for both sets of rates of September 28, 1984. If it is determined that the proposed rates should be suspended for more than one day, GSU asks that the alternate interim rates be put into effect. If, however, the proposed rates and the interim rates would be suspended for the same period, the company requests that the interim rates be deemed withdrawn.

Notice of GSU's filing was published in the **Federal Register,**[2] with comments due on or before August 20, 1984. Timely motions to intervene were filed by certain Louisiana municipal customers of GSU (the Louisiana Towns);[3] Sam Rayburn G&T, Inc. (SRGT); the Sam Rayburn Municipal Power Agency (SRMPA); the City of College Station, Texas; the City of Caldwell, Texas; the Kirbyville Light and Power Company (Kirbyville); and Dow Chemical Company (Dow). The City of Newton, Texas, filed a motion to intervene one day late. Sam Rayburn Dam Electric Cooperative, Inc. (SRDEC) filed a late intervention on September 4, 1984, and Brazos Electric Power Cooperative, Inc. (Brazos) moved to intervene on September 13, 1984. As customers of GSU, both Brazos and SRDEC assert that good cause exists to allow intervention because of the interest of each in the outcome of the proceeding and because the conduct of the proceeding will not be adversely affected by allowing each to participate.

The Louisiana Towns urge that the filing be rejected for failure to comply with the Commission's filing regulations, including the requirement for adequate workpapers to substantiate cost figures used in the filing. The Louisiana Towns also contend that GSU has not provided sufficient detail in its filing to allow a determination as to whether the amounts claimed as CWIP for pollution control facilities for nuclear generation are consistent with the Commission's policies as set forth in Opinion No. 110, *Louisiana Power & Light Company*, 14 FERC ¶ 61,075 (1981). The Towns request that the filing be rejected because of these deficiencies, or at least, that the filing not be assigned a filing date until the deficiences have been remedied.

In the absence of rejection, the Louisiana Towns request that GSU's proposed rates be suspended for five months, alleging that the proposed rates are coupled with various practices that are anticompetitive and that the proposed rates would create a price squeeze. The Towns allege that GSU has been pursuing a practice of attempting to tie various of the Towns to long-term contracts and non-cost-based termination penalties, thereby precluding them from taking advantage of lower cost power supply opportunities. The Towns ask for a separate expedited hearing on the question of GSU's practices in contracting with the Towns for wheeling service or full or partial requirements service and for expedited hearing of their price squeeze allegations.

In addition, the Towns raise a number of cost of service issues, including: (1) Inclusion in rate base of generating equipment and land that is purportedly not used and useful; (2) the claimed rate of return on equity; (3) the capital structure proposed by GSU; (4) the proposed amortization period for cancelled plant; (5) the proposed demand allocation method; (6) GSU's allocation of transmission and distribution facilities; (7) the inclusion of general advertising, sales, and customer information expenses in the wholesale cost of service; (8) the classification of certain maintenance expenses as demand-related; (9) the depreciation rates proposed by GSU; (10) inclusion of non-qualifying pollution control CWIP in rate base, as noted previously; and (11) the claimed cash working capital allowance. The Towns finally argue that GSU's interim rates should be suspended for five months as a matter of policy on the ground that to allow the filing of lower alternate rates undercuts the suspension policy adopted by the Commission in *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982).

The motions to intervene filed by College Station, SRMPA, and SRDEC all raise, in identical language, cost of service issues that are identified by the Louisiana Towns. The motions request that GSU's proposed rates be suspended for five months. They further request rejection of GSU's interim rates on the ground that no extraordinary circumstance has been shown that would justify their acceptance for filing.

Brazos, Newton, Caldwell, and Kirbyville also raise cost of service issues identified by the Louisiana Towns and request rejection or a maximum suspension of both the interim and the proposed rates. Newton, Caldwell, and Kirbyville also allege price squeeze.

SRGT (a generation and transmission cooperative) also requests rejection or a five month suspension. Further, SRGT seeks summary disposition with regard to: (1) The inclusion in rate base of certain plant and equipment held for future use that is purportedly not used and useful; (2) GSU's classification of steam power generation expenses as energy-related, rather than demand-related; and (3) GSU's characterization of certain CWIP in rate base as being related to pollution control. SRGT alleges price squeeze and contends that extraordinary circumstances exist to consider price squeeze in determining a suspension period.[4] SRGT also requests that expedited price squeeze procedures be followed in this case. SRGT contends that GSU's interim rates should be rejected as inconsistent with the Commission's policy against the filing of interim rates during a suspension period (citing *El Paso Electric Company*, 27 FERC ¶ 61,125 (1984)) and the objective of encouraging utilities to file cost-based rates. SRGT also urges that the Commission investigate GSU's purchased power costs arising from GSU's purchases from the Southern Company system. Finally, SRGT alleges that it is improper, under Commission Order No. 298, III *FERC Statutes and Regulations* ¶ 30,455 (1983), for SRGT to pay rates based upon inclusion of CWIP in rate base, when it has given notice to GSU of its intention to reduce its purchases from GSU and to replace them with power from its own generation or from other sources.

Dow seeks leave to intervene in order to protect its interest as a potential seller of capacity and energy to GSU from cogeneration facilities; Dow refers to Docket No. ER82-5790-000, *Southern Company Services, Inc.*, 27 FERC ¶ 61,444 (1984), where it intervened to question GSU's purchase of power and energy from the Southern Companies in lieu of possible purchases from cogenerators such as Dow. Dow cites the Commission's earlier order in *Southern Company Services, Inc.*, 26 FERC ¶ 61,360 (1984), for the proposition that any claim as to the prudence of GSU's purchase from the Southern Companies "is properly an issue in the rate proceeding in which passthrough is sought." Dow states that, although it has been electrically isolated from GSU, an interconnection between Dow and GSU has recently been completed, with operation expected to start in the near future.

GSU responded to the interventions of the Louisiana Towns, SRGT, SRMPA, College Station, Newton, Caldwell, Kirbyville, and Dow and separately

[2] 49 FR 32451 (1984).

[3] The Louisiana Towns are Abbeville, Erath, Gueydan, Kaplan, Rayne, St. Martinville, and Welsh. On September 24, 1984, the Louisiana Towns amended their pleading with a revised price squeeze analysis.

[4] In support of this contention, SRGT asserts that GSU's retail rates are 26% lower than the proposed wholesale rates and that this fact establishes a *prima facie* showing of price squeeze.

responded to the interventions of SRDEC and Brazos. GSU states that it does not oppose the intervention of any movant except Dow. GSU denies that any basis has been shown for rejection of the filing. While conceding that it unintentionally included one parcel of land in rate base, the company contends that this addition to rate base has a minimal impact of its wholesale cost of service. In all other respects, GSU denies the allegations of the intervenors and asserts that the requested relief is unwarranted.

In opposing Dow's motion to intervene, GSU argues that Dow has shown no basis for intervention. It contends that Dow is neither a customer of GSU nor a customer of any of GSU's wholesale customers and that Dow's only interest is as a potential supplier of electricity to GSU. Although GSU conceds that the Commission has said that the prudence of Dow's purchase from the Southern Companies may be raised as an issue in a GSU rate case, the company contends that Dow does not have standing to raise the issue. GSU contends that Dow is not an entity whose interests would be directly affected by the outcome of the rate proceeding, and that its participation is not necessary to the public interest, since other intervenors have raised the question of GSU's purchased power costs.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions to intervene serve to make the Louisiana Towns, SRGT, SRMPA, College Station, Caldwell, and Kirbyville parties to this proceeding. In addition, given the early stage of this proceeding, the asserted interests of the various movants, and the apparent absence of any undue delay or prejudice, we find that good cause exists to grant the late interventions of SRDEC, Brazons, and Newton.

With respect to Dow's motion to intervene, we believe that good cause has shown to grant intervention, notwithstanding GSU's opposition. We note that Dow's concerns may have some relevance in this case and may not be adequately represented by any other intervenor.

We shall deny the motions for rejection of the filing, or for issuance of a deficiency letter. Our review of the filing indicates that the submittal is in substantial compliance with the Commission's filing requirements and that not other basis for rejection has been shown.[5]

With respect to SRGT's requests for summary disposition on the questions of GSU's inclusion in rate base of certain items as plant held for future use and GSU's classification of certain maintenance expenses, we decline to take summary action at this time, since the issues appear to involve questions of fact more appropriately resolved in the context of an evidentiary proceeding. However, we shall order summary disposition with respect to the nuclear facility pollution control CWIP clamied in GSU's filing. The Commission has made clear in Opinion No. 110 that only certain, limited facilities at a nuclear plant would qualify as pollution control CWIP full includible in rate base.[6] Because GSU has failed to specify the components of its pollution control CWIP balances, we are unable to determine whether GSU's claimed CWIP in rate base meets the criteria of Opinion No. 110. Since the cost of service impact may be substantial, we shall require GSU to provide the details of its pollution control CWIP balances, to exclude any amounts that do not qualify, and to file revised rates accordingly.

We are not persuaded that the Louisiana Towns have presented an adequate basis for ordering a separate, formally expedited hearing on the questions of GSU's allegedly anticompetitive contractual provisions and contracting practices and we shall deny their request at this time.[7] We believe that the remaining concerns expressed by the intervenors present questions of fact to be resolved at hearing.

Our preliminary review of GSU's filing indicates that the proposed rates (including the proposed revisions to GSU's fuel adjustment clause) [8] have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept GSU's submittal for filing, as modified by summary disposition, and we shall suspend its operation as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy, noting that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. Our review of GSU's rates suggests that the interim and proposed rates may not yield substantially excessive revenues.[9] Since the same suspension period would therefore be ordered for both the proposed and interim rates, we shall deem the interim rates to have been withdrawn, as requested by GSU. Accordingly, we shall suspend the proposed rates, as modified by summary disposition, for one day from 60 days after filing, to become effective on September 30, 1984, subject to refund.[10]

In light of the price squeeze allegations raised by the intervenors, we shall institute price squeeze proceedings and phase them in accordance with our policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79–339, 8 FERC ¶61,131 (1979).[11]

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[5] We have previously accepted for filing phased rate increases and have stated that such increases are not inconsistent with the Commission's suspension policy as explained in *West Texas Utilities Company*, 18 FERC ¶ 61, 189 (p.82). See, e.g., Jersey Central Power & Light Company, 19 FERC ¶ 61,208 (1982) at 61,403. We do not find persuasive the intervenors' arguments that Commission policy requires the rejection or maximum suspension of GSU's interim rates.

[6] In Opinion No. 110, the Commission disallowed as qualifying pollution control CWIP all radiation control facilities and found that only limited facilities at a nuclear plant (such as systems for treatment of sanitary wastes, chemical treatment and oil separation systems for nonradiation liquid wastes, and air and waste monitoring systems) would qualify as pollution-control CWIP.

[7] However, pursuant to Ordering Paragraph (H) below, the presiding judge designated in this proceeding will have the discretion to establish any appropriate procedural dates.

[8] While the proposed fuel clause complies with the basic directives of Order No. 352, its reliability standard is quite broad. Further investigation is warranted as to how GSU proposes to implement its reliability criteria and as to whether the clause should be made more specific.

[9] Contrary to the intervenor's assertions, we do not believe that any party has alleged extraordinary circumstances here so as to cause us to deviate from our consistent position that unproved price squeeze allegations generally will not be considered as a separate factor in determining suspension periods. *See e.g., Virginia Electric and Power Company*, 28 FERC ¶ 61,113 (1984). Nor can we concur in the suggestion that all of the competitive concerns expressed, in combination, warrant a different suspension decision.

[10] We note that GSU's proposed effective date for the proposed rates falls one day short of the statutory 60 day notice period and that the company has not requested waiver of the notice requirements. Therefore, the suspension period ordered here has been measured from September 29, 1984.

[11] We are not convinced by the pleadings that departure from the established phasing practice is appropriate. As indicated in ordering paragraph (I) below, the presiding judge is authorized to modify the designated phased procedures or to expedite the price squeeze proceedings upon a showing of good cause. However, we would expect such a decision only in extraordinary circumstances.

The Commission orders:

(A) The interventions of SRDEC, Brazos, Newton, and Dow are hereby granted, subject to the Commission's Rules of Practice and Procedure.

(B) The requests for issuance of a deficiency letter or rejection of all or any part of the filing and for initiation of separate expedited proceedings are hereby denied.

(C) GSU shall file within thirty (30) days of the date of this order the details of the pollution control CWIP balances in its filing. GSU shall file, at the same time, revised rates, in the event that it has included non-qualifying amounts of pollution control CWIP in the rate base upon which its original rates were based.

(D) The intervenors' remaining motions for summary disposition are hereby denied.

(E) GSUs proposed rates and fuel adjustment clause are hereby accepted for filing, as modified by paragraph (C) above, and are suspended, to become effective, subject to refund, on September 30, 1984. The interim rates are deemed withdrawn.

(F) Pursuant to the authority contained in and 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 GSU's rates.

(G) The Commission staff shall serve top sheets 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 (18 CFR, Part 385).

(I) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(J) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Gulf States Utilities Company

[Docket No. ER84-568-000]

RATE SCHEDULE DESIGNATIONS

Designations	Other party and description
Supplement No. 21 to Rate Schedule FERC No. 128 (Supersedes Supplement No. 17).	Cajun Electric Power Cooperative, Inc., Rate Schedule—WSD.
Supplement No. 16 to Rate Schedule FPC No. 110 (Supersedes Supplement No. 14).	Kirbyville Light and Power Company, Rate Schedule—WSD.
Supplement No. 16 to Rate Schedule FPC No. 111 (Supersedes Supplement No. 14).	Town of Gueydan, Rate Schedule—WSD.
Supplement No. 10 to Rate Schedule FPC No. 112 (Supersedes Supplement No. 9).	City of Caldwell, Rate Schedule—WSD.
Supplement No. 16 to Rate Schedule FPC No. 114 (Supersedes Supplement No. 14).	Town of Kaplan, Rate Schedule—WSD.
Supplement No. 16 to Rate Schedule FPC No. 114 (Supersedes Supplement No. 14).	Town of Welsh, Rate Schedule—WSD.
Supplement No. 11 to Rate Schedule FPC No. 115 (Supersedes Supplement No. 10).	City of Newton, Rate Schedule—WSD.
Supplement No. 16 to Rate Schedule FPC No. 118 (Supersedes Supplement No. 14).	Town of St. Martinville, Rate Schedule—WSD.
Supplement No. 9 to Rate Schedule FPC No. 120 (Supersedes Supplement No. 8).	Town of Erath, Rate Schedule—WSD.
Supplement No. 8 to Rate Schedule FPC No. 123 (Supersedes Supplement No. 7).	City of College Station, Rate Schedule—WST.
Supplement No. 15 to Rate Schedule FERC No. 126 (Supersedes Supplement No. 13).	Brazos Electric Power Cooperative, Inc., Rate Schedule—WSD.
Supplement No. 16 to Rate Schedule FERC No. 126 (Supersedes Supplement No. 14).	Brazos Electric Power Cooperative, Inc., Rate Schedule—WST.
Supplement No. 10 to Rate Schedule FERC No. 127 (Supersedes Supplement No. 8).	Town of Rayne, Rate Schedule—WST.
Supplement No. 5 to Supplement No. 4 to Rate Schedule FERC No. 129 (Supersedes Supplement No. 4 to Supplement No. 4).	Sam Rayburn Dam Electric Cooperative (City of Liberty), Rate Schedule—WST.
Supplement No. 10 to Rate Schedule FERC No. 129 (Supersedes Supplement No. 9).	Sam Rayburn Dam Electric Cooperative, Rate Schedule—WSD.
Supplement No. 5 to Rate Schedule FERC No. 139 (Supersedes Supplement No. 3).	Town of Abbeville, Rate Schedule—WST.

[FR Doc. 84-26295 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-574-000]

Holyoke Water Power Co. and Holyoke Power and Electric Co.; Order Conditionally Accepting for Filing and Suspending Rates, Noting Intervention, Granting Waiver, Deferring Action on Motion To Reject, and Establishing Hearing Procedures

Issued: September 28, 1984.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon and Oliver G. Richard III.

On July 31, 1984, Holyoke Water Power Company (HWP) and Holyoke Power and Electric Company (HP&E) (referred to together as the Companies) tendered for filing amendments to the three power contracts under which the net capacity of the Mount Tom fossil-fired generating plant in Holyoke, Massachusetts is sold at wholesale.[1] Under the first of three agreements, HWP sells the entire output of the plant to HP&E, its wholly-owned subsidiary, and in turn HP&E sells 39% of the output back to HWP. Under the second power contract, HP&E sells approximately 23% of the output to Western Massachusetts Electric Company (WMEOC), an affiliate of HWP and HP&E in Northeast Utilities system. Under the third contract, HP&E sells the remaining 38% of Mount Tom's output to New England Power Company (NEP), which is not affiliated with the Northeast Utilities system.

The proposed amendments provide for changes in the current formula rates which increase charges from HWP to HP&E for 100% of the Mount Tom output by approximately $5.4 million (41%) based on the calendar 1984 test period. HP&E, in turn, proposes to pass these increased charges through to HWP, WMECO, and NEP. Changes in the formula rates include: (1) An increased return on common equity; (2) a revision of the method for allocating Administrative and General expenses; (3) a revision to the calculation of cash working capital; (4) various adjustments to rate base components to reflect current Commission policies; (5) inclusion of a component to amortize deferred income tax deficiency; (6) inclusion of a late payment charge; and (7) inclusion of a provision for recovery of regulatory expenses related to the Mount Tom unit. In support of the proposed changes, HWP states that certain costs are underrecovered and other costs are not being recovered at all under the present rate formula.

[1] *See* Attachment for rate schedule designations.

HWP requests waiver of various specific filing requirements contained in § 35.13 of our regulations on the grounds that the information required is not applicable to unit sale agreements. The Companies request that the proposed amendments become effective on September 30, 1984, but if the Commission finds that suspension is appropriate, they further request that all of the amendments be given identical suspension periods.

Notice of the Companies' submittal was published in the **Federal Register**,[2] with comments due on or before August 23, 1984. NEP filed at timely protest and motion to intervene. NEP requests that the Commission reject the Companies' filing on the grounds that the underlying contractual provisions do not provide for unilateral rate change filings and the submittal therefore violates the *Mobile-Sierra*[3] doctrine. In the alternative, NEP requests that the filing be suspended for five months.

According to NEP, its contract with HP&E clearly prohibits any unilateral filings to increase the rates payable by NEP. NEP also argues that the proposed amendments do not base charges exclusively on costs attributable to the Mount Tom unit and are therefore inconsistent with the contract's original objective "to allow recovery * * * of the specific costs associated with financing, building, and operating the Mount Tom Unit * * *." Absent rejection, NEP requests a five month suspension because the filing "lacks supporting documentation, and the increase is excessive and unlawful."

In an answer filed on September 7, 1984, the Companies oppose either rejection or a five month suspension. According to the Companies, the contract provisions relied upon by NEP do not prohibit unilateral rate changes. Rather, in their view, section 6.06(a) of the contract clearly permits unilateral filings as the parties intended. If the Commission does not concur in the Companies' reading of the contract, the Companies seek a hearing on factual issues purportedly raised by NEP's references to the parties' intent in originally negotiating the unit sale contract.

Discussion

Under Rule 214 of our Rules of Practice and Procedure, NEP's timely intervention services to make it a party to this proceeding. 18 CFR 385.214.

The *Mobile-Sierra* issue raised by NEP requires the Commission to review the subject contracts, as well as various state laws referred to by the parties, to determine whether HP&E is contractually prohibited from tendering its proposed changes in rate to NEP under section 205 of the Federal Power Act. Because this inquiry cannot be concluded in the short time period available for preliminary action on the Companies' filings, the *Mobile-Sierra* determination will be made in a subsequent order. Additionally, we will of our own accord, undertake an examination of the contractual language of the HP&E contracts with HWP and WMECO as well, since the relevant provisions of those contracts are similar to the provisions in the HP&E/NEP contract. Pending such an examination, we shall conditionally accept for filing the proposed amendments to each of the contracts.[4]

As noted, the Companies have requested waiver of certain cost of service filing requirements. We conclude that good cause exists to waive these requirements because the filing contains cost support adequate for review of the Mount Tom unit costs.

Our preliminary review of the Companies' filings and the pleadings indicates that the submittals have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall conditionally accept the contract amendments for filing and we shall suspend them as ordered below.

In *West Texas Utilities Co.*, 18 FREC ¶ 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 of the current filings suggests that the rates may result in substantially excesive revenues. Accordingly, the proposed amendments will be suspended for five months to become effective on February 28, 1985, subject to refund.

The Commission orders:

(A) A decision on NEP's motion to reject the proposed HP&E/NEP amendments is deferred until a later order.

(B) The Companies' request for waiver of specified filing requirements, as discussed above, is granted.

(C) The proposed HWP/HP&E, HP&E/NEP, and HP&E/WMECO amendments are conditionally accepted for filing and suspended for five months from the proposed effective date, to become effective on February 28, 1985, subject to refund.

(D) Pursuant to the authority contained in and 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 HWP's and HP&E's rates.

(E) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(F) 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 authorize 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.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Rate Schedule Designation

[Docket No. ER84-574-000]

Designation and Other Party

Holyoke Water Power Company

(1) Supplement No. 4 to Rate Schedule FPC No. 2—Holyoke Power and Electric Company

Holyoke Power and Electric Company

(2) Supplement No. 5 to Rate Schedule FPC No. 1—New England Power Company

(3) Supplement No. 4 to Rate Schedule FPC No. 2—Western Massachusetts Electric Company

[2] 49 FR 32 659 (August 15, 1984).

[3] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[4] As discussed below, we would suspend the amendments for five months in any event. Therefore, a temporary deferral of action on the contract issue should not prejudice the parties in any way.

(4)Supplement No. 4 to Rate Schedule FPC No. 3—Holyoke Water Power Company

[FR Doc. 26297 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7176-003]

Hydro-Cor, Inc.; Surrender of Preliminary Permit

September 26, 1984.

Take notice that Hydro-Cor, Inc., Permittee for the Roaring River Waterpower Project No. 7176 has requested that its preliminary permit be terminated. The Preliminary Permit was issued on October 24, 1983, and would have expired on September 30, 1985. The project would have been located on Roaring River within the Mt. Hood National Forest in Clackamas County, Oregon.

Hydro-Cor, filed the request on September 4, 1984, and the surrender of the preliminary permit for Project No. 7176 is deemed accepted as of September 4, 1984, and effective as of 30 days after the date of this notice.

Kenneth Plumb,

Secretary.

[FR Doc. 84-26283 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-74-000]

Idaho Power Co.; Application

September 28, 1984.

Take notice that on September 18, 1984, Idaho Power Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than 1,000,000 shares of Common Stock pursuant to its Employee Savings Plan.

Any Person Desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before October 18, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26298 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-569-000]

Interstate Power Co.; Order Accepting for Filing and Suspending Rates, Granting Intervention, Ordering Summary Disposition, Denying Motion for Acceptance of Substitute Tariff Sheets, and Establishing Hearing and Price Squeeze Procedures

Issued: September 28, 1984.

Before Commisioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon and Oliver G. Richard III.

On July 30 1984, Interstate Power Company ("Interstate") tendered for filing a proposed rate increase to twenty municipal customers locaterd in Iowa, Illinois, and Minnesota.[1] The proposed rates would increase revenues by approximately $666,600 (8.43%) based on the calendar 1984 test period. Interstate has requested an effective date of October 1, 1984, for the proposed rates.

Notice of Interstates's filing was published in the **Federal Register,**[2] with comments due on or before August 22, 1984. On August 21, 1984, the City of Blue Earth Minnesota ("Blue Earth") filed a motion to intervene. Ascerting that it has had insufficient opportunity to conduct a comprehensive analysis of Interstate's filing, Blue Earth states that it may later seek rejection of the filing or other relief, including a review of issues such as cost of capital, operating expenses, cost allocation, and rate design.

On August 22, 1984, eight of the municipal customers affected by the proposed increase ("Municipals")[3] filed a motion to intervene and requested that the proposed increase be suspended for five months and set for hearing. In support of their requests, the Municipals allege that Interstate has not developed its cost of service properly, citing, *inter alia*, the claimed rate of return and cash working capital allowance,[4] and the allocation of administrative and general expenses and general plant expenses. In addition, the Municipals allege that the proposed rates may create a price squeeze. On September 13, 1984, the Municipals amended their motion to include as additional intervenors the Cities and Villages of Albany, Illinois; Readlyn and Sabula, Iowa; and Truman, Minnesota. The Municipals also proposed additional adjustments with respect to taxes payable and deferred taxes, and continued to request that Interstate's proposed increase be suspended for five months and set for hearing.

On September 20, 1984, Interstate filed an answer to the Municipals' amended motion, and also filed a motion for waiver of the notice requirements and for an order accepting the filing of substitute tariff sheets.[5] Interstate states that it agrees with the calculations presented in the Municpals' amended motion with respect to two issues: (1) Interest synchronization, and (2) the make-up provision relating to deferred income taxes under the so-called *South Georgia* method.[6] Interstate therefore proposes to reduce its cost of service and rate proposal by $117,533 ($61,578 associated with interest synchronization and $55,955 associated with the make-up for deferred taxes) and requests summary disposition on these two items.

On September 21, 1984, the Municipals responded to Interstate's motion or substitution and waiver. The intervenors oppose Interstate's pleading only insofar as it seeks waiver of notice for the amended tariff sheets.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions to intervene serve to make Blue Earth and the Municipals listed in footnote 3, *supra*, parties to this proceeding. In addition, given the early stage of this case, the similarity of interest of the additional four Cities and Villages identified in the Municipals' September 13 motion, and the apparent absence of undue delay or prejudice, we find that good cause exists to permit the additional Cities and Villages to intervene out of time.

We shall deny Interstate's request to substitute its amended tariff sheets inasmuch as they do not go far enough to correct clear errors in the filing. Instead, we shall direct Interstate to file revised rates and cost statements that include three specific summary dispositions as well as a corrected computation of the make-up provision for deferred taxes. We note first that Interstate has improperly included in

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[1] *See* Attachment A for customers and rate schedule designations.

[2] 49 FR 32254 (August 13, 1984).

[3] Cities and Villages of Strawberry Point, McGregor, Bellevue, Independence, Guttenberg, Fairbanks, and Fredericksburg, Iowa, and St. Charles, Minnesota.

[4] We observe that the Municipals' reliance on the proposed working capital assumption reflected in Docket No. RM84-9-000 is premature pending a final determination in that rulemaking docket.

[5] Insofar as Interstate's pleading seeks to answer the Municipals' August 22 intervention and motions, Interstate is untimely and those portions of its pleading will be disregarded.

[6] *See South Georgia Natural Gas Co.*, Docket No. RP77-32, Letter Order issued May 5, 1978; *see also* Order No. 144, Docket Nos. RM-80-42, *et al.*, FERC Statutes and Regulations ¶ 30,254, at 31,560, n. 115 (May 6, 1981).

rate base certain deferred losses resulting from its withdrawal from participation in the Carroll County Nuclear Facility. Whether or not some amortization of such costs is otherwise appropriate, rate base inclusions of the deferred amounts contravenes well-established Commission precedent.[7] Second, Interstate has failed to synchronize test period fuel expenses and revenues. This failure to synchronize also disregards consistent Commission precedent.[8] Finally, as conceded by Interstate, its original filing neglected to synchronize test year interest expense used in its income tax calculation with the interest portion of the company's claimed rate of return. Again, Commission precedent is clear;[9] for tax allowance purposes, the interest expense should be computed as the product of the weighted cost of debt used for rate of return purposes and the allocated rate base. Having reviewed the amended filing submitted by Interstate on September 20, we are satisfied that the company has now computed the interest synchronization correctly. However, correction for the other other two issues should also be reflected immediately in Interstate's rates given the related dollar impact. Furthermore, we are not persuaded that the company has properly computed its make-up provision relating to deferred taxes. Insofar as that issue is concerned, Interstate should confer with the Commission staff before submitting further rate amendments pursuant to this order.[10]

Our preliminary review of Interstate's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept Interstate's submittal for filing, as modified by summary disposition, and we shall suspend the proposed rates as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy, noting 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*. Because our preliminary review suggests that Interstate's filing, after summary disposition, may result in substantially excessive revenues, we shall suspend the proposed rates for five months from the proposed effective date, to become effective, as modified, on March 1, 1985, subject to refund.

In light of the price squeeze allegation raised by the Municipals, we shall institute price squeeze proceedings and phase them in accordance with our policy and practice established in *Arkansas Power & Light Company*, 8 FERC ¶ 61,131 (1979).

The Commission orders:

(A) Interstate's motion for acceptance of its substitute tariff sheets is hereby denied.

(B) Summary disposition is hereby ordered, as discussed above, with respect to: (1) Inclusion in rate base of deferred losses from the disposition of the Carroll County Nuclear Facility; (2) failure to synchronize the test year interest expense used in the income tax calculation with the interest portion of the claimed rate of return; and (3) failure to synchronize test year fuel expenses and revenues. Within forty-five (45) days of the date of this order, Interstate shall file revised cost of service statements and revised rates which reflect these summary dispositions as well as a correct computation of the make-up provision for deferred taxes.

(C) The municipals' untimely motion for intervention on behalf of the Cities and Villages of Albany, Readlyn, Sabula, and Truman is hereby granted, subject to the Commission's Rules of Practice and Procedure.

(D) Interstate's proposed rates are hereby accepted for filing, as modified consistent with Ordering paragraph (B) above, and are suspended for five months, to become effective, subject to refund, on March 1, 1985.

(E) Pursuant to the authority contained in and 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 Interstate's rates.

(F) The Commission's trial staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(G) 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 (18 CFR Part 385).

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Interstate Power Co. Rate Schedule Designations

[Docket No. ER84–569–000]

Designation and Tariff Customers

Sixth Revised Sheet No. 1 to FPC Electric Tariff Original Volume No. 1 (Supersedes Fifth Revised Sheet No. 1): City of Fairbanks, Iowa; City of Readlyn, Iowa; City of Grafton, Iowa; City of Guttenberg, Iowa; City of Lawler, Iowa; City of Dundee, Minnesota; City of Alta Vista, Iowa; Village of Hanover, Illinois; City of Rushford, Minnesota; City of Fredericksburg, Iowa; City of St. Charles, Minnesota; Village of Albany, Illinois; City of Sabula, Iowa

Designation and Other Party

Supplement No. 7 to Rate Schedule FPC No. 120 (Supersedes Supplement No. 6), City of Bellevue, Iowa

[7] *E.g., New England Power Company*, Opinion No. 49, 8 FERC ¶ 61,054, at 61,175–78 (1979); *reh. denied*, Opinion No. 49–A, 10 FERC ¶ 61,279 (1980); *aff'd sub nom. NEPCO Municipal Rate Committee* v. *FERC*, 668 F.2d 1327, 1332–35 (1981); *cert. denied*, 457 U.S.

[8] *E.g., Utah Power & Light Company*, Opinion No. 113, 14 FERC ¶ 61,162, at 61,297–98, 61,302, n. 12 (1981); *reh. denied*, Opinion No. 113–A, 15 FERC ¶ 61,076 (1981).

[9] *E.g., Public Service Company of New Mexico*, Opinion No. 133, 17 FERC ¶ 61,123, at 61,249–50 (1981); *reh. denied*, Opinion No. 133–A, 18 FERC ¶ 61,036 (1982); *appeal pending*, 10th Cir. Nos. 82–1148, *et al.* (petition for review filed February 3, 1982).

[10] In view of our decision, we do not reach the company's request for waiver of notice or the Municipals' objections to that request.

Supplement No. 6 to Rate Schedule FPC No. 116 (Supersedes Supplement No. 5), City of Blue Earth, Minnesota
Supplement No. 5 to Rate Schedule FPC No. 110 (Supersedes Supplement No. 4), City of Independence, Iowa
Supplement No. 6 to Rate Schedule FPC No. 104 (Supersedes Supplement No. 5), City of McGregor, Iowa
Supplement No. 7 to Rate Schedule FPC No. 115 (Supersedes Supplement No. 6), City of Strawberry Point, Iowa
Supplement No. 5 to Rate Schedule FPC No. 107 (Supersedes Supplement No. 4), Village of Truman, Minnesota
Supplement No. 7 to Rate Schedule FERC No. 123 (Supersedes Supplement No. 6), City of Windom, Minnesota

[FR Doc. 84-26239 Filed 10-3-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-548-001]

Kansas City Power & Light Co.; Refund Report

September 27, 1984

Take notice that on September 17, 1984, Kansas City Power and Light Company (KCPL) submitted for filing its refund report pursuant to a settlement agreement approved by the Commission on August 17, 1984.

KCPL was ordered by the Commission to issue refunds within thirty (30) days of the date of the settlement agreement.

KCPL states that refund checks were mailed to all customers and a copy of its compliance report was sent all customers and to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 16, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26284 Filed 10-3-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-136-000]

Kentucky West Virginia Gas Co.; Proposed Change in FERC Gas Tariff

September 28, 1984.

Take notice that Kentuky West Virginia Gas Company (Kentucky West) on September 14, 1984, tendered for filing its Second Revised Sheet No. 27, and Tenth Revised Sheet No. 27A to its FERC Gas Tariff, First Revised Volume No. 1, to become effective August 15, 1984.

Kentucky West states that this filing is in accordance with Section 154.111 of the Commission Regulations promulgated by Order No. 380, issued May 25, 1984.

Copies of this filing were served upon the Company's jurisdictional customers or interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such petitions or protests should be filed on or before October 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26300 Filed 10-3-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP84-141-000]

Midwestern Gas Transmission Co.; Tariff Filing

September 28, 1984.

Take notice that on September 24, 1984, Midwestern Gas Transmission Company (Midwestern), tendered for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff to be effective on October 24, 1984:

First Revised Sheet No. 1
Eleventh Revised Sheet Nos. 5 and 6
Original Sheet Nos. 32 through 34
Original Sheet Nos. 100 through 102
A Sheet Reserving Original Sheet Nos. 35 through 82 for Future Use
A Sheet Reserving Original Sheet Nos. 103 through 150 for Future Use

Midwestern states that the purpose of these tariff sheets is to implement its Rate Schedules IT-1 and IT-2, applicable to all transportation service for qualified shippers pursuant to §§ 157.45, 157.209 and Part 284 of the Commission's regulations including transportation service for end users pursuant § 157.209 (a), (b)(1), and (b)(2) of the Commission's pre-existing regulations.

Midwestern further states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before October 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26301 Filed 10-3-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA85-1-47-000 and TA85-1-47-001]

MIGC, Inc.; Proposed Purchased Gas Adjustment Rate Change

September 28, 1984.

Take notice that on September 17, 1984, MIGC, Inc. tendered for filing copies of Thirty-First Revised Sheet No. 32 and Sixth Revised Sheet No. 32-A to its FERC Gas Tariff Original Volume No. 1, as required by the Commission's Rules and Regulations under the Natural Gas Act.

MIGC's Thirty-First Revised Sheet No. 32 and Sixth Revised Sheet No. 32-A provide for a Purchased Gas Adjustment rate decrease of 65.97¢ per MMBtu effective November 1, 1984 in order: (1) To provide for a current gas cost adjustment to permit MIGC to reflect the lower cost of gas purchases which it is currently incurring (Table II); (2) to provide for an adjustment to MIGC's unrecovered Puchased Gas Cost Account as of July 31, 1983 and July 31, 1984 (Table III); (3) to recover carrying charges as permitted under FERC Order No. 47 (Table V) as set forth in MIGC's First Revised Sheet No. 31-A, (4) to set forth projected incremental pricing surcharges to become effective November 1, 1984 (Sixth Revised Sheet No. 32-A);[1] and (5) to reflect a surcharge

[1] None of MIGC's sale-for-resale customers has reported a MSAC for any prior month determined in

Continued

to permit MIGC to recover production related charges pursuant to FERC Order No. 94–A. 18 CFR 271.1100, *et seq.* (Table IV). MIGC further requests authority to pass-on gas cost decreases due to renegotiation of contracts for gas deregulated on January 1, 1985, and reflecting elimination of Order No. 94–A charges on January 1, 1985.

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 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before October 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26302 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–684–000]

Mountain Fuel Resources, Inc.; Application

September 27, 1984.

Take notice that on August 31, 1984, Mountain Fuel Resources, Inc. (Applicant), 79 South State Street, Salt Lake City, Utah 84147, filed in Docket No. CP84–684–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate one main-line tap and related facilities for a specific transaction and to add or delete unspecified receipt, delivery, and redelivery points in the future as may be required for transportation or sales of natural gas by Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate one three-inch tap and related metering facilities on its transmission Main Line No. 64 in Uinta County, Wyoming, in order to deliver up to 200 Mcf of natural gas per day to Mountain Fuel Supply Company (Mountain Fuel) under Applicant's Rate Schedules CD–1 and X–33 for ultimate sale to Amoco Production Company (Amoco) by Mountain Fuel. Applicant states that Amoco requires this gas supply during periods when all wells serving its Chicken Creek central facility, located in Uinta County, Wyoming, are shut in. Applicant further states that the proposed sale and transportation service to Mountain Fuel would not cause it to exceed the maximum daily quantities authorized under its CD–1 and X–33 rate schedules. The proposed specific tap and related metering facilities are estimated to cost $15,760. Applicant would be reimbursed by Mountain Fuel for all such costs related to the proposed tap.

In addition to the above, Applicant requests flexible authority to add or delete (1) points of delivery under its sales Rate Schedule CD–1 and points of redelivery under its transportation Rate Schedule X–33 (CD–1/X–33 delivery points) and (2) points of receipt under its Rate Schedule X–33.

Applicant states that the addition or deletion of CD–1/X–33 delivery points under the flexible authority requested would be restricted to those areas served by Applicant's interstate transmission system in which Mountain Fuel provides service to end-users and that service through such new CD–1/X–33 delivery points would depend on the available capacity in its transmission system. It is further explained that daily deliveries through CD–1/X–33 delivery points, including those added under the requested flexible authority, would not exceed Mountain Fuel's authorized entitlements.

Applicant additionally requests flexible authority to add and delete receipt points under Rate Schedule X–33 by agreement with Mountain Fuel. Applicant states that addition of X–33 receipt points would depend on the capacity available in its transmission system and upon: (1) Mountain Fuel as the producer-shipper, receiving abandonment authorization where required by the Natural Gas Act, or (2) applicant submitting evidence that the gas in question is not subject to the Commission's abandonment jurisdiction under the Natural Gas Act by operation of the Natural Gas Policy Act of 1978 section 601(a)(1) (A) or (B).

Applicant proposes to file annual tariff revisions on or before May 1 of each year setting forth additions and deletions of receipt, delivery and redelivery points made during the previous calendar year under such authority.

Further, Applicant proposes to construct any new facilities that may be required to connect additional sources of supply or to effect the delivery of natural gas to or on behalf of Mountain Fuel, under blanket authorization granted to Applicant in Docket No. CP82–491–000.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26285 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–691–000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Notice of Application

September 27, 1984.

Take notice that on September 4, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84–691–000

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the manner prescribed by § 282.504(d)(2) of the Commission's Regulations.

an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove one 340 horsepower compressor unit located in Clark County, Kansas, all as more fully set forth in the application which is on file with the Commission.

Northern states that due to declining volume production behind the Clark County No. 2 Subsystem, operation of 340 horsepower compressor unit has become unnecessary. It is explained that in 1978, volume production from the Clark County No. 2 Subsystem was approximately 23,000 Mcf of gas per day compared to current volume production of 13 MMcf per day.

Northern proposes to utilize said compressor elsewhere in Northern's system or sell it to a potential buyer.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26286 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-1-37-000 and TA85-1-37-001]

Northwest Pipeline Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

September 28, 1984.

Take notice that on September 14, 1984, Northwest Pipeline Corporation ("Northwest") tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGA"), of its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of: (1) Reflecting changes in Northwest's estimated cost of purchased gas and (2) projecting incremental surcharges to be assessed Northwest's affected direct and sales for resale customers pursuant to Order 49. Northwest has included as part of this change in rates, costs associated with its pipeline-owned production valued at the NGPA rates consistent with the decision of the United States Supreme Court in *Public Service Commission of the State of New York* v. *Mid-Louisiana Gas Co., et al.*

The current PGA adjustment, for which notice is given herein, aggregates to a decrease of 2.003¢ per therm for all rate schedules affected by and subject to the PGA. The annualized change in Northwest's rates is a decrease of $55.1 million. The proposed rate change described above is reflected on Sixteenth Revised Sheet No. 10. In accordance with the proposed changes to section 16 of its General Terms and Conditions, which are being filed concurrently herewith in partial settlement of Docket Nos. TA84-2-37-000 and 001, Northwest has made no change to the currently effective surcharge rate. The above referenced tariff sheet assumes a reduction in the price of Canadian natural gas in November 1, 1984 from $4.40 per MMBtu to approximately $3.40 per MMBtu. Northwest also tendered Alternate Sixteenth Revised Sheet No. 10 which it requests be made effective in the event the Commission approves Alternate Fifteenth Revised Sheet No. 10 which was filed on August 13, 1984 in Docket No. RP81-47-012 (Remand).

Northwest also tendered for filing and acceptance Ninth Revised Sheet No. 10-B which sets forth revised projected incremental surcharges.

Northwest has requested an effective date of November 1, 1984 for the above referenced tariff sheets.

Northwest has requested waiver of its currently effective tariff provisions to permit use of a forward-looking rather than historical purchase and sales level in determining the changes in annualized purchased gas cost and to allow continued amortization of the deferred account balance on an annual basis in accordance with Northwest's proposed changes to section 16 of its General Terms and Conditions.

A copy of this filing has been served on all parties of record in Docket No. RP72-154, upon all jurisdictional customers, and affected state regulatory commissions.

Any persons desiring to be heard or 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 and 385.214). All such petitions or protests should be filed on or before October 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26303 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-137-009]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

September 28, 1984.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on September 17, 1984, tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2. The sheets are proposed to become effective on November 1, 1984 and were filed in accordance with Article X of Transco's "Settlement Agreement As To Rates" approved by Commission order dated July 25, 1984 in Docket No. RP83-137. The revised tariff sheets reflect a "tracking" rate reduction of 0.3¢ per dt in the commodity rate or delivery charge

of Transco's sales and long-haul transportation rate shedules.

Article X of the settlement agreement provides for adjustments to Transco's jurisdictional rates to give effect to inclusion in rate base of any decreases in the amount of Transco's outstanding advance payments after March 31, 1984. The rate reduction proposed is occasioned by a decrease of $12,924,584 in the advance payment balance of Transco from that which existed in Transco's settlement agreement in Docket No. RP83–137 approved by the Commission on July 25, 1984.

Transco further states that copies of the instant filing have been mailed to each of its customers, and State Commissions and other parties to Docket No. RP83–137.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such petitions or protests should be filed on or before October 9, 1984. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26304 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES84–73–000]

The Union Light, Heat and Power Co.; Application

September 28, 1984.

Take notice that on September 17, 1984, the Union Light, Heat and Power Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $19 million of unsecured notes and commercial paper on or before December 31, 1986, with final maturity on or before December 31, 1986.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before October 17, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–26278 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. EF84–2011–012; EF84–2021–009; and EF84–2031–000]

U.S. Department of Energy, Bonneville Power Administration; Petition for Extension of Interim Approval of Wholesale Power and Transmission Rates and for Consolidation of Dockets

September 27, 1984.

Take notice that on September 14, 1984 the United States Department of Energy, Bonneville Power Administration (BPA), submitted for filing a petition for extension of interim approval of wholesale power and transmission rates and for consolidation of dockets.

BPA requests an extension of interim approval, or preferably final approval, of its 1983 proposed wholesale power rates. Interim approval was granted October 26, 1983 and will expire on October 31, 1984. The Hanford Unit power contract rate will also expire on the above date.

BPA also requests that its UFT–1, UFT–2, ET–2 and TGT–1 transmission rate schedule be granted final confirmation and approval for the maximum five-year period allowed by 18 CFR 300.1(b)(5). BPA states that none of these four contractually established rate schedules will be changed in the 1985 BPA transmission rate proposal and that it would be more efficient to obtain Commission approval for a full five years.

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, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 84–26288 Filed 10–3–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–576–000]

Wisconsin Power and Light Co.; Order Accepting for Filing and Suspending Rates, Denying Motion To Reject, Ordering Summary Disposition, Granting Motion for Summary Disposition in Part, Noting Interventions, and Establishing Hearing and Price Squeeze Procedures

Issued: September 28, 1984.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon and Oliver G. Richard III.

On August 1, 1984, Wisconsin Power and Light Company (WP&L) tendered for filing a proposed two-step increase in its W–1, W–2 and W–3 rates for service to 37 wholesale customers.[1] Based on a calendar year 1985 test period, the proposed "interim" rates would increase revenues by approximately $8.3 million (15%) and the proposed "final" rates would increase revenues by an additional $1.6 million, representing a total increase of $9.9 million (18%). Approximately $682,000, or 7% of the proposed increase, reflects the inclusion in rate base of construction work in progress (CWIP) other than CWIP associated with pollution control and fuel conversion facilities. WP&L proposes to implement its interim rates on January 1, 1985, after a three month suspension from its proposed affective date of October 1, 1984, in accordance with the terms of a settlement agreement reached in Docket No. ER83–429–000. However, the company also has agreed that, pending final Commission order and implementation of the proposed final rates, its proposed interim rate increase will track WP&L's retail rate for large industrial customers. Accordingly, WP&L has submitted lower interim rates (referred to as "under bond" rates) which track the current retail rate level. WP&L intends to track future increases in the retail rate level by requesting corresponding increases in its under bond rates up to the level of its proposed interim rates. The currently proposed under bond rates would increase revenues by $1.9 million annually. In further accordance with the

[1] *See* Attachment for rate schedule designations and affected customers.

settlement agreement, WP&L requests that the final rates become effective prospectively after final Commission order. To the extent that it might have failed to comply, WP&L also requests waiver of the Commission's filing requirements.

Notice of the filing was published in the **Federal Register** with comments due on or before August 24, 1984. The Madison Gas and Electric Company (MGE), the Municipal Wholesale Power Group (MWPG),[2] and the Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Waushara County Electric Cooperative, Inc., and Rock County Electric Cooperative Association (Cooperatives) filed timely motions to intervene. MGE states that it purchases power from WP&L as a municipal customer but raises no substantive issues.

MWPG requests that the Commission recognize the contractual restraints imposed by two settlement agreements and applicable to WP&L's filing.[3] Contending that the company improperly performed the price squeeze analysis required as one limitation on the proposed interim rate levels,[4] WMPG further requests that the Commission reject WP&L's filing as not in compliance with its settlement agreements or, alternatively, order summary disposition and require that the interim rates be reduced accordingly. Finally, MWPG requests a five month suspension of the proposed interim rates to become effective on March 1, 1985,[5] and alleges price squeeze.

In their motion to intervene, the Cooperatives, which comprise all of WP&L's W–2 customers, state that WP&L's price squeeze analysis indicates that an interim rate *decrease* is required for the W–2 wholesale customers, instead of the proposed zero level interim rate increase. Although the settlement agreement stipulating a price squeeze-based limitation on the interim rates was executed only between WP&L and its W–1 and W–3 customers, the Cooperatives contend that the settlement provisions should be equally applied to the W–2 class. In addition, the Cooperatives request a five month suspension of the proposed rates.[6]

On September 10, 1984, WP&L filed separate responses to the interventions of MWPG and the Cooperatives. In response to MWPG's intervention, WP&L states that it agrees with MWPG that the South Beloit wholesale revenues should not have been included in its preliminary price squeeze analysis. WP&L has excluded the net South Beloit wholesale revenues from its revised price squeeze analysis filed with its response and states that it will supplement its original filing to reflect, for all of its wholesale customers, the revised interim rate increase indicated by its revised price squeeze analysis. However, WP&L disagrees with the MWPG proposal that interruptible retail industrial revenues must also be excluded. While accepting certain cost of service adjustments made by MWPG, including the reversal of the demand and energy allocators, the company denies that the other adjustments are appropriate and opposes MWPG's request for a five month suspension.

Similarly, WP&L denies the Cooperatives' allegations and opposes their request for a maximum suspension. With regard to the Cooperatives' claim that the W–2 interim rates should reflect a decrease, WP&L asserts that the W–2 customers are bound to their own settlement agreement with the company in Docket No. ER83–429–000, which made no provision for a decrease in the agreed-to settlement rates on the basis of a price squeeze analysis and that, in any case, the Cooperatives have made no showing of anticompetitive effect. However, the company does not object to limiting the W–2 interim rate increase on the basis of the preliminary price squeeze analysis stipulated to by WP&L and its W–1 and W–3 customers.

Discussion

Pursuant to Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions to intervene of MGE, MWPG, and the Cooperatives serve to make them parties to this proceeding.

Our review of WP&L's filing indicates that the company has failed to apply the correct wholesale allocators in deriving its wholesale cost of service. Specifically, as acknowledged by the company in response to MWPG's pleading, WP&L has applied the demand allocator to energy-related expenses and the energy allocator to demand-related expenses. Although WP&L's allocation error is not substantial enough to affect our suspension analysis, it does result in revenue levels which fail to meet the revenue constraints imposed by the settlement agreement WP&L reached in Docket No. ER83–429–000. Therefore, we shall direct WP&L to revise its cost of service study and proposed under bond and interim rates to reflect the proper allocators and revenue constraints.

As to MWPG's claim that WP&L improperly performed the required price squeeze evaluation for its interim rates, we note that MWPG based its allegation on company workpapers which were not included with WP&L's submittal. Therefore, while WP&L has admitted that it improperly included the South Beloit wholesale revenues in its comparative revenue analysis, we are unable to determine whether inclusion of interruptible revenues is appropriate.[7]

[2] The following WP&L customers are represented by MWPG in this proceeding: the Cities and Villages of Black Earth, Brodhead, Columbus, Evansville, Hazel Green, Juneau, Lodi, Mt. Horeb, New Glarus, Pardeeville, Plymouth, Princeton, Reedsburg, Sauk City, Sheboygan Falls, Stoughton, Sun Prairie, and Wisconsin Rapids, Wisconsin; the Wisconsin Public Power Incorporated SYSTEM for its delivery points at Boscobel, Cuba City, Muscoda, Waunakee and Waupun, Wisconsin; and Pioneer Power & Light Company.

[3] The contractual limitations on the filing, arise from a 1977 settlement agreement between WP&L and its W–1 and W–3 wholesale customers in Docket No. ER77–347, which was approved by the commission by order issued on April 6, 1983, 23 FERC ¶ 61,109, and a 1983 settlement agreement between WP&L and its W–1 and W–3 customers filed in Docket No. ER83–429–000, and approved by order issued on June 21, 1984, 27 FERC ¶ 61,503. They include: (1) The two-tier filing requirement; (2) the permisible effective dates for the proposed rates; (3) the provisions to increase the interim rates to track retail rate increases; (4) the restrictions on interim rate levels; and (5) the requirement to perform an initial price squeeze analysis consistent with the Commission trial staff's methodology used in Docket No. ER77–347.

[4] Specifically, MWPG alleges that WP&L erred in its calculation of revenues from its large industrial rate, by including retail interruptible revenues and WP&L's sales to its South Beloit subsidiary.

[5] In support of its request for a maximum suspension, MWPG raises issues including: (1) Depreciation rates; (2) whether the submittal discriminates among the wholesale classes in favor of the W–2 class; (3) the proposed fuel adjustment clause changes; (4) nuclear fuel storage and decommissioning costs; (5) the proposed rate of return on equity and capital structure; (6) purchased power cost; (7) development of wholesale demand projections; (8) allocation of revenue credits for interruptible loads; (9) fuel stocks; (10) classification of production operation and maintenance and production salaries and wages; (11) labor expenses; (12) wholesale allocations to total company plant and expenses; (13) allocation of retail regulatory expenses; and (14) the proposed income tax calculation.

[6] In support of their request for a five month suspension, the Cooperatives cite several issues, including: (1) Inclusion in rate base of the Edgewater No. 5 Generating Unit prior to its in-service date of March 1, 1985; (2) the amount of CWIP claimed; (3) the proposed cash working capital allowance; (4) the amount claimed for materials and supplies; (5) adjustment of rate base for arbitrage revenues; (6) the inflation adjustment used to develop expense projections; and (7) the proposed allocation of administrataive and general expenses.

[7] We note that the price squeeze evaluation method adopted by the settlements preceded the interruptible service now provided to WP&L's large industrial retail customers and that the correct treatment of interruptible revenues depends on WP&L's treatment of related costs in developing the revenue requirement.

Accordingly, we shall deny MWPG's motion to reject, but direct WP&L to correct its filing to reflect the exclusion of the South Beloit revenues from its preliminary price squeeze analysis, as suggested by the company. We shall reserve for hearing the issue regarding the appropriate treatment of retail interruptible revenues in developing the comparable retail return.[8]

Based on our preliminary review of WP&L's filing and the pleadings, we find that WP&L's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept WP&L's proposed rates for filing, as modified by summary disposition, and suspend them as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy and noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the rates may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*. In this case, our review indicates that WP&L's proposed interim rates may not yield substantially excessive revenues, and we would normally suspend the rates for one day. However, pursant to the terms of the 1983 settlement agreement and WP&L's request, we shall suspend the lower under bond rates, as modified by summary disposition, for three months, to become effective on January 1, 1985.[9] The proposed final rates will become effective prospectively after final Commission order.

Finally, with respect to MWPG's concerns as to price squeeze, we shall institute phased price squeeze procedures as set forth in *Arkansas Power and Light Company*, 8 FERC ¶ 61,131 (1979).

The Commission orders:

(A) MWPG's motion to reject is hereby denied.

(B) Summary disposition is hereby ordered, as noted in the body of this order, with respect to WP&L's application of the wholesale allocators and exclusion of the South Beloit revenues from WP&L's comparative revenue analysis. Within thirty (30) days of this order, WP&L shall file revised cost statements and rates reflecting these summary dispositions. MWPG's remaining request for summary disposition is hereby denied.

(C) WP&L's proposed rates are hereby accepted for filing; the under bond rates, as modified by summary disposition, are suspended for three months, to become effective, subject to refund, on January 1, 1985; tracking increases in the under bond rates, up to the level of the proposed interim rates, as modified by summary disposition, may be requested pursuant to interim rate motions; the proposed final rates may become effective prospectively only after final Commission order.

(D) Pursuant to the authority contained in and 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 WP&L's rates.

(F) The Commission staff shall serve top sheets in this proceeding on or before October 10, 1984.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference is this proceeding to be held within approximately fifteen (15) days after service of tops sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Captial 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.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT—WISCONSIN POWER & LIGHT COMPANY RATE SCHEDULE DESIGNATIONS

[Docket No. ER84-576-000]

Customers	Supplement No.	Rate schedule No.	Supersedes supplement No.
W-1 Customers:			
Wisconsin Public Power Incorporated SYSTEM	6	132	4
Do	7	132	5
W-2 Customers:			
Adams-Marquette Electric Cooperative	15	112	14
Central Wisconsin Electric Cooperative	4	133	4
Columbus Electric Cooperative	8	128	7
Waushara County Electric Cooperative	8	129	7
Rock County Electric Cooperative	5	130	4
W-3 Customers:			
City of Evansville	23	29	22
Village of Gresham	24	31	23
Village of New Glarus	23	39	22
Village of Hustiford	22	71	21
City of Sun Prairie	22	73	21
City of Plymouth	21	75	20
City of Brodhead	23	83	22
Village of Sauk City	20	84	19
City of Juneau	20	86	19
City of Benton	20	88	19
City of Reedsburg	20	89	19
Village of Hazel Green	19	91	18
Village of Mt. Horeb	20	92	19
Village of Black Earth	14	116	13
Village of Prairie du Sac	20	95	19
City of Wisconsin Dells	13	125	12
City of Sheboygan Falls	4	131	3
City of Lodi	19	101	18
Village of Pardeville	18	102	17
Village of Wonewoc	16	107	15
Village of Mazomanie	16	108	15
Village of Belmont	16	110	15
Village of Footville	16	111	15
City of Stoughton	14	115	13
Pioneer Power & Light Company	14	118	13
City of Princeton	13	121	12
City of Columbus	12	126	11
Cross Plains Electric Company	13	117	12
City of Shullsburg	11	120	10
City of Wisconsin Rapids	12	122	11
City of Richland Center	5	134	4

[FR Doc. 84-26279 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

[8] With respect to the Cooperatives' adjustments to WP&L's cost of service, we note: (1) That WP&L has included the Edgewater No. 5 plant in rate base for only 10 months of the test year to reflect the March 1, 1985 in-service date; and (2) that the company has properly limited the CWIP claimed in rate base to 50%, in accordance with § 35.26(c)(3) of our regulations. The Cooperatives' remaining adjustments present questions of fact to be resolved in the context of the evidentiary hearing ordered below.

[9] This effective date is consistent with the 1983 settlement agreement which provides for an effective date of January 1, 1985, inclusive of any Commission-ordered suspension period. Inasmuch as we have found the entire interim rate level to warrant only a nominal suspension, we will allow future under bond rate increases tracking the retail rates to be requested pursuant to a company motion for implementation of interim rates, subject to refund. Such a motion should be accompanied by appropriate data to support the earned return parity provisions of the settlement agreements.

[Project No. 7557-001]

Wyoming Hydro Assoc.; Surrender of Preliminary Permit

September 27, 1984.

Take notice that Wyoming Hydro Associates, Permittee for the proposed Meeks Cabin Dam Hydro Project No. 7557, has requested that its preliminary permit be terminated. The permit was issued on February 13, 1984, and would have expired July 31, 1985. The project would have been located on the Blacks Fork River in Unita County, Wyoming. The Permittee cites that the proposed project is not economically feasible as the reason for the surrender request.

The Permittee filed its request on September 18, 1984, and the surrender of the preliminary permit for Project No. 7557 is deemed accepted 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26289 Filed 10-3-84; 8:45 am]

BILLING CODE 6717-01-M

Southeastern Power Administration

Order Confirming and Approving Power Rates on an Interim Basis; Georgia-Alabama Projects' Rates

AGENCY: Southeastern Power Administration (SEPA), DOE.

ACTION: Notice of Approval on an Interim Basis of Georgia-Alabama Projects' Rates.

SUMMARY: On September 26, 1984, the Deputy Secretary confirmed and approved, on an interim basis, eight replacement Rate Schedules, GAMF-1-D, GAMF-2-D, ALA-1-D, MISS-1-D, SC-1-D, SC-2-D, CAR-1-E, and CAR-2-D, for Georgia-Alabama Projects' power. The rates were approved on an interim basis through September 30, 1985, and are subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

DATES: Approval of rates on an interim basis is effective on October 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon, Jr., Director, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635.

J. Emerson Harper, Acting Director, Office of Power Marketing Coordination, CE-90, Department of Energy, James Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20585.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by Order issued February 29, 1984, in Docket No. EF83-3011 confirmed and approved Wholesale Power Rate Schedules GAMF-1-C, GAMF-2-C, ALA-1-C, MISS-1-C, SC-1-C, SC-2-C, CAR-1-D, and CAR-2-C through September 30, 1984. Rate Schedules GAMF-1-D, GAMF-2-D, ALA-1-D, MISS-1-D, SC-1-D, SC-2-D, CAR-1-E, and CAR-2-D replace respectively the approved wholesale power rate schedules.

Issued in Washington, D.C., September 26, 1984.

Danny J. Boggs,

Deputy Secretary.

Department of Energy Deputy Secretary

[Rate Order No. SEPA-20]

Order Confirming and Approving Power Rates on an Interim Basis

September 26, 1984.

In the Matter of: Southeastern Power Administration—Georgia-Alabama Projects' Power Rates.

Pursuant to sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (SEPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-108, effective December 14, 1983, 48 FR 55664 (December 14, 1983), the Secretary of Energy delegated to the Administrator the authority to develop power and transmission rates, and delegated to the Deputy Secretary the authority to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation. This rate order is issued pursuant to the delegation to the Deputy Secretary.

Background

Power from the Georgia-Alabama System of Projects is presently sold under Wholesale Power Rate Schedules GAMF-1-C, GAMF-2-C, ALA-1-C, MISS-1-C, SC-1-C, SC-2-C, CAR-1-D, and CAR-2-C. All of these rate schedules were approved by the Federal Energy Regulatory Commission (FERC) on February 29, 1984, for a period ending September 30, 1984.

Public Notice and Comment

Opportunities for public review and comment on the Rate Schedules proposed for use during the period October 1, 1984, through September 30, 1985, were announced by Notice published in the **Federal Register** on July 10, 1984, and all customers were notified by mail. A Public Information and Comment Forum was held in Atlanta, Georgia, on August 16,1984, and written comments were invited by the Notice through August 31, 1984. Oral comments were presented at the forum and written comments were received prior to August 31, 1984. There were no substantive comments received. All comments were evaluated by SEPA.

Discussion

System Repayment

An examination of SEPA's system power repayment study, prepared in July 1984, for the Georgia-Alabama System of Projects, reveals that with an annual revenue increase of $8,744,000 over the current revenues shown in a June 1984 SEPA repayment study, all system power costs are paid within their repayment life. Additionally, Rate Schedules GAMF-1-D, GAMF-2-D, ALA-1-D, MISS-1-D, SC-1-D, SC-2-D, CAR-1-E, and CAR-2-D are designed so as to produce revenue adequate to recover all system power costs on a timely basis. The Administrator of SEPA has certified that the rates are consistent with applicable law and that they are the lowest possible rates to customers consistent with sound business principles.

Rate Design

Because the rates are to be in efffect for only a one-year period, SEPA attempted to increase rates ratably for those cost increases caused by increased generating costs. The proposed rate schedules were drawn on the basis of increasing all rates by an identical 18 percent. However, the increased wheeling costs were passed directly to the affected customers.

Environmental Impact

SEPA has reviewed the possible environmental impacts of the rate adjustment under consideration and has concluded with Departmental concurrence that, because the increased rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Availability of Information

Information regarding these rates including studies, and other supporting materials is available for public review in the offices of Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, and in the Office of the Director of Power Marketing Coordination, James Forrestal Building, 1000 Independence Avenue, SW., Room 6B104, Washington, D.C. 20585.

Submission to the Federal Energy Regulatory Commission

The rates hereinafter confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period beginning October 1, 1984, and ending no later than September 30, 1985.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective October 1, 1984, attached Wholesale Power Rate Schedules GAMF–1–D, GAMF–2–D, ALA–1–D, MISS–1–D, SC–1–D, SC–2–D, CAR–1–E, and CAR–2–D. The rate schedules shall remain in effect on an interim basis through September 30, 1985, unless such period is extended or until the FERC confirms and approves them or substitute rate schedules on a final basis.

Issued in Washington, D.C., this 26th day of September 1984.

Danny J. Boggs,

Deputy Secretary.

Wholesale Power Rate Schedule CAR–2–D

Availability: This rate schedule shall be available to the Duke Power Company (hereinafter called the Company).

Applicability: This rate schedule shall be applicable to electric capacity generated at the Hartwell Project (hereinafter called the Project) and sold under contract between the Government and the Company.

Character of Service: Electric capacity delivered to the Company will be three-phase alternating current at a nominal frequency of 60 cycles per second and will be delivered at approximately 230,000 volts where the Company's transmission line is connected to the bus at Hartwell.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.41 per kilowatt per billing month for dependable capacity made available to the Company for its own use.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

Power Factor: The Company shall take capacity and energy from the Government at such power factor as will best serve the Company's system from time to time, provided that the Company shall not impose a power factor of less than .85 lagging on the Government's facilities which requires operation contrary to good operating practice or results in overload or impairment of such facilities or unreasonably interferes with the delivery of capacity and energy by the Government to the Company and to its other Customers.

Service Interruption: When delivery to the Company is interrupted or reduced due to conditions on the Government's system which have not been arranged for and agreed to in advance, the charge for dependable capacity will be reduced as to the kilowatts of such capacity which have been interrupted or reduced in the proportion that the number of declaration hours during such period of interruption or reduction bears to the total number of declaration hours during the period covered by such charge.

October 1, 1984.

Wholesale Power Rate Schedule CAR–1–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of which is hereinafter called the Customer) in North Carolina and South Carolina to whom power may be wheeled pursuant to contract between the Duke Power Company (hereinafter called the Company) and the Government.

Applicability: This rate schedule shall be applicable to power and accompanying energy generated at the Hartwell, Clarks Hill, and Richard B. Russell Projects (hereinafter called the Projects) and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 cycles per second delivered at the delivery points of the Customer on the Company's transmission and distribution system. The voltage of delivery will be maintained within the limits established by the state regulatory commission.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $3.10 per kilowatt of total contract demand.

Energy Charge: 5.06 mills per kilowatt-hour.

Energy to be Furnished by the Government: The Government will sell to the customer and the customer will purchase from the Government a portion of the energy available to the Company area from the Projects in any billing month determined by multiplying the total energy available less six and one-half percent losses by the ratio of the customer's contract demand to the sum of the contract demands of all customers served under this rate schedule.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

Conditions of Service: The customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

October 1, 1984.

Wholesale Power Rate Schedule SC–2–D

Availability: This rate schedule shall be available to any of the following whose requirements or a portion thereof the Government shall contract to supply by delivery from the South Carolina Public Service Authority's (hereinafter called the Authority) system: a municipality or county located in part or completely within the Authority's service area, owning its own transmission or distribution system, and desiring to purchase capacity and energy from the Government for resale to the public in its territory; Central Electric Cooperative, Incorporated; or an electric cooperative not a member of Central, operating under the laws of the State of South Carolina, and located in part or completely within the service area of the Authority desiring to purchase capacity and energy from the Government for resale to ultimate consumers under the provisions of said laws (any one of such municipalities, counties, or cooperatives is hereinafter called the Customer).

Applicability: This rate schedule shall be applicable to power and accompanying energy generated at the

Clarks Hill or the Richard B. Russell Projects (hereinafter called the Projects) and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 cycles per second delivered at the delivery points of the Customer on the Authority's transmission and distribution system. The voltage of delivery will be maintained within the limits established by the state regulatory commission.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: 1$1.41 per kilowatt of total contract demand.

Energy Charge: 5.06 mills per kilowatt-hour.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy from the Project each billing month up to a total amount annually of 4,500 hours per kilowatt of contract demand.

For billing purposes, the energy allocated on an annual basis to accompany the Customer's contract demand as assigned to individual delivery points shall be allocated in equal quantities each day throughout the year. Such Customer shall be billed by the Government by delivery points for its contract demand and for its accompanying monthly energy allocation in amounts determined by multiplying its respective daily allocation by the number of days in the billing month. The quantity of energy to be billed under this rate schedule in any billing month shall be the quantity considered to have been transmitted for the account of the Government by the Authority.

Billing Month: The billing month for power sold under this rate schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of Service: The Customer shall at its own expense provide, install, and maintain on its side of ech delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Authority on its side of the delivery point.

Service Interruption: When the energy delivery to the Customer's system for the account of the Government is reduced or interrupted for 1 hour or longer, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced.

October 1, 1984.

Wholesale Power Rate Schedule SC–1–D

Availability: This rate schedule shall be available to the South Carolina Public Service Authority (hereinafter called the Customer).

Applicability: This rate schedule shall be applicable to power and accompanying energy generated at the Clarks Hill or Richard B. Russell Projects (hereinafter called the Projects) and sold in wholesale quantities.

Character of Service: Electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 cycles per second and shall be delivered at a nominal voltage of 115,000 volts at the 115 kv bus of the Project power plant. The actual operating voltage of the Government shall, within the limits of good operating practice, be suitable for operation with the Customer's system.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.41 per kilowatt per billing month for dependable capacity made available to the Customer for its own use.

$0.39 per kilowatt per billing month for standby capacity made available, plus $0.048 per kilowatt per calendar day (or fraction thereof) for such capacity as the Customer actually utilizes.

Energy Charge: 4.16 mills per kilowatt-hour for energy declared for the peak period hours and for energy made available to meet stream flow requirements.

3.11 mills per kilowatt-hour for dump energy.

Energy Sold to the Customer: The Customer shall purchase and pay for all dump energy made available by the Government and accepted by the Customer. Additionally, the Customer shall purchase and pay for all energy, exclusive of dump energy, declared and made available from the Project to the Customer's system over and above such energy made available for transmission to the Government's other preference customers.

Billing Month: All project energy shall be accounted for on a weekly basis and the total quantities of energy billed monthly shall be the sum of the weekly quantities. Energy declared or made available for any week which falls within 2 billing months shall be divided between the months on the basis of weekly schedules for energy delivery furnished by the Customer.

The billing month for power sold under this rate schedule shall end at 12:00 midnight on the last day of each calendar month.

Power Factor: The Customer shall not impose a power factor of less than .85 lagging on the Government's facilities which requires operation contrary to good operating practice or results on overload or impairment of such facilities.

Service Interruption: When capacity made available to the Customer's system is reduced or interrupted for 1 hour or longer, and such reduction or interruption is not agreed to in advance nor due to conditions on the Purchaser's system, the monthly demand charge for dependable capacity shall be reduced for each on-peak hour (the nearest number of whole hours) that such capacity is reduced or interrupted, by an amount equal to $1.41 divided by the number of peak hours in the billing month times the reduction, in kilowatts, of such capacity; and the amount of energy previously scheduled and not taken during the time of interruption shall be placed in storage to the Customer's account. If the Customer advises the Government within 1 working day after a day in which energy is placed in storage that it does not desire to retain ownership of such energy, the ownership of the energy will revert to the Government and the Customer shall not be obligated to pay for such energy.

October 1, 1984.

Wholesale Power Rate Schedule MISS–1–D

Availability: This rate schedule shall be available to the South Mississippi Electric Power Association (hereinafter called the Cooperative).

Applicability: This rate schedule shall be applicable to power and accompanying energy generated at the Allatoona, Buford, Clarks Hill, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters, and Richard B. Russell Projects and sold under contract between the Cooperative and the Government.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 Hertz and shall be delivered at points of interconnection between the

Cooperative and Mississippi Power Company.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.41 per kilowatt of total contract demand.

Energy Charge: 5.06 mills per kilowatt-hour for scheduled energy.

Additional Wheeling Charge: $0.16 per kilowatt of total contract demand.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Cooperative is entitled to receive.

Energy To Be Furnished by the Government: The Government will sell to the Cooperative and the Cooperative will purchase from the Government those quantities of energy specified by contract as available to the Cooperative for scheduling on a weekly basis. Energy quantities for a billing month shall be the energy scheduled by the Cooperative for the month.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Power Factor: The Cooperative shall take capacity and energy from the Government at such power factor as will best serve the Cooperative's system from time to time; provided, that the Cooperative shall not impose a power factor of less than .85 lagging on the Government's facilities which requires operation contrary to good operating practice or results in overload or impairment of such facilities.

Service Interruption: When capacity and energy delivery to the Cooperative's system for the account of the Government is reduced or interrupted and such reduction is not due to conditions on the Cooperative's system or has not been planned and agreed to in advance, the demand charge for the month for capacity made available shall be reduced as to the kilowatts of such capacity which have been interrupted or reduced in accordance with the following formula:

$$\text{Number of kilowatts unavailable for at least 12 hours in any calendar day} \times \frac{\$1.41}{\text{Number of days in billing month}}$$

October 1, 1984.

Availability: This rate schedule shall be available to the Alabama Electric Cooperative, Incorporated (hereinafter called Cooperative).

Applicability: This rate schedule shall be applicable to power and accompanying energy generated the Allatoona, Buford, Clarks Hill, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters, and Richard B. Russell Projects and sold under contract between the Cooperative and the Government.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 Hertz and shall be delivered at the Walter F. George Project or other points of interconnection between the Cooperative and Alabama Power Company.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.41 per kilowatt of total contract demand.

Energy Charge: 4.16 mills per kilowatt-hour for schedule energy.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Cooperative is entitled to receive.

Energy To Be Furnished by the Government: The Government will sell to the Cooperative and the Cooperative will purchase from the Government those quantities of energy specified by contract as available to the Cooperative for scheduling on a weekly basis. Energy quantities for a billing month shall be the energy scheduled by the Cooperative for the month.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Power Factor: The Cooperative shall take capacity and energy from the Government at such power factor as will best serve the Cooperative's system from time to time; provided, that the Cooperative shall not impose a power factor of less than .85 lagging on the Government's facilities which requires operation contrary to good operating practice or results in overload or impairment of such facilities.

Service Interruption: When capacity and energy delivery to the Cooperative's system for the account of the Government is reduced or interrupted and such reduction is not due to conditions on the Cooperative's system or has not been planned and agreed to in advance, the demand charge for the month for capacity made available shall be reduced as to the kilowatts of such capacity which have been interrupted or reduced in accordance with the following formula:

$$\text{Number of kilowatts unavailable for at least 12 hours in any calendar day} \times \frac{\$1.41}{\text{Number of days in billing month}}$$

October 1, 1984.

Wholesale Power Rate Schedule GAMF–2–D

Availability: This rate schedule shall be available to the Georgia Power Company, the Alabama Power Company, the Mississippi Power Company, and the Gulf Power Company (any one of which is hereinafter called the Company).

Applicability: This rate schedule shall be applicable to electric capacity available from the Allatoona, Buford, Clarks Hill, Walter F. Geroge, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters, and Richard B. Russell Projects (hereinafter called the Projects) and sold under contract between the Government and the Company.

Character of Service: Electric capacity and energy delivered to the Company will be three-phase alternating current at a nominal frequency of 60 Hertz and will be delivered at mutually agreeable points in the vicinity of the Projects' power stations at approximately 115,000 volts, except that delivery from the Hartwell and Carters Projects will be at approximately 230,000 volts or at points of interconnection between the Companies.

Monthly Rate: The monthly rate for capacity sold under this rate schedule shall be:

Demand Charge: $1.41 per kilowatt per billing month for monthly dependable capacity made available to the Company for its own use.

Monthly dependable capacity is the monthly capacity, specified by contract, which based on past water records would be available for scheduling by the Companies within the energy limitations also specified by contract, except during the worst water period of record and except for a few minor short-term reductions under flood conditions.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Power factor: The Company shall take capacity and energy from the Government at such power factor as will best serve the Company's system from time to time, provided that the Company shall not impose a power factor of less than .85 lagging on the Government's facilities which requries operation contrary to good operating practice or results in overload or impairment of such facilities or unreasonably

interferes with the delivery of capacity and energy by the Government to the Company and to its other customers.

Service Interruption: When delivery of capacity to the Company is interrupted or reduced due to conditions on the Government's system which have not been arranged for and agreed to in advance, the demand charge for capacity made available will be reduced as to the kilowatts of such capacity which have been interrupted or reduced in accordance with the following formula:

$$\text{Number of kilowatts unavailable for at least 12 hours in any calendar day} \times \frac{\$1.41}{\text{Number of days in billing month}}$$

October 1, 1984.

Wholesale Power Rate Schedule GAMF–1–D

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of which is hereinafter called the Customer) in Georgia, Alabama, southeastern Mississippi, and panhandle Florida owning distribution systems, to whom power may be wheeled pursuant to contracts between the Government and, respectively, the Georgia Power Company, Alabama Power Company, Mississippi Power Company, and Gulf Power Company (any one of which is hereinafter called the Company).

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, Clarks Hill, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer and to any deficiency energy purchased by the Government from the Companies.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 Hertz delivered at the delivery points of the Customer on the Company's transmission and distribution system. The voltage of delivery will be maintained within the limits established by the state regulatory commission.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.41 per kilowatt of total contract demand.

Energy Charge: 5.06 mills per kilowatt-hour.

Additional Wheeling Charge: $0.16 per kilowatt of total contract demand.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the government energy each billing month equivalent to an annual energy quantity specified by contract and prorated on an equal daily amount throughout the year. The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of Service: The Customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

Service interruption: When energy delivery to the Customer's system for the account of the Government is reduced or interrupted for 1 hour or longer, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced.

October 1, 1984.

[FR doc. 84–26389 Filed 10–3–84; 8:45 am]
BILLING CODE 6450–01–M

FEDERAL MARITIME COMMISSION

Tampa Port Authority and Port Sutton Inc.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 221–010647.

Title: Tampa Terminal Agreement.

Parties:

Tampa Port Authority (TPA)

Port Sutton, Inc. (Sutton)

Synopsis: The agreement provides for the sale by Sutton to TPA of developed leased properties consisting of 76.5 acres of improved land including the improvements thereon; the adjacent docks, mooring facilities and 175.45 acres of undeveloped land; and all associated lease rights and benefits. The agreement further provides for TPA to receive an option from Sutton on 128 acres of additional undeveloped land.

By Order of the Federal Maritime Commission.

Dated: October 1, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–26341 Filed 10–3–84; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Citicorp and Citicorp Holding, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications

must be received not later than October 25, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York and *Citicorp Holdings, Inc.*, Wilmington, Delaware; to acquire 100 percent of the voting shares of Citibank (Nevada), N.A., a *de novo* bank.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Ohio Bancorp*, Youngstown, Ohio; to acquire 100 percent of the voting shares of The Potters Bank & Trust Company, East Liverpool, Ohio.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *CB&T Financial Corp.*, Fairmont, West Virginia; to acquire 100 percent of the voting shares of Clarksburg Community Bank, Clarksburg, West Virginia.

2. *CB&T Financial Corp.*, Fairmont, West Virginia; to acquire 100 percent of the voting shares of Stonewall National Bank, Weston, West Virginia.

D. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *FNB Newton Bankshares, Inc.*, Covington, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Newton County, Covington, Georgia.

2. *Independent Community Banks, Inc.*, Winter Park, Florida; to acquire 100 percent of the voting shares of First National Bank, Seminole County, Longwood, Florida, a *de novo* bank.

E. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *FBOP Corporation*, Oak Park, Illinois; to become a bank holding company by acquiring 84.3 percent of the voting shars of First Bank of Oak Park, Oak Park, Illinois.

2. *PTC Financial Corporation*, Peru, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Peru Trust Company, Peru, Indiana.

F. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Evergreen Bancorporation, Inc.*, Kalispell, Montana; to become a bank holding company by acquiring 80.6 percent of the voting shares of First National Bank of Whitefish, Whitefish, Montana and 80.6 percent of the voting shares of First National Bank of Eureka, Eureka, Montana.

G. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Commerce Bancshares of Roswell, Inc.*, Roswell, New Mexico; to become a bank holding company by acquiring 80 percent of the voting shares of Valley Bank of Commerce, Roswell, New Mexico.

2. *Texarkana National Bancshares, Inc.*, Texarkana, Texas; to acquire 100 percent of the voting shares of Texarkana National Bank-Central Plaza, Texarkana, Texas, a *de novo* bank.

3. *Texas Commerce Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Texas Commerce Bank-San Antonio NW, N.A., San Antonio, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, September 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-26382 Filed 10-3-84; 8:45 am]

BILLING CODE 6210-01-M

Mark Twain Bancshares, 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 October 25, 1984.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mark Twain Bancshares, Inc.*, St. Louis, Missouri; to engage *de novo* through its subsidiary, Mark Twain Brokerage Services, Inc., St. Louis, Missouri, in securities brokerage activities in the St. Louis and Kansas City banking markets.

2. *Mark Twain Bancshares, Inc.*, St. Louis, Missouri; to engage *de novo* through its subsidiary Mark Twain Mortgage Company, St. Louis, Missouri, in real estate appraisal activities.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Janesville Holding Company*, Janesville, Minnesota; to engage *de novo* in extending credit to insiders.

2. *American Bancorporation Holding Company*, Brainerd, Minnesota; to engage *de novo* through its subsidiary, CreditAmerica Lending and Thrift Company, Brainerd, Minnesota, in industrial banking activities.

Board of Governors of the Federal Reserve System, September 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-26381 Filed 10-3-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Federal Telecommunication Standards; Inquiry

AGENCY: Office of Information Resources Management, General Services Administration.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on a Federal Telecommunications Standards (FED-

STD) proposed for adoption: FED–STD 1005A, "Telecommunications: Coding and Modulation Requirements for 2,400 Bit/second Modems".

DATE: Comments are due on or before January 2, 1985.

ADDRESS: Send comments to National Communications System, Office of Technology and Standards, Washington, DC 20305–2010.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Fenichel, National Communications System, telephone (202) 692–2124.

SUPPLEMENTARY INFORMATION:

1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer-communication interface.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Request for copies of the July 6, 1984 draft of FED–STD 1005A should be directed to the National Communications System, Office of Technology and Standards, Washington, DC 20305–2010.

Dated: September 26,1984.

Francis A. McDonough,

Deputy Assistant Administrator for Federal Information Resources Management.

[FR Doc. 84–26150 Filed 10–3–84; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[516 DM 6, Appendix 7]

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Department of the Interior.

ACTION: Notice of revised instructions for the National Park Service.

SUMMARY: This notice announces a revised appendix to the Department's National Environmental Policy Act (NEPA) procedures for the National Park Service (NPS). The revised appendix includes instructions for traditional NPS functions and for functions assumed by NPS with the abolishment of the Heritage Conservation and Recreation Service (HCRS). It replaces the present Appendices 3 and 7 to Chapter 6 of part 516 of the Departmental Manual (516 DM 6) which prescribes the Department's NEPA procedures. The Department's procedures were published in the **Federal Register** on April 23, 1980 (45 FR 27541) and revised on May 21, 1984 (49 FR 21437). Appendix 3 for HCRS was published on November 20, 1980 (45 FR 76801), the current Appendix 7 for NPS was published on January 5, 1981 (46 FR 1042), and the proposed revised Appendix was published on March 12, 1984 (49 FR 9273).

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Blanchard, Director of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240; Telephone (202) 343–3891, FTS 343–3891. For NPS, contact Mr. David Jervis, Chief, Environmental Compliance Division, (202) 343–2163, FTS 343–2163.

SUPPLEMENTARY INFORMATION: This revised appendix to the Departmental Manual (516 DM 6, Appendix 7) provides specific NEPA compliance instructions to the National Park Service. In particular it provides information about NPS organizational responsibilities for NEPA compliance, advice to applicants, actions normally requiring the preparation of an EIS, and categorical exclusions from the NEPA process. The revision consolidates in one appendix the NPS NEPA responsibilities and updates and revises the instructions to reflect the NPS's continued experience with the NEPA process.

The appendix must be taken in conjunction with the Departmental procedures (516 DM 1–6) and the Council on Environmental Quality Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500–1508). In addition, the NPS has prepared a handbook of technical guidance, NEPA Compliance Guideline (NPS–12), on how to apply these procedures to its programs..

We received three comments on the proposed revision (49 FR 9273, March 4, 1984) from the electric utility industry which supported the categorical exclusions pertaining to transmission lines. We have added categorical exclusions for minor boundary changes (7.4A(3)) and concurrence with actions categorically excluded by other Departmental bureaus (7.4A(11)). These additions are consistent with Appendix 1 to 516 DM 2 and conform with other bureau apendices, and are subject to the exceptions to categorical exclusions contained in Appendix 2 to 516 DM 2. Other minor clarifying and technical changes have also been made to the Appendix. The Department welcomes any further comments to help improve the NEPA process in the National Park Service.

Dated: September 28, 1984.

Joseph W. Gorrell,

Deputy Assistant Secretary, Policy, Budget and Administration.

516 DM 6, Appendix 7

National Park Service

7.1 NEPA Responsibilities

A. The Director is responsible for NEPA compliance for National Park Service (NPS) activities.

B. Regional Directors are responsible to the Director for integrating the NEPA process into all regional activities and for NEPA compliance in their regions.

C. The Denver Service Center performs most major planning efforts for the National Park Service and integrates NEPA compliance and environmental considerations with project planning, consistent with direction and oversight provided by the appropriate Regional Director.

D. The Environmental Compliance Division (Washington), which reports to the Associate Director—Planning and Development, serves as the focal point for all matters relating to NEPA compliance; coordinates NPS review of NEPA documents prepared by other agencies; and provides policy review and clearance for NPS EISs. Information concerning NPS NEPA documents or the NEPA process can be obtained by contacting this office.

7.2 Guidance to Applications

Actions in areas of NPS jurisdiction that are initiated by private or non-Federal entities include the following:

A. Minerals. Mineral exploration, leasing and development activities are not permitted in most units of the National Park System. There are exceptions where mineral activities are authorized by law and all mineral activities conducted under these exceptions require consulation with and evaluation by officials of the NPS and are subject to NEPA compliance. Some procedures whereby mineral activities are authorized are outlined below. For site-specific proposals, interested parties should contact the appropriate NPS Regional Director for a determination of whether authorities for conducting other types of mineral activities in particular areas exist and, if

so, how to obtain appropriate permits. For further information about NPS minerals policy, interested parties should contact the Energy, Minerals Division (Denver, Colorado).

(1) Mining Claims and Associated Mining Operations.

All units of the National Park System are closed to mineral entry under the 1872 Mining Law, and mining operations associated with mining claims are limited to the exercise of valid prior existing rights. Prior to conducting mining operations on patented or unpatented mining claims within the National Park System, operators must obtain approval of the appropriate NPS Regional Director. The Regional Directors base approval on information submitted by potential operators that discusses the scope of the proposed operations, evaluates the potential impacts on park resources, identifies measures that will be used to mitigate adverse impacts, and meets other requirements contained in 36 CFR Part 9, Subpart A, which governs mining operations on mining claims under the authority of the Mining in the Parks Act of 1976.

(2) Non-Federal Mineral Rights.

Privately-held oil, gas and mineral rights on private land or split estates (Federally-owned surface estate and non-Federally owned subsurface estate) exist within some park unit boundaries. Owners of outstanding subsurface oil and gas rights are granted reasonable access on or across park units through compliance with 36 CFR Part 9, Subpart B. These procedures require an operator to file a plan of operations for approval by the appropriate NPS Regional Director. An approved plan of operations serves as the operator's access permit.

(3) Federal Mineral Leasing and Mineral Operations.

(a) Leasing of Federally-owned minerals is restricted to five national recreation areas in the National Park System, where leasing is authorized in the enabling legislation of the units. According to current regulations (43 CFR 3100.0–3(g)(4); 43 CFR 3500.0–3(c)(7)). These areas are: Lake Mead, Glen Canyon, Ross Lake, Lake Chelan and Whiskeytown National Recreation Areas. However, Lake Chelan was designated in 1981 as an "excepted area"; under the regulations and is closed to mineral leasing. The Bureau of Land Management (BLM) issues leases on these lands and controls and monitors operations Applicable general leasing and operating procedures for oil and gas are contained in 43 CFR Part 3100, et set. and for minerals other tham oil and gas in 43 CFR Part 3500, et seq. Within units of the National Park System, the NPS, as the surface management agency, must consent to the permitting and leasing of park lands and concur with operating conditions established in consultation with the BLM. Leases and permits can only be granted upon a finding by the NPS Regional Director that the activities authorized will not have a significant adverse effect on the resources and administration of the unit. The NPS can also require special lease and permit stipulations for protecting the environment and other park resources. In addition, the NPS participates with BLM in preparing environmental analyses of all proposed activities and in establishing reclamation requirements for park unit lands.

(b) Glen Canyon National Recreation Area is the only unit of the National Park System containing specal tar sands areas as defined in the Combined Hydrocarbon Leasing Act of 1981. In accordance with the requirements of this Act, the BLM has promulgated regulations governing the conversion of existing oil and gas leases located in special tar sands areas to combined hydrocarbon (oil, gas and tar sands) leases and for instituting a competitive combined hydrocarbon leasing program in the special tar sands areas. Both of these activities, lease conversions and new leasing, may occur within the Glen Canyon NRA provided that they take place commensurate with the unit's minerals management plan and that the Regional Director of the NPS makes a finding of no significant adverse impact on the resources and administration of the unit or on other contiguous units of the National Park System. If the Regional Director does not make such a finding, then the BLM cannot authorize lease conversions or issue new leases within the Glen Canyon NRA. The applicable regulations are contained in 43 CFR 3140.7 and 3141.4–2, respectively. Intra-Departmental procedures for processing conversion applications have been laid out in a Memorandum of Understanding (MOU) between the BLM and the NPS. For additional information about combined hydrocarbon leasing, interested parties should contact the Energy Mining and Minerals Division (Denver, Colorado).

B. Grazing. Grazing management plans for NPS units subject to legislatively-authorized grazing are normally prepared by the NPS or jointly with the BLM. Applicants for grazing allotments must provide the NPS and/or the BLM with such information as may be required to enable preparation of environmental documents on grazing management plans.

Grazing is also permitted in some NPS areas as a condition of land acquisition in instances where grazing rights were prior to Federal acquisition. The availability of these grazing rights is limited and information should be sought through individual Park Superintendents.

C. Permits, Rights-of-Way, and Easements for Non-Park Uses. Informational requirements are determined on a case-by-case basis, and applicants should consult with the Park Superintendent before making formal application. The applicant must provide sufficient information on the proposed non-park use, as well as park resources and resource-related values to be affected directly and indirectly by the proposed use in order to allow the Service to evaluate the application, assess the impact of the proposed use on the NPS unit and other environmental values, develop restrictions/stipulations to mitigate adverse impacts, and reach a final decision on issuance of the instrument. Authorities for such permits, rights-of-way, etc., are found in the enabling legislation for individual National Park System units and 16 U.S.C. 5 and 79 and 23 U.S.C. 317. Right-of-way and easement regulations are found at 36 CFR Part 14. Policies concerning regulation of special uses are described in the NPS Management Policies Notebook.

D. Archaeological Permits. Permits for the excavation or removal of archaeological resources on public and Indian lands owned or administered by the Department of the Interior, and by other agencies that may delegate this responsibility to the Secretary, are issued by the Director of the NPS. These permits are required pursuant to the Archaeological Resources Protection Act of 1979 (Pub. L. 96–95) and implementing regulations (43 CFR Part 7), whenever materials of archaeological interest are to be excavated or removed. These permits are not required for archaeological work that does not result in any subsurface testing and does not result in the collection of any surface or subsurface archaeological materials. Applicants should contact the Departmental Consulting Archeologist in Washington about these permits.

E. Federal Aid. The NPS administers financial and land grants to States, local governments and private organizations/individuals for outdoor recreation acquisition, development and planning (Catalog of Federal Domestic Assistance (CFDA #15.916), historic preservation (DCDA #15.904), urban park and recreation recovery (CFDA #15.919) and Federal surplus real property for park,

recreation and historic monument use (CFDA #15.403).

The following program guidelines and regulations list environmental requirements which applicants must meet:

(1) Land and Water Conservation Fund Grants Manual, Part 650.2;

(2) Historic Preservation Grants-in-Aid Manual, Chapter 4;

(3) Urban Park and Recreation Recovery Guidelines, NPS–37;

(4) Policies and Responsibilities for Conveying Federal Surplus Property (draft) Manual, Part 271.

Copies of documents related to the Land and Water Conservation Fund and the Historic Preservation Fund have been provided to all State Liaison Officers for out-door recreation and all State Historic Preservation Officers. Copies of these and documents related to the Urban Park and Recreation Recovery Program are available for inspection in each NPS Regional Office as well as the NPS Office of Public Affairs in Washington, D.C.

Many State agencies which seek NPS grants may prepare related EISs pursuant to section 102(2)(D) of NEPA. Such agencies should consult with the appropriate NPS Regional Office.

F. Conversion of Acquired and Developed Recreation Lands

The NPS must approve the conversion of certain acquired and developed lands prior to conversion. These include:

(1) All State and local lands and interests therein, and certain Federal lands under lease to the States, acquired or developed in whole or in part with monies from the Land and Water Conservation Fund Act are subject to section 6(f) of the Act which requires approval of conversion of use.

(2) All recreation areas and facilities (as defined in section 1004), developed or improved, in whole or in part, with a grant under the Urban Park and Recreation Recovery Act of 1978 (Pub. L. 95–625, Title 10) are subject to section 1010 of the Act which requires approval for a conversion to other than public recreation uses.

(3) Most Federal surplus real property which has been conveyed to State and local governments for use as recreation demonstration areas, historic monuments or public park and recreation areas (under the Recreation Demonstration Act of 1942 or the Federal Property and Administrative Services Act of 1949, as amended) are subject to approval of conversion of use.

(4) All abandoned railroad rights-of-way acquired by State and local governments for recreational and/or conservation uses with grants under section 809(b) of the Railroad Revitalization and Regulatory Reform Act of 1976, are subject to approval of conversion of use.

Application for approval of conversion of the use of these lands must be submitted to the appropriate Regional Director of the NPS. Early consultation with the Regional Office is encouraged to insure that the application is accompanied by any required environmental documentation. If the property was acquired through the Land and Water Conservation Fund, then the application must be submitted through the appropriate State Liaison Officer for Outdoor Recreation. If the property was acquired under the Federal Property and Administrative Services Act of 1949, as amended, approval of an application for conversion of use must also be concurred in by the General Services Administration.

7.3 Major Actions Normally Requiring Environmental Impact Statements

A. The following types of NPS proposals will normally require the preparation of an EIS:

(1) Wild and Scenic River proposals;

(2) National Trail proposals;

(3) Wilderness proposals;

(4) General Management Plans for major National Park System units;

(5) Grants, including multi-year grants, whose size and/or scope will result in major natural or physical changes, including interrelated social and economic changes and residential and land use changes within the project area or its immediate environs.

(6) Grants which foreclose other beneficial uses of mineral, agricultural, timber, water, energy or transportation resources important to National or State welfare.

B. If for any of these proposals it is initially decided not to prepare an EIS, and EA will be prepared and made available for public review in accordance with section 1501.4(e)(2).

7.4 Categorical Exclusions

In addition to the actions listed in the Departmental categorical exclusions in Appendix 1 of 516 DM 2, many of which the Service also performs, the following NPS actions are designated categorical exclusions unless the action qualifies as an exception under Appendix 2 to 516 DM 2:

A. Actions Related to General Administration (1) Changes or amendments to an approved action when such changes would cause no or only minimal environmental impact.

(2) Land and boundary surveys.

(3) Minor boundary changes.

(4) Reissuance/renewal of permits, rights-of-way or easements not involving new environmental impacts.

(5) Conversion of existing permits to rights-of-way, when such conversions do not continue or initiate unsatisfactory environmental conditions.

(6) Issuance, extensions, renewals, reissuance or minor modifications of concession contracts or permits not entailing new construction.

(7) Commercial use licenses involving no construction.

(8) Leasing of historic properties in accordance with 36 CFR Part 18 and NPS–38.

(9) Preparation and issuance of publications.

(10) Modifications or revisions to existing regulations, or the promulgation of new regulations for NPS-administered areas, provided the modifications, revisions or new regulations do not:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners of occupants.

(II) At the direction of the NPS responsible official, actions where NPS has concurrence or coapproval with another bureau and the action is a categorical exclusion for that bureau.

B. Plans, Studies and Reports (1) Changes or amendments to an approved plan, when such changes would cause no or only minimal environmental impact.

(2) Cultural resources maintenance guides, collection management plans and historic furnishings reports.

(3) Interpretive plans (interpretive prospectuses, audio-visual plans, museum exhibit plans, wayside exhibit plans).

(4) Plans, including priorities, justifications and strategies, for non-manipulative research, monitoring, inventorying and information gathering.

(5) Statements for management, outlines of planning requirements and task directives for plans and studies.

(6) Technical assistance to other Federal, State and local agencies or the general public.

(7) Routine reports required by law or regulation.

(8) Authorization, funding or approval for the preparation of Statewide Comprehensive Outdoor Recreation Plans.

(9) Adoption or approval of surveys, studies, reports, plans and similar documents which will result in recommendations or proposed actions which would cause no or only minimal environmental impact.

(10) Preparation of internal reports, plans, studies and other documents containing recommendations for action which NPS develops preliminary to the process of preparing a specific Service proposal or set of alternatives for decision.

(11) Land protection plans which propose no significant change to existing land or visitory use.

(12) Documents which interpret existing mineral management regulations and policies, and do not recommend action.

C. Actions Related to Development (1) Land acquisition within established part boundaries.

(2) Land exchanges which will r.ot lead to significant changes in the use of land.

(3) Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails.

(4) Routine maintenance and repairs to cultural resource sites, structures, utilities and grounds under an approved Historic Structures Preservation Guide or Cyclic Maintenance Guide; or if the action would not adversely affect the cultural resource.

(5) Installation of signs, displays, kiosks, etc.

(6) Installation of navigation aids.

(7) Establishment of mass transit systems not involving construction, experimental testing of mass transit systems, and changes in operation of existing systems (e.g,. routes and schedule changes).

(8) Replacement in kind of minor structures and facilities with little or no change in location, capacity or appearance.

(9) Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., on existing roads.

(10) Sanitary facilities operation.

(11) Installation of wells, comfort stations and pit toilets in areas of existing use and in developed areas.

(12) Minor trail relocation, development of compatible trail networks on logging roads or other established routes, and trail maintenance and repair.

(13) Upgrading or adding new overhead utility facilities to existing poles, or replacement poles which do not change existing pole line configurations.

(14) Issuance of rights-of-way for overhead utility lines to an individual building or well from an existing line where installation will not result in significant visual intrusion and will involve no clearance of vegetation other than for placement of poles.

(15) Issuance of rights-of-way for minor overhead utility lines not involving placement of poles or towers and not involving vegetation management or significant visual intrusion in an NPS-administered area.

(16) Installation of underground utilities in previously disturbed areas having stable soils, or in existing utility right-of-way.

(17) Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas.

(18) Construction or rehabilitation in previously disturbed or developed areas, required to meet health or safety regulations, or to meet requirements for making facilities accessible to the handicapped.

(19) Landscaping and landscape maintenance in previously disturbed or developed areas.

(20) Contruction of fencing enclosures or boundary fencing posing no effect on wildlife migrations.

D. Actions Related to Visitor Use (1) Carrying capacity analyses.

(2) Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations.

(3) Changes in interpretive and environmental education programs.

(4) Minor changes in programs and regulations pertaining to vistor activities.

(5) Issuance of permits for demonstrations, gatherings, ceremonies, concerts, arts and crafts shows, etc., entailing only short-term or readily mitigable environmental disturbance.

(6) Designation of trailside camping zones with no or minimal improvements.

E. Actions Related to Resource Management and Protection (1) Archeological surveys and permits, involving only surface collection or small-scale test excavations.

(2) Day-to-day resource management and research activities.

(3) Designation of environmental study areas and research natural areas.

(4) Stabilization by planting native plant species in disturbed areas.

(5) Issuance of individual hunting and/or fishing licenses in accordance with State and Federal regulations.

(6) Restoration of noncontroversial native species into suitable habitats within their historic range, and elimination of exotic species.

(7) Removal of park resident individuals of non-threatened/endangered species which pose a danger to visitors, threaten park resources or become a nuisance in areas surrounding a park, when such removal is included in an approved resource management plan.

(8) Removal of non-historic materials and structures in order to restore natural conditions.

(9) Development of standards for, and identification, nomination, certification and determination of eligibility of properties for listing in the National Register of Historic Places and the National Historic Landmark and National Natural Landmark Programs.

F. Actions Related to Grant Programs (1) Proposed actions essentially the same as those listed in paragraphs A–E above.

(2) Grants for acquistion of areas which will continue in the same or lower density use with no additional disturbance to the natural setting.

(3) Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical or cultural resources of the area; or the integrity of the existing setting.

(4) Grants for construction of facilities on lands acquired under a previous NPS or other Federal grant provided that the development is in accord with plans submitted with the acquisition grant.

(5) Grants for the construction of new facilities within an existing park or recreation area, provided that the facilities will not:

(a) Conflict with adjacent ownerships or land use, or cause a nuisance to adjacent owners or occupants; e.g., extend use beyond daylight hours;

(b) Introduce motorized recreation vehicles;

(c) Introduce active recreation pursuits into a passive recreation area;

(d) Increase public use or introduce noncompatible uses to the extent of compromising the nature and character of the property or causing physical damage to it; or

(e) Add or alter access to the park from the surrounding area.

(6) Grants for the restoration, rehabilitation, stabilization, preservation and reconstruction (or the authorization thereof) of properties listed on or eligible for listing on the National Register of Historic Places, at their same location and provided that such actions:

(a) Will not alter the integrity of the property or its setting;

(b) Will not increase public use of the area to the extent of compromising the nature and character of the property; and

(c) Will not cause a nuisance to adjacent property owners or occupants.

[FR Doc. 84-26384 Filed 10-3-84; 8:45 am]
BILLING CODE 4310-70-M

Bureau of Land Management

[U-48777]

Completion of Management Framework Plan Amendment; Emery County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Completion of San Rafael Management Framework Plan Amendment (MFP).

SUMMARY: The Moab District, San Rafael Resource Areas has completed the amendment of the San Rafael MFP to add the following: "Dispose of land identified through annexation by the town of Emery as needed for community expansion and development. Disposal methods may include R&PP lease/sale, public sale or other appropriate methods. The area totals 170.18 acres."

SUPPLEMENTARY INFORMATION: The amendment process was started with publication of the Notice of Intent in the February 15, 1984 **Federal Register** which initiated a public comment period ending March 5, 1984.

The decision will be implemented 30 days after date of publication of this notice.

Any person who participated in the planning process and has an interest which may be adversely affected by the amendment of the MFP may protest approval of the amendment. A protest may raise only those issues which were submitted for the record to the BLM during the planning process. The protest shall be filed with the Director of BLM within 30 days of publication of this notice. The protest shall contain: (1) The name, mailing address, telephone number, and interest of the person filing the protest; (2) a statement of the issue or issues being protested; (3) a statement of the part or parts of the plan being protested; (4) 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 record; and (5) a concise statement explaining why the protestor believes that the State Director's decision is wrong. The Director will issue a decision in writing on the protest. Protest should be sent to the Director, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

For further information concerning the decision, contact Samuel R. Rowley, Area Manager, San Rafael Resource Area, P.O. Drawer AB, Price, Utah 84501. A copy of the planning amendment/environmental assessment is available for review at the San Rafael Resource Area office listed above and at the Moab District Office, P.O. Box 970, Moab, Utah, 84532.

Dated: September 25, 1984.

C. Delano Backus,

Acting District Manager.

[FR Doc. 84-26310 Filed 10-3-84; 8:45 am]
BILLING CODE 4310-DQ-M

[C-0125220, C-0127157]

Colorado; Proposed Continuation of Reclamation Withdrawals

September 26, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that the two existing land withdrawals made in connection with the Bostwick Park Project be continued for 20 years. The national forest lands in both withdrawals will remain closed to surface entry and mining. They have been and remain open to mineral leasing.

DATE: Comments should be received within 90 days of publication date.

ADDRESS: All comments should be addressed to State Director, Colorado State Office, 2020 Arapahoe Street, Denver, Colorado 80205.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-294-7626.

The Bureau of Reclamation proposes that the existing land withdrawals made by public land orders 3945 and 4001, dated March 7, and May 16, 1966, respectively, be continued for a period of 20 years in accordance with section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

These two orders currently withdraw 810 acres of national forest land. The land is located in the Uncompahgre National Forest, in T. 46 N., R. 6 W., New Mexico Principal Meridian, Colorado.

The purpose of the withdrawals is to protect the Silver Jack Reservoir and Recreation Area, Bostwick Park Project, and segregate the land from surface entry and mining, but not from mineral leasing. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the State Director, Colorado State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-26308 Filed 10-3-84; 8:45 am]
BILLING CODE 4310-JB-M

Malad Management Framework Plan and the Cassia Resource Management Plan; Intent To Amend

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given in accordance with 43 CFR 1610.2(c) that the Burley District is proposing to amend the Malad Management Framework Plan and the Cassai Resource Mangement Plan to allow disposal of certain parcels of public land. The scope of this amendment is limited to public land south of Interstate 86 in the following townships:

Boise Meridian, Idaho

T. 9 S., R. 28 E.;
T. 9 S., R. 29 E.;
T. 9 S., R. 30 E.;
T. 10 S., R. 29 E.;
T. 10 S., R. 30 E.;
T. 10 S., R. 31 E.

The general location of this area is 10 to 15 miles southwest of American Falls in Power and Cassia Counties.

An environmental assessment will be prepared by an interdisciplinary team which will determine the impacts of the plan amendment and the potential land disposal action.

SUPPLEMENTARY INFORMATION: The issue to be addressed by the planning amendment is the proposed disposal of 2750 acres of public land. This acreage of public land is made up primarily of small, isolated parcels and has potential

for disposal under the sale criteria in section 203 of FLPMA. The existing land use plans and applicable maps are available for review at the Burley District Office, Burley, ID.

DATES: The public is invited for a period of 60 days from the date of publication of this notice to submit written and oral comments to the following address: Terrance M. Costello, Deep Creek Area Manager, BLM, Rt. 3, Box 1, Burley, ID 83318; (208) 678–5514. The proposed decision and the time and place of any public meetings will be announced at a later date.

Dated: September 28, 1984.

John S. Davis,

District Manager.

[FR Doc. 84–26313 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–GG–M

[M–61261 and M–61262]

Montana; Modified Competitive Sales of Public Land in Garfield and Richland Counties

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Actions M–61261 and M–61262, Modified Competitive Sales of Public Land in Garfield and Richland Counties, Montana.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, U.S.C. 1713, at no less than fair market value.

Parcel No. 1—M–61261—Appraised Value $7,000

Principal Montana Meridian

T. 16 N., R. 43 E., Section 6: Lots 12, 13, NE¼SE¼ containing 107.82 acres.

Principal Montana Meridian

T. 24 N., R. 52 E., Section 26: S½NE¼, NE¼SE¼ containing 120.00 acres.

The land will be offered for sale by sealed bid only utilizing modified competitive bidding procedures on December 5, 1984 at 1:30 p.m. at Montana State Office, Bureau of Land Management, 222 North 32nd Street, P.O. Box 31434, Billings, Montana 59107–1434.

John Schlepp of Cohagen, Montana, is the authorized grazing permittee and will be the designated bidder on Parcel No. 1, M–61261. These public lands are one 40 acre tract and one 67.82 acre tract located approximately 13 miles northeast of Cohagen, Montana. Both tracts are isolated, difficult and uneconomical to manage as part of the public lands and are not suitable for management by another federal agency. Both tracts are rough sagebrush/native grasslands. Physical access via vehicle is possible over ranch trails during dry weather. There is no legal access to either parcel. The tract in Lots 12, 13 is fenced on the west boundary and there are no other range improvements. The tract in NE¼SE¼ is fenced on the east boundary.

Lazy D Bar Seven Ranch Inc. (Bernard Pritchet) of Lambert, Montana, the authorized grazing permittee, will be the designated bidder on Parcel No. 2, M–61262. This 120 acre subsection is an "L" shaped tract approximately 11 miles northeast of Richey, Montana. This 120 acres is isolated, difficult and uneconomical to manage as part of the public lands and is not suitable for management by another federal agency. Topography is rolling to rough. Vegetation is native grasses with a few scattered brush species in a drainage on the south side of the tract. Physical access via vehicle is possible on a ranch trail during dry weather. There is no legal access. There is no water and there are no range improvements. A boundary fence is on the east side.

The proposed sales are consistent with the Bureau's planning system. The Garfield County Commissioners were contacted on February 7, 1984, and the Richland County Commissioners were contacted on February 29, 1984, of the proposed sales and both groups concur there is no need for a hearing. The transfer of the parcels into private ownership will benefit the public interest by providing for better land management.

Terms and Conditions: The terms and conditions applicable to the sales are:

1. All minerals will be reserved to the United States, together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

DATES: For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information relating to the sale, including the land report and environmental assessment is available for review at the Miles City District Office, west of Miles City, Montana.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications: The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state of the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value and bids must be individually submitted for either Parcel No. 1 (M–61261) or Parcel No. 2 (M–61262).

Method of Bidding: The land will be sold by sealed bid. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the U.S. Department of Interior, Bureau of Land Management for not less than 10 percent or more than 30 percent of the amount bid. Sealed bids will be received at the Montana State Office, Bureau of Land Management, until 1 p.m., December 5, 1984. Sealed bids will be opened in the Montana State Office, 222 North 32nd Street, Billings, Montana.

The sealed bid envelope must be addressed as follows: Cashier—Sealed Bids, Public Land Sale M– , P.O. Box 31434, Billings, Montana 59107–1434.

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by supplemental biddings. The designated high bidders shall be allowed to submit oral or sealed bids as designated by the authorized officer. The highest qualifying sealed bid shall then be publicly declared.

Modified Competitive Bidding: For a period of 30 days following the date of the sale, John Schlepp of Cohagen, Montana, the designated bidder for Parcel No. 1, and Lazy D Bar Seven Ranch, Inc. of Lambert, Montana, the designated bidder for Parcel No. 2, will be offered the right to meet the highest qualifying bid. The designated bidder must submit a bid of at least the fair market value prior to the sale date in

order to be considered under the modified bidding provisions. If either meets the highest bid on the respective parcel(s), the land will be sold to the designated bidder(s) and the other high bid will be returned. If either designated bidder refuses to meet the highest bid or to submit any bid at all prior to the sale date, the modified competitive bidding provisions shall be waived.

Sale Continuation: In the event these parcels are not sold at the original designated sale offering, the parcel(s) will then be available for sale over the counter on a first come, first served basis at the Montana State Office, Bureau of Land Management, 222 North 32nd Street, Billings, Montana. Sealed bids will only be opened each Wednesday.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within 180 days. Failure to submit the required amount within the 180-day time period will result in forfeiture of the deposit and the lands will be offered to the next qualifying bidder.

Dated: September 27, 1984.

Ray Brubaker,

District Manager.

[FR Doc. 84-26314 Filed 10-3-84; 8:45 am]

BILLING CODE 4310-DN-M

New Mexico; Small Holding Claim Cancellations

September 25, 1984.

New Mexico Principal Meridian

T. 20 N., R. 9 E.,
Sec. 1: SHC 6201, Tr. 1 and Tr. 2.
T. 20 N., R. 10 E.,
Sec. 9: SHC 6211, Tr. 2.

The above listed small holding claims in Township 20 North, Ranges 9 and 10 East, surveyed by William B. Douglas and Chas. W. Devendorf in 1918, were cancelled September 18, 1984, with the areas returning to the public domain by this action.

T. 21 N., R. 9 E.,
Sec. 26: SHC 6267, Tr. 1, SHC 6268, Tr. 1 and SHC 6270, Tr. 1.;
Sec. 34: SHC 6190, Tr. 1 and SHC 6191, Tr. 1.;
Sec. 36: SHC 5492, Tr. 2, SHC 5984, Tr. 1, SHC 6200, Tr. 1 and Tr. 2, SHC 6207, Tr. 1 and SHC 6212, Tr. 1.

The above listed small holding claims in Township 21 North, Range 9 East, surveyed by Oscar B. Walsh and Chas. W. Devendorf in 1922, were cancelled September 24, 1984, with the areas returning to the public domain by this action.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 84-26312 Filed 10-3-84; 8:45 am]

BILLING CODE 4310-FB-M

[OR-20239, OR-20240]

Oregon; Proposed Continuation of Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that two land withdrawals for the Klamath Reclamation Project continue for an additional 50 years. The land(s) would remain closed to surface entry and mining but has been and would remain open to mineral leasing.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

The Bureau of Reclamation proposes that the existing land withdrawals made by the Secretarial Orders of June 20, 1922, and February 21, 1946, be continued for a period of 50 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land(s) involved is located approximately 33 miles southeast of Klamath Falls and totals 1,155.71 acres within T. 41 S., R. 14 E., W.M., Klamath County, Oregon.

The purpose of the withdrawals is to protect the proposed Boundary Dam and Reservoir, Klamath Recreation Project. The withdrawals segregate the land(s) from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Dated: September 24, 1984.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-26309 Filed 10-3-84; 8:45 am]

BILLING CODE 4310-33-M

[U-52427]

Realty Action; Sale of Public Lands; Emery County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, U-52427, Sale of Public Lands in Emery County, Utah.

SUMMARY: The following described parcel of 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) (FLPMA) using competitive bidding procedures (43 CFR 2711.3-1, 2) at no less than the appraised fair market value. Bids at less than such value will be rejected as required by FLPMA.

Legal description	Acreage	Value
Salt Lake Meridian: T. 18 S., R. 8 E., sec. 1, lots 3 and 4	80.21	$12,000

Sale will be by competitive sale method at no less than the appraised fair market value.

Sealed bids will be accepted at the San Rafael Resource Area Office, P.O. Drawer AB, 900 North 7th East, Price, Utah 84501, until 11 a.m. on November 30, 1984, at which time the bids will be opened.

The terms and conditions applicable to this sale are:

1. A right-of-way will be reserved for ditches and canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

2. All minerals, including oil and gas, will be reserved to the United States with the right to explore, prospect for, mine, and remove under applicable law, and such regulations as the Secretary of Interior may prescribe.

3. Patent will be subject to all valid existing rights and reservations of record.

If not sold on the day of the sale, the parcel will remain available for sale each Monday from 10 a.m. to 11 a.m. until sold or withdrawn until May 27, 1985.

Additional information concerning the land, terms and conditions of sale, and bidding instruction may be obtained from Laurelle Hughes, Area Realty Specialist at above address, (801) 637–4584, or Brad Groesbeck, Moab District Office, P.O. Box 970, Moab, Utah 84532, (801) 259–6111.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

The BLM reserves the right to accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the Authorized Officer, consummation of the sale would not be fully consistent with section 203(g) of FLPMA or other applicable laws.

Upon publication of the Notice of Realty Action in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. This segregation shall terminate upon issuance of patent or other document of connveyance, upon publication in the **Federal Register** of a termination of segregation, or 270 days from the date this Notice is published in the **Federal Register**, whichever occurs first.

Dated: September 25, 1984.

C. Delano Backus,

Acting District Manager.

[FR Doc. 84–26307 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–DQ–M

[F–14884–A]

Alaska Native Claims Selection; Kwik, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of sections 12(a) and 12(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611 (1976), will be issued to Kwik, Incorporated, for approximately 1.25 acres. The lands involved are within the Seward Meridian, Alaska:

T. 4 S., R. 81 W.

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in The Tundra Drums. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until November 5, 1984, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Ruth Stockie,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84–26347 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–JA–M

[OR 37195]

Realty Action; Competitive Sale of Public Land in Klamath County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Competitive Sale of Public Land In Klamath County, Oregon.

SUMMARY: The following Public Domain Land has been examined and identified as being suitable for disposal by public 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 shown. The parcel is isolated, difficult and uneconomical to manage as part of the public lands and are not suitable for management by another Federal department or agency. The sale is consistent with the Bureau's planning efforts and the public interest will be served by offering this land for sale.

The following parcel of land will be offered for sale using competitive bid procedures (43 CFR 2711.3–1).

Legal description	Acreage	Appraisal value
T. 40 S., R. 8 E., Will. Mer., sec. 17: SW¼SE¼	40.0	$16,000

Except for the provisions of section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750; 43 U.S.C. 1713), the above described land is hereby segregated from appropriation and the public land laws, including the mining laws.

Sales Procedure

The sale will be held on December 5, 1984, at 1:00 p.m. in the Medford District's Oregon Room, 3040 Biddle Road, Medford, Oregon 97504.

Sealed written bids will be considered only if received by the Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97504, before 11:30 a.m. on December 5, 1984, the date of the opening.

All bidders must be 18 years of age or over and U.S. citizens, a state or state instrumentality authorized to hold property, or in the case of corporations, be authorized to own real estate in the state in which the sale is being offered. Proof of these requirements shall accompany all sale bids.

A written bid should be submitted and accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Department of the Interior—BLM for at least thirty percent (30%) of the amount bid and shall be enclosed in a sealed envelope clearly marked "Bid for Public Land Sales, Sale Parcel Number OR 37195 Klamath County, Oregon, December 5, 1984."

If two or more envelopes are received containing valid bids of the same amount, the successful bid will be determined by drawing. The drawing will be held by the authorized officer immediately following the opening of the bids.

The successful bidder will be required to pay the remainder of the sale price within 180 days. Failure to submit the full sale price within 180 days will disqualify the apparent high bidder and the thirty percent (30%) will be forfeited and disposed of an other receipts of the sale. The land will then be offered to the next highest bidder.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

If the parcel is not sold on the day of the sale it will remain available for sale until sold. Sealed bids will be solicited on the parcel at the Medford District Office during regular business hours

(8:00 a.m. to 4:45 p.m.). The sealed bids will be opened January 4, 1985 and every first Friday of each subsequent month until the land is sold.

Terms and Conditions

Patent issued as a result of the sale will be subject to all valid and existing rights and will contain the following reservation:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals will be reserved to the United States (43 U.S.C. 1719).

Detailed information concerning the sale, including the planning documents, environmental assessment, land report and fair market appraisal is available for review at the Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504, or by calling Don Kreitner, Area Realty Specialist at (503) 776–3923.

For a period of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action. Comments shall reference Serial Number OR 37195. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: September 28, 1984.

David W. Taylor,

Acting District Manager.

[FR Doc. 84–26353 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–33–M

[OR 36351–G.H.J.; OR 37434]

Oregon; Realty Action; Competitive and Direct Sale of Public Lands; in Harney and Grant Counties

The following described parcels of land have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value shown (the appraised values are shown for the competitive sales only in that the appraisal for the direct sale has not yet been completed—the appraisal for this tract will be complete prior to the sale date and said sale will also be at no less than fair market value):

Parcel No.	Legal description	Acreage	Appraised value
(1) OR 36351–G.	T.33 S., R. 30 E., W.M., sec. 23: S½, Harney County, OR.	320	$15,300
(2) OR 36351–H.	T. 33 S., R. 30 E., W.M. sec. 24: All, Harney County, OR.	640	30,700
(3) OR 36351–J.	T. 33 S., R. 30 E., W.M., sec. 27: NW¼SE¼, Harney County, OR.	40	1,900
(4) OR 7434.	T. 12 S., R. 34 E., W.M., sec. 27: NW¼SE¼; sec.34: NW¼SE¼, Grant County, OR.	80	.....

Except for the provisions of section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), the above described lands are herby segregated from appropriation under the public land laws, including the mining laws.

The sale will be held on Wednesday, December 5, 1984, at 10:00 a.m., at the Burns District Office, Bureau of Land Management, 74 South Alvord, Burns, Oregon, 97720.

The sale is consistent with publicly supported Bureau planning. The sale involves isolated land completely surrounded by private land, that is difficult and uneconomcial to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The public interest will be served by offering this land for sale.

Sale Parcel No. 4, OR–37434, will be offered for direct sale to Mr. Robert Kimberling, at no less than fair market value. The tracts offered are completely surrounded by private land owned by Mr. Kimberling, with no legal accress for the public. Refusal or failure by Mr. Kimberling to purchase the tracts on the date of the sale shall constitute a waiver of his purchase rights, as described herein.

Sale Parcels 2, 3, and 4 (OR 36351–G, H, J) will be offered for sale at public auction through competitive bidding procedures provided for at 43 CFR Subpart 2711.

The declared high bidder will be required to deposit 30% of the full bid price immediately at the sale. Failure to deposit this sum will result in disqualification as the high bidder. The authorized officer shall then determine whether to accept the next bid, withdraw the public lands from the market, or reoffer then for sale at a later date.

All minerals in the land will be reserved to the United States in accordance with section 209(a) of the Federal Land Policy and Management Act of 1976. Rights-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945. Patents will be issued subject to all valid existing rights and reservations or record. Legal access is not guaranteed to the tracts offered for sale.

The Federal Land Poloicy and Management Act requires that bidders must be citizens of the United States, 18 years of age or over, or, in the case of a corporation, subject to the laws of any State of the United Sates. Bids may be made by a principal or his duly qualifed agent. Bids must be for all land within the specified tract.

Sealed bids are the only acceptable method of bidding. Bids may be made either my mail or personally at the sale. All bids will only be considered if received by the Burns District Office prior to 10:00 a.m. on December 5, 1984. Bids must be in sealed envelopes accompanied by a certified check, poseal money order, bank draft, or cashier's chek made payable to the Bureau of Land Managaement for not less than 30% of the amount of the bid. The sealed bid envelopes must be marked in the Lower left-hand corner "Sealed Bid, Public Land Sales OR–36351, Parcel(s) "G", "H", and/or "J". Also, print the sale date on the envelope.

If two (2) or more valid sealed bids in the same amount are received and they are the high bid, the tied high bidders will be immediately notified and given 20 days to submit a new sealed bid.

The successful high bidder will be required to submit full payment for the balance of the bid within 180 days from the date of the sale. Failure to submit such payment within the 180-day period shall result in the cancellation of the sale and bid deposit shall be forfeited. All unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land are received on the sale date, the sale will be adjourned and those parcels not sold pursuant to the Notice of Realty Action shall remain available for sale on a continuing basis until sold, or withdrawn from sale. Unsold parcels will continue to be available for sale, but only on a sealed bid basis. Sealed bids for available unsold parcels will be opened at 10:00 a.m. on the first Wednesday of each month. Priority will not be given to first filed bids.

Detailed information concerning this land sale, including the land-use planning documents, land reports, environmental assessments and the record of public comments is available for review at the Burns District Office at the location and address previously noted. Telephone inquiries can be placed to the District Office (503) 573–

5241 between 7:45 a.m and 4:30 p.m. P.S.T.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Distict Manager, Burns District Office, U.S. Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720. Any adverse comments received as a result of the Notice of Realty Action or notification to the Congressional Committees and Delegations pursuant to Pub. L. 97–394 will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: September 24, 1984.

Joshua L. Warburton,

District Manager.

[FR Doc. 84–26350 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–33–M

[OR 37197, OR 27198, and OR 37199]

Realty Action; Modified Competitive Sale of Public Land in Jackson County OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Modified Competitive Sale of Public Land in Jackson County, Oregon.

The following revested Oregon and California Railroad Grant (O&C) Land has been examined and identified as being suitable for disposal by public 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 shown. The parcels are difficult and uneconomical to manage as part of the public lands and are not suitable for management by another Federal department or agency. The sale is consistent with Bureau planning efforts, and the public interest will be served by offering these parcels for sale.

The following parcels of land will be offered for sale using modified competitive bidding procedures (43 CFR 2711.3–2).

Serial No. and designated bidder	Legal description	Acreage	Value
OR 37197, Mr. & Mrs. Richard Troon, Mr. & Mrs. Melvin Saul, Mr. & Mrs. Charles W. Sears.	T. 37 S., R. 4 W., WM, sec. 31; Lot 1.	0.78	$400
OR 37198, Mr. & Mrs. Richard Troon, Mr. & Mrs. Melvin Saul, Mr. & Mrs. Gerald E. Kubli, Mr. & Mrs. Charles W. Sears.	T. 37 S., R. 4 W., WM, sec. 31; Lot 1.	4.87	$2,400
OR 37199, Messr. John & Frank Brown, K. & Josephine Kubli, Mr. & Mrs. David Simmens, Mrs. Vance Kubli, Hal Skudstad, Grace Fenner, Marlyn Nelson.	T. 37 S., R. 4 W., WM.	14.77	$4,250

Except for the provisions of section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2740; 43 U.S.C. 1713), the above described lands are hereby segregated from appropriation and the public land laws, including the mining laws.

Modified Competitive Sale Procedure

The sale will be held on December 5, 1984, at 1:00 p.m. in the Medford District's Oregon Room, 3040 Biddle Road, Medford, Oregon 97504.

The parcels serialized as OR 37197, OR 37198 and OR 37199, will be offered for sale by sealed bids only, using modified competitive bidding procedures. Preference rights are being offered to the contiguous landowners, which have been identified as designated bidders. Bids will be accepted only from the designated bidders. To exercise the preference right, the designated bidder must submit a proper bid. Failure to submit a proper bid, at the time of sale will constitute a waiver of the preference right. No bid will be accepted for less than the appraised value.

Sealed bids must be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Department of the Interior—BLM for not less than thirty percent (30%) of the amount bid. The sealed envelope must be clearly marked "Bid for Public Land Sales, Sale Parcel No. OR 3719——Jackson County, Oregon, December 5, 1984.

If two or more envelopes are received containing valid bids of the same amount, the successful bid will be determined by drawing. The drawing will be held by the authorized officer immediately following the opening of the bids.

The successful bidder will be required to pay the remainder of the sale price within 180 days. Failure to submit the full sale price within 180 days will disqualify the apparent high bidder and the thirty percent (30%) will be forfeited and disposed of as other receipts of the sale. The land will then be offered to the next highest bidder.

All bids will be either returned, accepted, or rejected within 30 days of the sale date according to 43 CFR 2711.3–1(f)(g). If the parcels are not sold they will be withdrawn from public sale.

Sealed bids, delivered or sent by mail, must be received at the BLM, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504 before 11:30 a.m., December 5, 1984.

Federal law requires that all bidders be U.S. citizens, 18 years of age or more, a state or state instrumentality authorized to hold property, or in the case of corporations, be authorized to own real estate in the state in which the sale is offered.

Terms and Conditions

Patents issued as a result of the sale will be subject to all valid existing rights and will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals will be reserved to the United States (43 U.S.C. 1719).

3. Parcel serialized Number OR 37199 (Lot 9) will be subject to a reservation for Jackson County's Kubli Road (43 U.S.C. 1719).

Detailed information concerning the sale, including the planning documents, environmental assessment, land report and fair market appraisal, is available for review at the Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504, or by calling Ward Brookwell, Area Realty Specialist, (503) 776–4274.

For a period of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action. Comments shall reference Serial Numbers of the parcels. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: September 28, 1984.

David W. Taylor,

Acting District Manager.

[FR Doc. 84–26354 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–33–M

Minerals Management Service

Development Operations Coordination Document; Chevron, U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4410, Block 553, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on September 27, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9:00 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 27, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–26352 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given the Exxon Company, U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 2560, Block 630, West Cameron Area, Offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on September 27, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendment of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Services makes information contained in DOCDs available to affected states, executive of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 27, 1984

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–26351 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Gettysburg National Military Park, PA; Sale of Real Property

AGENCY: Gettysburg National Military Park, National Park Service, Interior.

ACTION: Notice of sale of real property.

SUMMARY: This notice publishes the intent of the National Park Service to solicit bids for the sale, with deed restrictions, of land and improvements within the boundary of Gettysburg National Military Park, Gettysburg, PA.

DATE: The sales solicitation will be issued on or about October 15, 1984 with sealed bids due on or about November 5, 1984.

ADDRESS: Contracting Officer, National Park Service, Gettysburg National Military Park, Gettysburg, PA 17325.

FOR FURTHER INFORMATION CONTACT: Anna Lacher-May, Contracting Officer, Gettysburg National Military Park, Gettysburg, PA 17325, (717) 334–1124.

SUPPLEMENTARY INFORMATION: The following additional information is provided regarding the proposed sale:

Legal Description of the Property

"Red Patch (Dillman House) is within Gettysburg National Military Park, at 64 S. West Confederate Avenue Gettysburg, PA.

Its Boundaries are as Follows:

Beginning at a U.S. marker at corner of lands of State Armory and West Confederate Avenue; thence along West Confederate Avenue North 12½ degrees East, 150 feet to an iron pin at corner of lands of Roy Enock, thence along said lands of Roy Enock South 74 degrees East, 277.5 feet to a stake at corner of lands of Lida Hooper Kepner; thence along lands of the said Lida Hooper Kepner South 13½ degrees West, 150 feet to a stake at corner of lands of State Armory; thence along said lands of State Armory; thence along said lands of State Armory North 74 degrees West, 274.6 feet to the U.S. marker, the place of

beginning. Contains 0.96 acre, more or less.

The interest is being sold in fee subject to the following deed restrictions:

The purpose of these restrictions is to perpetuate and preserve the architecturally significant facade and surrounding grounds of the structure known as Red Patch. Restrictions hereby imposed upon the use of the described land (Tract 03–105) and the acts which said grantee so covenant to do and to refrain from doing upon said land are set forth as follows:

1. The use of these lands and buildings, including such outbuildings and gardens incidental thereto, shall be limited to one or a combination of the following purposes: Single or multiple family residence; Professional offices; Youth hostel; or Tourist lodge or; Bed and Breakfast: accommodations.

2. Interior design and layout may be changed, improved, or reconstructed to accommodate the above permitted uses by the grantee.

3. Routine and necessary maintenance will be performed on Red Patch to perpetuate, in good condition, the existing exterior appearance of the building provided that no significant change in any original (1900) architectural feature is made without written permission of the Superintendent. New Materials may be used to replace in-kind any deteriorated, exterior structural features. Restoration of the historic, exterior appearance, including paint scheme, is encouraged after required consultation with the Superintendent.

4. If the dwelling is destroyed or rendered uninhabitable by fire or any other reason, the National Park Service retains the option of its discretion to repurchase all the grantee's right, title, and interest in these lands in the event the grantee does not wish to reconstruct the exterior of Red Patch to its previous appearance.

5. If the dwelling is destroyed or rendered uninhabitable and the grantee wishes to reconstruct the exterior to its previous appearance in the same location, all construction drawings must be approved by the Superintendent in writing before any work begins. During the clean up and construction period, not to exceed one year, a trailer or other temporary dwelling may be placed upon the land for residential purposes.

6. The land shall be maintained in its present acreage and not be split or subdivided into smaller parcels.

7. No new structures or outbuildings may be constructed or installed without the approval of the Superintendent.

8. There shall be no rights-of-way for access or for any other purpose constructed, maintained, or developed into, on, over, under, and across these lands except as used in connection with permitted uses by the grantee.

9. No public utilities, installations or facilities shall be placed on the land, except the construction and maintenance of facilities usual to normal domestic and residential property.

10. These lands and buildings shall at all times be kept in a neat and orderly condition, and no garbage, trash, inoperative motor vehicles, sewage, and other unsightly, offensive, or noxious material shall be allowed to accumulate thereon.

11. No sign, billboard, or outdoor advertising shall be displayed or placed upon the land except for signs not larger than one square foot indicating residence or notice of private or restricted access, and one sign not greater than 36" x 50" erected for the following purposes:

(a) To advertise an activity permitted in paragraph I above, (b) to advertise the property for sale or rental, and (c) to advertise products raised thereon on appropriate occasions. In addition, the following shall be adhered to: (a) No animated, neon, revolving signs;

(b) Illumination shall be indirect or shielded to prevent glare;

(c) No free standing sign shall be more than 9 feet high overall; and

(d) Signs shall be at least 14 feet from any vehicle right-of-way and not obstruct clear view of traffic; (e) No sign shall hinder free ingress or egress from any door, window, or fire escape. Any exceptions to these requirements, and all sign designs must be approved in writing by the Superintendent.

12. No mineral or oil and gas or similar development shall be allowed on the land, and no topsoil, sod, gravel, or other resources thereof shall be removed for sale or use off the premises.

13. The general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made without prior approval of the Superintendent.

14. The Superintendent or his authorized representative, shall be permitted, at reasonable times and upon prior appointment with the grantee, to enter upon said lands in order to ascertain compliance with the restrictions and covenants of this instrument.

15. Any action requiring the approval of the Superintendent shall be acted upon within 30 days of receipt of the written request. If no response is sent by registered mail, within 30 days, the grantee may consider the request approved. All approvals required shall be obtained from the Superintendent, Gettysbury National Military Park, Gettysburg, Pennsylvania, 17325.

The fair market value of this interest is $55,000. Bids below the fair market value will not be accepted.

Appointments to see the interest or to review the government's appraisal may be made with: Ms. Anna Lacher-May, Gettysburg National Memorial Park, Gettysburg, Pennsylvania 17325; Telephone (717) 334–1124.

No former owner has a preference right to this interest.

Each bid must be accompanied by an earnest money deposit of 10% of the amount of the bid.

The interest is offered for sale on an *"ALL CASH BASIS ONLY"* and the successful bidder will be required to tender full payment within sixty (60) days after notification by the National Park Service of acceptance of the offer.

All terms and conditions of the sale will be included in the sales solicitation.

Dated: September 26, 1984.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 84–26383 Filed 10–3–84; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30551]

Chicago South Shore and South Bend Railroad—Securities Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11301 the conversion by Chicago South Shore and South Bend Railroad of its issued and outstanding common stock and the issuance of $5 million in preferred stock and a promissory note in a principal amount of $20 million.

DATES: This exemption will be effective on September 28, 1984. Petitions to reopen must be filed by October 24, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30551 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Paul A. Cunningham, Pepper, Hamilton & Scheetz, 1777 F Street, N.W., Washington, DC 20006.

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: September 28, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Strenio. Commissioners Lamboley and Strenio did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84–26332 Filed 10–3–84; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30554]

Iowa Interstate Railroad, Ltd.—Lease and Operate—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts Iowa Interstate Railroad, Ltd. from the requirements of: (1) 49 U.S.C. 10901, in connection with its proposed lease and operation and subsequent purchase of approximately 552 miles of rail line, accessory branches, and overhead operating rights between Blue Island, IL, and Council Bluffs, IA; and (2) 49 U.S.C. 11301, in connection with its proposed issuance of securities and assumption of obligations.

DATES: This exemption is effective on September 28, 1984. Petitions to reopen are due on October 24, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30554 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Harold L. Kaplan, Mayer, Brown, & Platt, 231 South LaSalle St., Chicago, IL 60604.

FOR ADDITIONAL INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or dial 289–4357 (DC Metropolitan area), or toll free (800) 424–5403.

Decided: September 28, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio. Commissioners Lamboley and Strenio did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84–26333 Filed 10–3–84; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-44X]

Missouri Pacific Railroad Company—Abandonment—Between Natchez, MS and Vidalia, LA

On July 10, 1984, Missouri Pacific Railroad Company (MP) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*, to abandon railroad service from Natchez, MS, over the Mississippi River, to Vidalia, LA. MP stated that: (1) at Vidalia, the tracks extended between mileposts 651.6 and 652.1, and between mileposts 0.0 and 0.6, a total distance of 1.1 miles; (2) car ferry operations occurred over about 1 mile of the Mississippi River; and (3) at Natchez, the tracks extended between mileposts 0.0 and 2.1, between mileposts 0.4 and 1.3, and between mileposts 0.0 and 0.4, a total distance of 3.4 miles. MP certified that no local traffic moved over any of the line segments for at least 2 years and that any overhead traffic could be rerouted over other lines.

On July 30, 1984, the Commission served a Notice of Exemption that permitted MP to abandon the line segments without filing an application under 49 U.S.C. 10903–04. The exemption was effective on August 29, 1981.[1]

On August 28 and 29, 1984, respectively, the Commission received letters from the Brotherhood of Locomotive Engineers and MP stating that the segment of track in Natchez between mileposts 0.0 and 2.1 did not meet the exemption criteria because local traffic had moved over the line within the past 2 years. MP requested that the Commission issue a modified Notice of Exemption to exclude the 2.1-mile segment from exemption authorization. On September 10, 1984, the Mississippi Public Service Commission (MPSC) submitted a letter stating that the Commission was obligated to dismiss MP's entire notice of exemption under the rules governing the processing of exempt abandonments. MPSC also requested that MP be barred from taking any action to abandon the involved lines in the future. MP replied, arguing that for a number of reasons, only the 2.1-mile segment should be deleted from exemption authorization, and that the rules do not bar it from filing appropriations notices in the future.

49 CFR 1152.50(d)(3) states: "If the notice of exemption contains false or misleading information, the use of this exemption is void *ab initio* and the Commission shall *summarily reject* the exemption notice." (Emphasis added.)

The rules governing abandonment exemptions for out of service lines do not provide for partial rejection of erroneously filed notices of exemption nor, conversely, for publication of a modified notice when false information in the original notice is discovered. *See Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983). Accordingly, MP's notice of exemption filed July 10, 1984, is rejected, and the Commission's Notice of Exemption served July 30, 1984, is void.

MP may file a new notice of exemption to abandon the lines that have been involved in this proceeding. The regulations do not bar MP from filing a single notice of exemption to abandon more than one line segment, nor do they bar MP from filing (at one time) a series of individual notices to abandon related line-segements.

This notice is effective upon publication.

Decided: September 24, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84–26334 Filed 10–3–84; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 388 (Sub-26)]

Intrastate Rail Rate Authority—Oklahoma

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Decision.

SUMMARY: The Commission has extended the provisional certification of the Oklahoma Corporation Commission under 49 U.S.C. 11501(b) to regulate Oklahoma intrastate rail transportation. This extension will permit Oklahoma to modify its standards and procedures as required by the full decision.

DATE: Oklahoma's provisional certification will expire December 3, 1984, unless prior to that date Oklahoma files the required revised standards and procedures.

[1] On August 29, 1984, the Commission denied a petition filed by the Mississippi Public Service Commission to stay and reconsider the exemption.

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: September 26, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners, Sterrett, Gradison, Simmons, Lamboley, and Strenio. Commissioner Simmons dissented in part with a separate expression. Commissioners Lamboley and Strenio did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84–26335 Filed 10–3–84; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-214)]

Burlington Northern Railroad Co.; Abandonment in Whitman County, WA and Latah County, ID; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon a line of railroad extending from milepost 75.66 near Palouse, WA to milepost 82.68 near New Viola, ID, a total distance of 7.02 miles in Whitman County, WA and Latah County, ID. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

James H. Bayne,

Secretary.

[FR Doc. 84–26478 Filed 10–3–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Applied Research Grants; Notice of Solicitations

The National Institute of Justice is soliciting proposals for applied research grants in the following areas:

Programs	Due dates (1985)
Crime Control Theory and Policy	Jan. 9 and May 15.
Drugs, Alcohol and Crime	Jan. 16 and May 22.
Violent Criminal Behavior	Jan. 23 and June 5.
Classification Prediction, Methodology Development.	Jan. 30 and June 12.

Multiple awards are planned in each area. Descriptions of the programs and the application processes may be obtained from the National Criminal Justice Reference Service. Interested organizations should write to: NCJRS, P.O. Box 6000, Rockville, Maryland 20850. Attn: Program Solicitations.

Dated: September 28, 1984.

James K. Stewart,

Director.

[FR Doc. 84–26345 Filed 10–3–84; 8:45 am]

BILLING CODE 4410–18–M

Drug Enforcement Administration

[Docket No. 83–35]

Darrow Drug, Inc.; Revocation of Registrations

On October 26, 1983, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Darrow Drug, Inc. (Respondent) of 400 West Chelton Avenue, Philadelphia, Pennsylvania 19144, an Order to Show Cause proposing to revoke Respondent's DEA Certificate of Registration AD2458140. The statutory predicate for the proposed action was the controlled substance-related felony conviction of Theodore Ain, R.Ph., the owner of Darrow Drug, Inc. Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause.

The hearing in this matter was held in Washington, D.C. on April 5, 1984. Administrative Law Judge Francis L. Young presided. During the prehearing phase, Judge Young granted a motion made by Government counsel that the proceedings include consideration of DEA Certificate of Registration AD2454940 issued January 18, 1984, in response to an application submitted on behalf of Respondent pharmacy by Florence S. Ain, wife of Theodore Ain.

On June 18, 1984, Judge Young issued his opinion and recommended findings of fact, conclusions of law, ruling and decision. In compliance with 21 CFR 1316.65(b), as amended, copies of the Administrative Law Judge's opinion were served on the Respondent and Government counsel. On July 9, 1984, the Respondent filed exceptions to Judge Young's opinion. On July 16, 1984, the Administrative Law Judge transmitted the record of these proceedings, including Respondent's exceptions, to the Administrator. The Administrator has considered this record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that the Pennsylvania Bureau of Narcotic Investigations and Drug Control (Bureau) began an investigation of Preludin (phenmetrazine) diversion in Philadephia in January 1980. Preludin is a Schedule II controlled substance. On March 20, 1981, an undercover agent of the Bureau and a proven reliable informant approached a woman who became an unwitting participant in the investigation. It was agreed that she would obtain 1,000 Preludin tablets for them at a cost of $4.00 each. On March 27, 1981 and April 9, 1981, the undercover agent and the informant picked up the woman, and drove her, at her direction, to Respondent pharmacy. Each time, she entered the pharmacy, went to the pharmacy counter and met with Theodore Ain. On both occasions, Agents observed Ain hand the woman a brown paper bag later found to contain 500 Preludin tablets. On neither occasion did she present a prescription for Preludin to Theodore Ain.

The Administrative Law Judge further found that between mid-June and early-August of 1981, an agent of the Bureau conducted an audit of the Preludin records at Darrow Drug. Respondent pharmacy did not have the biennial inventory of its Schedule II controlled substances, which it is required to have by DEA regulations. Therefore, the agent assigned a zero base initial inventory for purposes of conducting the audit. Using official DEA order forms and invoices from the wholesale drug company that supplied Darrow Drug, the agent determined that the pharmacy should have been able to account for 31,000 dosage units of Preludin received during the period June 11, 1979 to June 11, 1981. The agent reviewed the prescriptions for Preludin on file at Respondent pharmacy, evidencing lawful sales of the drug, and counted the quantity of it on hand on June 11, 1981. The result showed a shortage of 19,380 Preludin tablets or 62% of the total number for

which the pharmacy was accountable. During the audit, it was also noted that there were no prescriptions for Preludin in the pharmacy's files in the name of the woman who obtained the drug for the undercover agent.

On November 23, 1981, Theodore Ain, R.Ph. was convicted in the Philadelphia Municipal Court, Commonwealth of Pennsylvania, of two counts of illegal delivery of controlled substances in violation of Pennsylvania law. These are felony convictions relating to controlled substances. Therefore, there is a lawful basis for the revocation of Respondent's registration. 21 U.S.C. 824(a)(2). DEA has consistently held that the registration of a corporate registrant may be revoked upon a finding that a natural person who is an owner, officer or key employee, or who has some responsibility for the operation of the registrant's controlled substance business, has been convicted of a felony offense relating to controlled substances. See: *Lawson & Sons Pharmacy and Fenwick Pharmacy*, 48 FR 16140 (1983); *Homestead Pharmacy of Boston, Inc.*, Docket No. 83–33, 49 FR 7304 (1984); *Drug Mart, Inc.*, Docket No. 83–17, 49 FR 13928 (1984); *Bourne Pharmacy, Inc.*, Docket No. 83–32, 49 FR 32816 (1984).

Judge Young noted that at the time of Ain's illegal sales of Preludin, Ain owned 45% of the stock of the Respondent pharmacy, his wife, Florence owned 45% and the remaining 10% was owned by Theodore Ain's mother. Ain transferred his 45% of the stock to his wife after his arrest. Consequently, Florence Ain now owns 90% of the stock while Theodore Ain's mother owns 10% of it. According to Mr. Ain, his wife now runs the store. Mr. Ain goes to the pharmacy occasionally to help out when needed, but he does not work as a pharmacist. There is a new registered pharmacist who is now the managing pharmacist of Darrow Drug. Judge Young believed however that it is quite likely that Mr. Ain will continue to be active in the operation of Respondent pharmacy. Mr. Ain did not indicate any planned activity or occupation which will keep him out of the pharmacy or otherwise engaged.

At the hearing in this matter, Theodore Ain stated that Darrow Drug is an asset to the community. It is located in a high-crime area and is one of the few general service pharmacies open after 7:00 p.m. in Philadelphia. Theodore Ain has no record of any other problem with his handling of controlled substances with the State, city or any other regulatory agency except for the instances mentioned previously.

Mr. Ain admitted that he sold some quantity of controlled substances to the aforementioned woman, but claims that he did so only out of fear for his own safety and that of his family. Mr. Ain testified that the woman who obtained the Preludin and her male companion had threatened him and that he had been assaulted. The Administrative Law Judge concluded that this indicates that Mr. Ain, the person responsible for handling the controlled substances at Darrow Drug, has been unable in the past to exercise effective control in this high-crime area. Judge Young stated that there was no showing that Mrs. Ain or the present pharmacist, is any more willing or able to stand up to such threats and assaults in the future than Mr. Ain was in the past. Judge Young further stated that whether Mr. Ain illegally sold dangerous drugs out of fear, or whether he did it for profit, controlled substances should no longer be available in this particular high-crime area pharmacy. Accordingly, the Administrative Law Judge recommended that the registrations of Darrow Drug be revoked.

After reviewing Judge Young's recommendation and Respondent's exceptions, the Administrator believes that Respondent pharmacy's registrations must be revoked. The Administrator adopts the recommended rulings, findings of fact, conclusions of law and decision of the Administrative Law Judge in their entirety. The Administrator accords no weight at all to the testimony of Theodore Ain that he sold the Preludin on these occasions out of fear. Mr. Ain can hardly be believed, given the huge quantity of Preludin for which the pharmacy could not account and the fact that the Preludin was in a paper bag ready for sale when the woman appeared on March 27 and April 9, 1981. The Administrator agrees with the Administrative Law Judge that Ain's statements were often vague and his answers often evasive, deomonstrating a remarkably selective memory.

Having concluded that there is a lawful basis for the revocation of Respondent pharmacy's registrations, and having further concluded that under the facts and circumstances presented in this case the registrations should be revoked, 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 Certificates of Registration AD2458140 and AD2454940, previously issued to Darrow Drug, Inc., be, and they hereby are, revoked, effective November 5, 1984.

Dated: October 1, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84–26363 Filed 10–3–84; 8:45 am]

BILLING CODE 4410–09–M

Bureau of Prisons

Modification to List of Bureau of Prisons Institutions

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice.

SUMMARY: Attorney General Order No. 646–76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. Attorney General Order No. 960–81, Reorganization Regulations, published in the **Federal Register** October 27, 1981 (at 46 FR 52339 et seq.) delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(r), the authority to establish and designate Bureau of Prison institutions. A consolidated listing of Bureau institutions was published in the **Federal Register** March 5, 1982 (at 47 FR 9754). Amendments to this listing were published in the **Federal Register** October 21, 1983 (at 48 FR 48975) and April 30, 1984 (at 49 FR 18388). An updated, consolidated list is being published at this time. Modifications to the previous listings include designating a Federal Prison Camp at Duluth, Minnesota, a Federal Correctional Institution at Loretto, Pennsylvania, and a Federal Medical Center at Rochester, Minnesota.

EFFECTIVE DATE: Federal Prison Camp, Duluth, Minnesota—October 12, 1983; Federal Correctional Institution, Loretto, Pennsylvania—October 31, 1984; Federal Medical Center, Rochester, Minnesota—October 15, 1984.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, 320 First Street N.W., Washington, D.C. 20534 (202–724–3062).

SUPPLEMENTARY INFORMATION: This notice is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Section 1(a).

By virtue of the authority vested in the Attorney General in 18 U.S.C. 4001, 4003, 4042, 4081, and 4082 and delegated to the Director, Bureau of Prisons by 28 CFR 0.96(r), it is hereby ordered as follows:

The following institutions are established and designated as places of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with

or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

A. The Bureau of Prisons institutions at the following locations are designated as U.S. Penitentiaries:

(1) Atlanta, Georgia;
(2) Levenworth, Kansas;
(3) Lewisburg, Pennsylvania;
(4) Lompoc, California;
(5) Marion, Illinois; and
(6) Terre Haute, Indiana.

B. The Bureau of Prisons institutions at the following locations are designated as Federal Correctional Institutions:

(1) Alderson, West Virginia;
(2) Ashland, Kentucky;
(3) Bastrop, Texas;
(4) Butner, North Carolina;
(5) Danbury, Connecticut;
(6) El Reno, Oklahoma;
(7) Englewood, Colorado;
(8) Fort Worth, Texas;
(9) La Tuna, Texas;
(10) Lexington, Kentucky;
(11) Loretto, Pennsylvania;
(12) Memphis, Tennessee;
(13) Milan, Michigan;
(14) Morgantown, West Virginia;
(15) Otisville, New York;
(16) Oxford, Wisconsin;
(17) Petersburg, Virginia;
(18) Pleasanton, California;
(19) Ray Brook, New York;
(20) Safford, Arizona;
(21) Sandstone, Minnesota;
(22) Seagoville, Texas;
(23) Talladega, Alabama;
(24) Tallahassee, Florida;
(25) Terminal Island, California; and
(26) Texarkana, Texas.

C. The Bureau of Prisons institutions at the following locations are designated as Federal Prison Camps:

(1) Allenwood, Pennsylvania;
(2) Big Spring, Texas;
(3) Boron, California;
(4) Duluth, Minnesota;
(5) Eglin Air Force Base, Florida; and
(6) Maxwell Air Force Base/Gunter Air Force Station, Montgomery, Alabama.

D. The Bureau of Prisons institutions at the following locations are designated as Metropolitan Correctional Centers:

(1) Chicago, Illinois;
(2) Miami, Florida;
(3) New York, New York;
(4) San Diego, California; and
(5) Tucson, Arizona.

E. The Bureau of Prisons institution at Springfield, Missouri is designated as the U.S. Medical Center for Federal Prisoners.

F. The Bureau of Prisons institution at Rochester, Minnesota is designated as the Federal Medical Center.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 84-26338 Filed 10-3-84; 8:45 am]

BILLING CODE 4410-05-M

MERIT SYSTEMS PROTECTION BOARD

Publication of Decisions of the United States Merit Systems Protection Board, Volume 12 (October 1, 1982 Through December 31, 1982)

AGENCY: Merit Systems Protection Board.

ACTION: Notice of Issuance of Volume 12, Board Decisions Volumes.

SUMMARY: The Board announces the publication of the 12th in its series of indexed decisions volumes which may be purchased through the Superintendent of Documents.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: Ada R. Kimsey, Merit Systems Protection Board, (202) 653-8891.

SUPPLEMENTARY INFORMATION: Included in this hard-cover book are Board final orders and precedential interlocutory orders, indexed under the MSPB key-number system. To purchase the volume, contact the Superintendent of Documents, Government Printing Office, Washington, DC 20401. The Stock Number is 062-000-00017-1 and the cost $16. Earlier volumes are out of print except for Volumes 5-7 (January through September 1981), Stock Number 062-000-00011-2, $40 for the three. Volume 13 is being printed and will be announced in the **Federal Register** when available.

Other Board publications include *The Digest*, a monthly summary and listing of opinions and orders, and "Federal Employee Appeals Decisions," quarterly microfiche and paper index of initial decisions issued in the regional offices. Further, the Board has published a special edition of initial decisions resulting from the air traffic controller strike of 1981: "Federal Employee Appeals Decisions, Air Traffic Controller Cases." This one-time special issuance of microfiche is accompanied by a paper index consisting of a subject section and lead-case section. To subscribe to *The Digest* at $21 per year, contact the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (Stock Number 062-000-80001-1).

To purchase the quarterly microfiche at $150 per year, contact the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (Stock Number PB84-922700). The special edition of air traffic controller cases is also available at $150 from NTIS (Stock Number PB83-922750).

In addition, visitors may view orders, initial decisions, the published volumes, and *The Digest* in the library at MSPB headquarters, 1120 Vermont Ave., N.W., Washington, D.C. 20419.

Dated: September 29, 1984.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 84-26315 Filed 10-3-84; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL SCIENCE FOUNDATION

Minority Research Initiation Program; Announcement

AGENCY: National Science Foundation.

ACTION: Notice of program announcement (NSF 84-75).

SUMMARY: This notice sets forth the program announcement for the National Science Foundation's Minority Research Initiation (MRI) Program.

EFFECTIVE DATE: This Announcement supersedes the Minority Research Initiation Program Announcement (NSF 80-42). Changes incorporated here represent extensions and additions to the earlier program announcement rather than changes in program orientation. This announcement should be used in preparing all future MRI proposals submitted to NSF as of the date of this publication.

FOR FURTHER INFORMATION CONTACT: Dr. Roosevelt Calbert, Program Director, Minority Research Initiation, Room 1144, Division of Research Initiation and Improvement, National Science Foundation, Washington, D.C. 20550 (202/357-7350).

SUPPLEMENTARY INFORMATION: The National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), authorizes the National Science Foundation to initiate and support scientific research and programs to strengthen scientific research potential

Minority Research Initiation

The National Science Foundation's mandate to ensure the vitality of the Nation's scientific enterprise includes responsibility for the quality, distribution and effectiveness of the human resource base in science and engineering. The Minority Research Initiation (MRI) program is part of the

Foundation's overall effort to promote full utilization of all highly qualified scientists and engineers. The objectives of MRI are to encourage the establishment of independent research projects by minority scientists and engineers and to increase the participation of minority researchers in all programs of the Foundation.

The MRI program accepts research proposals in all scientific and engineering disciplines supported by the Foundation.[1] Prospective investigators are encouraged to discuss the process of developing proposals with the MRI program director and the NSF program officers in the research disciplines.

The Foundation's discipline-focused research programs manage the peer review process for MRI proposals and help monitor MRI awards. In addition, investigators meet with program officers in their disciplines at least once during the duration of the award. Through this procedure, MRI provides an entry point to the principal research support activities of the Foundation.

Eligibility

Proposals may be submitted to the MRI program by minority scientists and engineers who (a) hold full-time faculty or research-related positions at colleges or universities in the United States, its possessions and territories and (b) have not previously received Federal research support as faculty members. Previous research support in such non-faculty positions as faculty associate, post-doctoral associate or graduate research assistant does not exclude an applicant from eligibility. The term "minority" as used in this program announcement refers to those ethnic minority groups that are significantly underrepresented in advanced levels of science and engineering, i.e., Blacks, Native Americans, Mexican Americans, Puerto Ricans, Alaskan Natives (Eskimo or Aleut), and Native Pacific Islanders (Polynesian or Micronesian). Investigators must be nationals of the United States.[2] Those who have questions about their eligibility for this program should call the MRI Program Director at (202) 357–7492.

The Foundation welcomes proposals on behalf of all eligible scientists and engineers, and strongly encourages eligible women, minorities, and physically handicapped persons to compete fully in this and all NSF programs.

Award Size and Duration

Research initiation projects normally will be supported for a period up to three years and may be extended for up to two additional years of support without additional peer review, if warranted by evidence of publications, invited lectures, seminars or other outcomes demonstrating the significance and promise of the research to date.

There is no upper limit on the size of MRI grants. However, the size of awards will be consistent with the general level of awards in the Foundation's research programs in the relevant disciplines.

Research initiation grants are nonrenewable. Subsequent proposals must be submitted directly to the appropriate disciplinary research programs.

Proposal Preparation and Submission

General

Proposals submitted in response to this announcement should be prepared in accordance with instructions in the NSF booklet *Grants for Scientific and Engineering Research* (NSF 83–57), using copies of the forms included in its appendices II–IV. This publication, and the NSF *Guide to Programs*, which briefly describes the foundation's research programs, are available at most institutions or may be obtained without cost by callling (202) 357–7861 or by writing to: Forms and Publications Unit, Room 232, National Science Foundation, Washington, D.C. 20550.

Cover Page

The cover page of proposals should include the following statement at the top: "This Proposal is in Response to the Minority Research Initiation Progam Announcement." In addition, under the cover page heading "For Consideration by NSF Organizational Unit," the applicant should specify *both* MRI and the appropriate disciplinary research program.

Eligibility Statement

On a separate sheet, placed immediately after the proposal cover page, each applicant must sign a statement that he or she meets the eligibility requirements set forth in the MRI program announcement.

Department Head Statement

The MRI proposal must contain a signed statement by the Department Head indicating: an endorsement of the research initiation application, the normal full-time teaching load of the applicant during the past academic year at the present institution, the anticipated teaching load during the grant duration, and an assurance that the investigator will have the research time and other resources necessary to accomplish the goal of the proposed project.

Budget

MRI awardees will meet with the program officers in their research discipline at least during the duration of the award. The budget should include a line item for a two-day trip to Washington, D.C. Per diem should be requested in accordance with institutional policies, or in the absence of such policies, at the rate of $75 per day. Support may also be requested for travel to professional meetings or conferences that would enhance the investigator's ability to perform the research, plan extensions of it, or disseminate its results.

Proposal Submission

Twenty copies of the proposal (including the copy bearing signatures) are to be mailed in a single package to:

Data Support Services Section
Attention: MRI
National Science Foundation
Washington, D.C. 20550

No specific deadlines or target dates apply to proposals submitted under this announcement. Applicants are advised that reviewing and processing of proposals normally require 6 to 9 months.

Proposal Evaluation

NSF program officers in the disciplines of the proposed research will arrange for peer review of proposals, in accordance with usual NSF standards and procedures. (See *Grants for Scientific and Engineering Research* for description of standard proposal evaluation criteria.) Final award recommendations will be made by the MRI program director based on review results, recommendations of NSF program officers, and relative merit (a) between competing MRI proposals in specialized areas and (b) between all competing MRI proposals.

After final decisions are made, verbatim copies of reviews, excluding

[1] NSF will not normally support research on the etiology, diagnosis, or treatment of physical or mental disease, abnormality, or malfunction in human beings or animals. Animal models of such conditions, the development and testing of drugs, or other procedures for their treatment also generally are not eligible for Foundation support. Investigators are encouraged to contact the MRI program director, if uncertain whether the proposed research could be funded by the Foundation.

[2] The term "national of the United States" designates a citizen of the Unites States or a native resident of a prossession of the United States, such as American Samoa. It does not refer to a citizen of another country who has applied for United States citizenship.

identity of reviewers, will be mailed to each investigator.

NSF Grant Policies and Procedures

MRI grants are administered in accord with the terms and conditions of NSF F.L. 200, *Grant General Conditions*, copies of which may be requested from the NSF Forms and Publications Unit. More comprehensive information is contained in the NSF *Grant Policy Manual (Revised)*, available through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

In the event that the submitting organization has never been the recipient of an NSF award, it is recommended that appropriate administrative officials become familiar with the NSF policies and procedures contained in the NSF *Grant Policy Manual*, which are applicable to most NSF awards. If a proposal is recommended for an award, the NSF Division of Grant and Contracts will request certain organizational, management, and financial information. These requirements are contained in Chapter III of the *Manual*.

The Foundation provides awards for research in the sciences and engineering. The awardee is wholly responsible for the conduct of such research and preparation of the results for publication. The Foundation, therefore, does not assume responsibility for such findings or their interpretation. See appropriate sections of the *Grant Policy Manual* for required acknowledgements and disclaimer statements.

MRI Inquiries

General inquiries concerning the MRI program should be made to the MRI Program Director, Division of Research Initiation and Improvement, Room 1144, National Science Foundation, Washington, D.C. 20550; telephone (202) 357–7350.

In accordance with Federal statutes and regulations and NSF policies, no person on grounds of race, color, age, sex, national origin, or physical handicap shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity receiving financial assistance from the National Science Foundation.

The National Science Foundation has TDD (Telephone Device for the Deaf) capability which enables individuals with hearing impairment to communicate with the Division of Personnel and Management for information relating to NSF programs, employment, or general information. This number is (202) 357–7492.

Inquiries relating to the specific area of research should be directed to the cognizant NSF program officer. A directory of Foundation research programs may be found in Appendix VIII of *Grants for Scientific and Engineering Research* and in NSF *Guide to Programs*.

Other Programs of Interest

Program	Telephone (area code 202)
Research Improvement in Minority Institutions (RIMI)	357–7350
Small College Faculty Research Opportunity Awards (ROA)	357–7456
Research Opportunities for Women (ROW)	357–7734
NSF Visiting Professorships for Women (VPW)	357–7734
Presidential Young Investigator Awards (PYI)	357–7536
Research at Undergraduate Institutions (RUI)	357–7456

(The Catalog of Federal Domestic Assistance number for this program is 47.057, Minority Research Initiation)

Dated: October 1, 1984.

Dr. Alexander J. Morin,

Director, Division of Research Initiation and Improvement, National Science Foundation.

[FR Doc. 84–26372 Filed 10–3–84; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Physics; 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 Physics.

Date and time: October 22, 1984: 10:00 a.m.–6:00 p.m. (Open); October 23, 1984: 8:30 a.m.–Noon (Closed); 1:00 p.m.–5:00 p.m. (Open).

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550. Room 540 each day.

Type of meeting: Part Open.

Contact person: Dr. Marcel Bardon, Director, Division of Physics, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7985.

Summary of minutes: May be obtained from Mrs. Phyllis Hurley, Division of Physics, National Science Foundation, Washington, D.C. 20550.

Purpose of Committee: To provide advice and recommendations concerning support for research in physics.

Agenda

October 22, 1984

10:00 a.m.–6:00 p.m. (Open).—Discussion of surveys of subdisciplines of physics and priorities among them.

October 23, 1984

8:30 a.m.–Noon (Closed).—Discussion of grants and declinations in the Physics Division.

October 23, 1984

1:00 p.m.–5:00 p.m. (Open).—Continuation of Monday's discussions.

Reason for closing: The Committee will be discussing grants and declinations and peer review documentation pertaining to applicants. These discussions are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: October 1, 1984.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 84–26375 Filed 10–3–84; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Biochemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Biochemistry.

Date: Monday and Tuesday, October 22, and 23, 1984, from 9:00 am to 5:00 pm.

Place: Room 338, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.

Type of meeting: Closed.

Contact person: Arnold Revzin, Program Director, Biochemistry Program, Room 329–D, Telephone: (202) 357–7945.

Purpose of advisory panel: To provide advice and recommendations concerning support for Biochemistry research proposals.

Agenda

To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer

pursuant to provisions of section 10(d) of Pub. L. 463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: October 1, 1984.

Rebecca Winkler,

Committee Management Officer.

[FR Doc. 84-26373 Filed 10-3-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Developmental Psychology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social and Developmental Psychology.

Date and time: October 22-23, 1984: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Jean B. Intermaggio, Program Director, Social and Developmental Psychology, Room 320, National Science Foundation, Washington, D.C. 20550—202-357-9485.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in Social and Developmental Psychology.

Agenda

To review and evaluate research proposal as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d), of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: October 1, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-26374 Filed 10-3-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-304]

The Commonwealth Edison Co., Zion Nuclear Station, Unit 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an extension to the schedular requirements of 10 CFR 50.49 to Commonwealth Edison Company (the licensee), for the Zion Nuclear Station, Unit No. 2, located at the licensee's site in Zion, Illinois.

Environmental Assessment

Identification of Proposed Action

The extension would extend the deadline for final environmental qualification of electrical equipment within the scope of the rule from the end of the 1984 refueling outage to the end of the next refueling outage, scheduled to start September 1, 1985, but in any event, no later than November 30, 1985. The proposed extension is in accordance with the licensee's request dated June 27, 1984.

The Need for the Proposed Action

10 CFR 50.49(g) requires a licensee to complete final environmental qualification of electrical equipment within the scope of the rule by the end of the second refueling outage after March 31, 1982 or by March 31, 1985, whichever is earlier. The refueling outage which ended on July 10, 1984, is the second refueling outage of the Zion Nuclear Station, Unit 2 since March 31, 1982. The June 27, 1984 letter explains how the licensee intends to achieve final qualification of the equipment and describes why the design and procurement time would not permit replacement of the equipment during the 1984 outage.

Environmental Impacts of the Proposed Action

The purpose of the final environmental qualification of electrical equipment required by 10 CFR 50.49 is to ensure that electrical equipment which is needed to achieve safe shutdown or mitigate a reactor accident is capable of performing properly under the environmental conditions which might occur (for example, high temperature and pressure) during an accident. The environmental impact of delaying final qualification is the slightly increased risk of radiological releases during the next approximately twelve months of power operation which could be associated with a reactor accident if the equipment failed due to the accident environment.

To ensure that this risk is minimized and to justify continued operation, the licensee has adopted interim compensatory measures. These measures provide reasonable assurance that an accident would be properly mitigated even though the final qualification of the equipment is not complete. Therefore, this incremental risk is quite low and the releases, if they did occur, would be bounded by releases which have been previously determined as possible consequences for other accidents at the Zion Nuclear Station, Unit 2. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed extension.

The proposed extension does not affect nonradiological plant effluents or other nonradiological environmental impacts. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed extension.

The principal alternative to the proposed action would be to deny the extension and not permit reactor operation until final qualification was complete. Such an action would preclude the insignificant incremental risk described above. However, such denial would result in the loss of approximately twelve months of full power generation, which represents a large adverse impact.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (Operating License) for the Zion Nuclear Station, Unit 2.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed extension.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for extension dated June 27, 1984 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.,

and at the Local Public Document Room, Zion-Benton Public Library, District, 2600 Emmans Avenue, Zion, Illinois 60099.

Dated at Bethesda, Maryland this 25th day of September 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-26369 Filed 10-3-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix R to 10 CFR Part 50 to the Consolidated Edison Company of New York, (the licensee), for the Indian Point Nuclear Generating Plant, Unit No. 2, located in Westchester County, New York.

Environmental Assessment

Identification of Proposed Action

The exemption would relax the technical requirements in the following plant area:

1. Containment Spray Pump Room and Primary Water Makeup Pump Room (Fire Zones 2/2A).
2. Waste Storage and Drumming Station (Zone 6A).
3. Switchgear Room (Zone 14).
4. Screen Well Area (Zone 22).
5. Yard Manhole No. 21.
6. Reactor Coolant Pump—Oil Collection Tanks.
7. Component Cooling Pump Room (Zone 1).
8. Auxiliary Boiler Feed Pump Room (Zone 23).
9. Piping and Electrical Tunnel, Piping Penetration Area (Zone 1A).
10. Charging Pump Room (Zone 5).
11. Corridor (Zone 7A).
12. Valve Room and Stairwell (Zone 13A).
13. Control Room (Zone 15).
14. Valve Room and Corridor (Zones 18A and 3A).
15. Electric Penetration Area (Zone 74A).

The exemption would grant additional time for the installation and testing of emergency lighting.

The exemption is responsive to the licensee's application for exemption dated July 13, 1983, as supplemented by letters dated July 29 and September 29, 1983 and July 5, 1984.

The Need for the Proposed Action

The proposed exemption is needed because the features described in the licensee's request regarding the existing fire protection at the plant for these items are the most practical method for meeting the intent of Appendix R and literal compliance would not significantly enhance the fire protection capability.

Environmental Impacts of the Proposed Action

The proposed exemption will provide a degree of fire protection that is equivalent to that required by Appendix R for the eight areas of the plant such that there is no increase in the risk of fires at this facility. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Indian Point Nuclear Generating Plant, Unit No. 2.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated July 13, 1983 and supplements dated July 29 and September 29, 1983 and July 5, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 28th day of August 1984.

Gus C. Lainas,

Acting Director, Division of Licensing.

[FR Doc. 84-26370 Filed 10-3-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247 and 50-286]

Consolidated Edison Co. of New York, Inc. and Power Authority of the State of New York; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix E to 10 CFR Part 50 to the Consolidated Edison Company of New York and the Power Authority of the State of New York, (the licensees), for the Indian Point Nuclear Generating Plant, Unit Nos. 2 and 3, at the licensees' site in Westchester County, New York.

Environmental Assessment

Identification of Proposed Action

The exemption would permit the extension of the emergency preparedness exercise at the Indian Point Station from March 9, 1984 to November 30, 1984. The proposed exemption is in accordance with the licensees' request for exemption dated April 9, 1984.

The Need for the Proposed Action

10 CFR 50.54(q) requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of § 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F of Appendix E requires each licensee to conduct emergency preparedness exercises at each site at least annually.

By letter dated April 9, 1984, the licensees requested that an exemption be granted from the annual requirements of Section IV.F.1.a, of Appendix E by requesting a one-time extension until at least November 30, 1984 to conduct the 1984 emergency exercise. The licensees based this request for exemption on a full-scale exercise with the State of New York, Putnam County, Orange County, and Westchester County (with the

exception of certain transportation arrangements) on March 9, 1983. In Westchester County, transportation arrangements were satisfactorily demonstrated to FEMA in a separate exercise held on August 23, 1983. On August 24, 1983, another exercise was conducted for the purpose of demonstrating implementation of New York State Department of Health (NYDOH) interim compensating measures for Rockland County.

Environmental Impacts of the Proposed Action

The proposed exemption affects only the scheduling of the annual emergency preparedness exercise and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not differ from those determined previously, the proposed exemption does not otherwise affect facility radiological effluents, or any significant occupational exposures. Likewise, the exemption does not affect facility non-radiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or non-radiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require literal compliance with Section IV.F of Appendix E to 10 CFR Part 50. Such an action would not enhance the protection of the environment and would result in unnecessary expenditure of State and local government resources.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in connection with the Final Environmental Statements relating to this facility. "Final Environmental Statement related to operation of Indian Point Nuclear Generating Plant," September 1972.

Agencies and Persons Consulted

The Commission's staff reviewed the licensees' request, the FEMA finding dated April 24, 1983, the New York State Disaster Preparedness Commission letter dated May 25, 1984, and the New York Public Interest Research Group, Inc. letter dated May 31, 1984. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated April 9, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Bethesda, Maryland this 26th day of September 1984.

For The Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulations.

[FR Doc. 84-26368 Filed 10-3-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering granting of relief from the requirements of Section XI of the ASME Boiler and Pressure Vessel Code as allowed by 10 CFR 50.55a to Tennessee Valley Authority for the Sequoyah Nuclear Plant, Units 1 and 2, located in Hamilton County, Tennessee.

Environmental Assessment

Identification of Proposed Action

The proposed action would provide relief from hydrostatic testing requirements of the ASME Code/Section XI for the deletion of feedwater drain valves and the capping of the 1½" lines. The proposed relief is in response to the licensee's request of July 30, 1984 and September 8, 1984.

The Need for the Proposed Action

Two drain valves are leaking excessively. TVA has concluded these drain valves and several others are unnecessary in the main feedwater system for plant operations. They are to be eliminated and the lines capped. The proposed relief is needed because performing the hydrostatic test after the capping of the lines is impractical to perform. To accomplish the test would require flooding the secondary side of each steam generator along with the 32-inch main steam lines to the outboard isolation valves. Also, the main steam safety and power-operated relief valves would require gagging to perform the test.

Environmental Impacts of the Proposed Action

The proposed relief will provide alternate examinations such that there is adequate assurance of the integrity of the capped lines described in the licensee's request. Consequently, the probability of an accident has not been increased and the post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed relief. With regard to potential non-radiological impacts, the proposed relief involves changes within the restricted area defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed relief.

Alternative Use Of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement for the Sequoyah Nuclear Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed relief.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's letters dated July 30 and September 18, 1984. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Dated at Bethesda, Maryland, this 25th day of September 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-26371 Filed 10-3-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Final Rate Base Determination

Issued: September 28, 1984.

AGENCY: Office of the Federal Inspector (OFI) for the Alaska Natural Gas Transportation System.

ACTION: Final Determination.

FOR FURTHER INFORMATION CONTACT: J. Richard Berman (202) 275-1100.

The Federal Inspector has issued a Final Determination on the expenditures incurred by Northern Border Pipeline Company related to the Eastern Leg of the Alaska Natural Gas Transportation System during the period April 1, 1982 through December 31, 1982. The Final Determination affirms a Tentative Determination issued by the Office of Audit and Cost Analysis on July 30, 1984.

This is a final OFI action under section 202(a) of Reorganization Plan No. 1 of 1979.

Dated: September 28, 1984.

John T. Rhett,

Federal Inspector.

[FR Doc. 84-26376 Filed 10-3-84; 8:45 am]

BILLING CODE 6119-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice permits the withdrawal from warehouse for consumption of a quantity of certain stainless steel bar, presently subject to quota.

EFFECTIVE DATE: September 28, 1984.

FOR FURTHER INFORMATION CONTACT: Maria T. Springer, Office of the United States Trade Representative (202) 395-4946.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provides for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States. Headnote 10(d), part 2A of the Appendix to the Tariff Schedules of the United States (TSUS) authorizes the U.S. Trade Representative to adjust the restraint level for any such steel to be exceeded during any restraint period.

Accordingly, I have determined that an amount not to exceed one and one-quarter short ton of the following stainless steel bar, provided for in Tariff Schedules of the United States (TSUS) item 926.11, may be entered for consumption or withdrawn from Customs bonded warehouse, in excess of the restraint level provided for the period July 20, 1984–October 19, 1984, for the "Other" foreign country category:

Round stainless steel bar, centerless ground, not less than 2.342 millimeters and not more than 2.350 millimeters in diameter, 3 meters in length, containing, in addition to iron, each of the following elements by weight in the amount specified:

Carbon: not less than 0.40 percent not more than 0.47 percent;
Manganese: 0.50 percent
Sulfur: 0.005 percent;
Phosphorus: 0.019 percent;
Silicon: 0.35 percent;
Chromium: not less than 12.0 percent not more than 13.0 percent;
Nickel: 0.30 percent;
Copper: 0.05 percent;
Molybdenum: 0.04 percent;
Aluminum: 0.01 percent;

and certified by the importer of record or the ultimate consignee at the time of entry for use in the manufacture dental burs.

In addition, an identical amount shall be deducted from the quota quantity allocated to the "Other" foreign country category for TSUS item 926.11 for the restraint period October 20, 1984–January 19, 1985. This determination supersedes the provisions of the notice of October 20, 1983 (48 FR 48888), to the extent inconsistent herewith.

William E. Brock,

United States Trade Representative.

[FR Doc. 84-26319 Filed 10-3-84; 8:45 am]

BILLING CODE 3190-01-M

[Docket No. 301-20]

Air Courier Conference of America; Hearing on Proposed Action

The Office of the United States Trade Representative (USTR) has scheduled a public hearing pursuant to sec. 304(b)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2414(b)(1)) for October 24, 1984. The purpose of the hearing will be to provide an opportunity for interested parties to present their views concerning proposed recommendations to the President for action under sec. 301(a) in relation to the issues raised by the petition filed by the Air Courier Conference of America.

On November 7, 1983, USTR decided to initiate an investigation under sec. 301 on the basis of a petition filed by the Air Courier Conference of America (48 FR 52664). The petition alleged that the Argentine postal administration, an istrumentality of the Government of Argentina, restricted the international air transportation of time-sensitive commercial documents and thus acted in a manner that was unjustifiable, unreasonable, or discriminatory and a burden or restriction on U.S. commerce. Under sec. 304(a)(1)(d) USTR is required to make a recommendation as to what, if any, action the President should take in this matter no later than November 7, 1984. Before recommending that the President take action, USTR must provide an opportunity for interested parties to present views. If requested, USTR must hold a public hearing. On September 26, 1984 the petitioner requested USTR to hold such a hearing.

The Section 301 Committee therefore invites interested parties to present their views as to what, if any, action USTR should recommend to the President in this case. The following actions have been proposed by the petitioner:

(1) Termination of the Express Mail Agreement between the U.S. Postal Service and the Argentine postal administration;

(2) Suspension of benefits accruing to Argentina under the Generalized System of Preferences;

(3) Imposition of fees on Encotel or its agents in the performance of services in the United States;

(4) Suspension, withdrawal or prevention of the application of, or refraining from the proclamation of benefits of trade agreement concessions including, but not limited to the following:

(a) Graduated reduction in tariff rates pursuant to Tokyo Round tariff negotiations;

(b) Intelpost agreement;

(c) Agreement relating to investment guarantees.

In addition, the 301 Committee invites public comment on the question of reducing or eliminating the quota allocation applicable to imports of specialty steel products from Argentina (see 48 FR 4888) for the purpose of reassigning any such allocation to another foreign supplier.

In accordance with 15 CFR 2006.9 requests to present oral testimony should be submitted to the Chairman,

Section 301 Committee, Office of the United States Trade Representative, 600 17th St., NW., Washington, D.C. 20506 no later than October 19, 1984. Written briefs accompanying oral testimony must be submitted no later than Oct. 22 and must conform to the requirements of 15 CFR 2006.8. Those interested parties who do not wish to present oral testimony but nevertheless wish to present written views should submitt written briefs in accordance with 15 CFR 2006.8 no later than October 24, 1984.

In accordance with 15 CFR 2006.8(c), all written briefs should be sent to the Chairman, Section 301 Committee at the above address.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 84-26505 Filed 10-3-84; 8:45 am]

BILLING CODE 3190-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Economic Forecasting Advisory Committee; Regular Meeting Notice

AGENCY: Economic Forecasting Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Committee workplan.
- Status of Regional Economic Model.
- Summary of responses to staff working paper and questionnaire.
- Review of other forecasts.
- Discussion of scenarios and assumptions for Council forecasts.
- Public comment.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Economic Forecasting Advisory Committee.

DATE: Tuesday, October 9, 1984; 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office, 700 SW. Taylor; Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Debbie Kitchin, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-26357 Filed 10-3-84; 8:45 am]

BILLING CODE 0000-00-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Request for Termination of Supplementary Medical Insurance
(2) *Form(s) submitted:* G-718
(3) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
(4) *Frequency of use:* On occasion
(5) *Respondents:* Individuals or households
(6) *Annual responses:* 550
(7) *Annual reporting hours:* 92
(8) *Collection description:* The Board administers the Medicare program for persons covered by the Railroad Retirement system. The request will obtain the information needed by the Board to terminate an individual's supplementary medical insurance under the program.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Robert Fishman (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 84-26355 Filed 10-3-84; 8:45 am]

BILLING CODE 7905-01-M

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Application for reimbursement for Hospital Insurance Services in Canada
(2) *Form(s) submitted:* AA-104
(3) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
(4) *Frequency of use:* On occasion
(5) *Respondents:* Individuals or households
(6) *Annual responses:* 175
(7) *Annual reporting hours:* 29
(8) *Collection description:* The Board administers the Medicare program for persons covered by the Railroad Retirement system. The collection obtains the information needed to determine eligibility for and amount due for covered hospital services received in Canada.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Robert Fishman (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 84-26356 Filed 10-3-84; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Notice of Submission
1984 Research Forum Questionnaire
No. 270-266

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 clearance a voluntary questionnaire to be sent to various users of the Commission's disclosure documents in connection with the Commission's Research Forum to be held on November 28, 1984. The questionnaire elicits the views of participants in the Forum as to the topics of importance to financial analysts and to investors concerning data in filings made with the Commission. The number of affected entities is approximately 45. 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: September 28, 1984.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84–26395 Filed 10–3–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 14177 (812–5901)]

Cash Accumulation Trust; Application for Order Exempting Applicant

October 1, 1984.

Notice is hereby given that Cash Accumulation Trust ("Applicant"), One New York Plaza, New York, New York, 10004, an open-end, diversified management investment company, on behalf of its National Tax Exempt Fund (the "Fund"), filed an application on July 23, 1984, and an amendment thereto on August 21, 1984, for a Commission order, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of section 12(d)(3) of the Act to the extent necessary to permit Applicant, on behalf of the Fund, to acquire rights to resell portfolio securities to brokers and dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions cited in the application.

Applicant states that it was organized as a series fund under the name "Thompson McKinnon Money Market Series Trust" and that on June 18, 1984, Applicant's name was changed to Cash Accumulation Trust. According to the application, the Fund is a "money market fund" whose investment objective is current income, preservation of capital and liquidity. Applicant states that the Fund will pursue this objective by investing primarily in high quality short-term debt securities the interest on which is, in the opinion of bond counsel for the issuers at the time of issuance, exempt from Federal income taxation ("Municipal Securities"). Applicant states that it seeks to maintain a per share net asset value of $1.00 for the Fund. Applicant states further that it intends to use the amortized cost method of valuing the Fund's portfolio.

Applicant states that it may purchase Municipal Securities together with the right to resell them to the seller at an agreed-upon price or yield within a specified period prior to the maturity date of such securities. Such rights are known as "puts". Applicant states that it will acquire puts solely to promote portfolio liquidity. Applicant states further that it will not acquire puts on behalf of the Fund with the intention of exercising such puts when the exercise price exceeds the current value of the underlying security. Applicant represents that, if the exercise price of a put should exceed the current value of the underlying Municipal Securities, Applicant may refrain from exercising the put to avoid causing the issuer to sustain a loss and jeopardizing Applicant's business relationship with the issuer.

Applicant submits that the Fund's managers believe that puts will enable the Fund more readily to dispose of portfolio securities to meet redemption requirements or to invest in other, more attractive securities. Applicant states that the Fund's shareholders require the ability to receive same-day redemption proceeds and that the cash needed to meet net redemptions of Fund shares must be obtained immediately from maturing portfolio securities or settlements arranged contemporaneously with sales of securities. Applicant submits that, because maturity dates of Municipal Securities are not as frequent as those of taxable money market instruments, the Fund cannot always rely on maturing portfolio securities to obtain the cash needed to meet redemptions. Applicant further submits that, unless prior arrangements assuring immediate liquidity have been made, the negotiation of same-day settlements on sales of portfolio securities within the brief time available is often impossible or may require the Fund to receive a less favorable price for a security. Applicant states that other investment techniques used by taxable money-market funds to obtain liquidity are not as freely available to the Fund because they are either prohibitively expensive or would produce undesirable taxable income.

Applicant represents that all puts acquired by the Fund will have the following features: (1) They will be in writing and will be physically held by the Fund's custodian; (2) they may be exercisable by the Fund solely at the Fund's option at any time prior to the maturity of the underlying Municipal Security; (3) they will be entered into only with brokers, dealers, and banks who in the investment adviser's opinion present a minimal risk of default; (4) the Fund's right to exercise puts will be unconditional and unqualified; (5) although puts will not be transferable, Municipal Securities purchased subject to such commitments could, at any time, be sold to a third party, even though the commitment was outstanding; and (6) the exercise price of puts will be (i) the Fund's cost of the Municipal Securities subject to the obligation (excluding any accrued interest which the Fund paid on their acquisition), less any market premium or plus any amortized market or original issue discount during the period the Fund owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by the Fund. The amount payable under a put thus will be substantially the same as the value of the underlying security valued on an amortized cost basis.

Applicant expects that puts will generally be available without the payment of any specified direct or indirect consideration. However, if necessary and advisable, the Fund will pay for puts either separately in cash or by paying a higher price for portfolio securities subject to the commitment.

As a matter of policy, the total amount paid by the Fund in either manner for outstanding puts in its portfolio will not exceed ½ of 1% of the value of the Fund's total assets calculated immediately after any puts are acquired.

Applicant asserts that it will be very difficult if not impossible to evaluate the likelihood of exercise of the potential benefit of a put. Furthermore, market quotations generally are not readily available for puts. Accordingly, puts will be deemed to have a fair value of zero, regardless of whether any direct or indirect consideration was paid. Applicant states that, where the Fund has paid for a put, its cost will be reflected as unrealized depreciation for the period during which the commitment is held, and such cost will be reflected as realized gain or loss when the put is exercised or expires upon the maturity of the underlying Municipal Security.

Applicant asserts that the acquisition of puts will not affect the per share net asset value of the Fund and will not pose new investment risks but rather will improve the Fund's liquidity and ability to meet redemptions. Applicant

states that it intends to enter into puts only with brokers, dealers and banks which, in the opinion of Applicant's investment adviser (the "Adviser") present a minimal risk of default. The Adviser intends to periodically evaluate the credit of issuers selling puts to the Fund. Applicant does not believe that the risks involved in the acquisition of puts from commercial banks.

The Fund's proposed acquisition of puts from brokers or dealers would generally be prohibited by section 12(d)(3) of the Act. Applicant maintains, however, that the acquisition of puts poses no new investment risks, will not meaningfully expose the Fund's assets "to the entrepreneurial risks of the investment banking business" nor require Applicant to evaluate the credit of brokers or dealers in determining its net asset value. Applicant asserts that, because the Fund may dispose of the Municipal Security subject to a put, the Fund's loss upon a default by the issuer will be limited to the difference between the price at which the put's issuer agreed to buy the Municipal Security and the market value of the Municipal Security. Applicant further asserts that a put will present substantially less risk than an unsecured obligation of a broker-dealer or a bank. Applicant submits that, because a put will be valued at zero, and the underlying security at amortized cost, the failure or inability of an issuer of a put to repurchase the underlying security will have no effect on Applicant's portfolio value.

Applicant states that the Internal Revenue Service ("IRS") has previously issued a revenue ruling to the effect that a registered investment company will be the owner of Municipal Securities subject to puts and that the interest on the securities will be tax-exempt to the company.

However, Applicant understands that the IRS no longer issues private letter rulings as to whether or not the Fund would be the owner of Municipal Securities subject to puts for tax purposes. Applicant states that there is no assurance that the IRS will not change the position previously announced in the revenue ruling.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 23, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personnally 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.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-26397 Filed 10-3-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23438 (70-6458)]

Indiana & Michigan Electric Co.; Proposal To Dispose of and Acquire Pollution Control Facilities

September 28, 1984.

Indiana & Michigan Electric Company ("I&ME"), a subsidiary of American Electric Power Company, Inc. ("AEP"), One Summit Square, Fort Wayne, Indiana, 46801, a registered holding company, has proposed a transaction with this Commission subject to sections 9(a), 10, and 12 (b) and (d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 thereunder.

By order dated June 11, 1980 (HCAR No. 21618), the Commission authorized I&ME to dispose of and acquire certain pollution control systems ("Project") at its Rockport Generating Station ("Plant"), under construction near the City of Rockport in Spencer County, Indiana ("City") to comply with prescribed environmental control standards of the State of Indiana. I&ME's disposition and acquisition was undertaken in connection with the issuance by the City of pollution control revenue bonds in the amount of $40 million to finance the Project (HCAR No. 21642, June 25, 1980). This represented a portion of I&ME's estimated cost of $150 million, for its 50% obligation for the Project shared with AEP Generating Company also a subsidiary of AEP (HCAR No. 23399, August 17, 1984).

It is now proposed that the City will issue and sell an additional series of bonds in a principal amount of up to $110,000,000 ("Series B Bonds") to cover the estimated remaining portion of the cost of construction of the Project. The proceeds of the sale of the Series B Bonds will be deposited by the City with Lincoln National Bank and Trust Company of Fort Wayne, as Trustee ("Trustee"), under the indenture between the City and such Trustee, ("Indenture"), to be amended by a First Supplemental Indenture, pursuant to which the Series B Bonds are to be issued and secured.

Proceeds received by I&ME in reimbursement of its cost of construction of the Project are to be applied to the payment of maturing long-term debt and outstanding bank loans of I&ME and for construction and other corporate purposes. At June 30, 1984, such outstanding bank loans of I&ME amounted to $1,700,000.

It is contemplated that the Series B Bonds will be sold by the City pursuant to arrangements with an underwriter or a group of underwriters. In accordance with the laws of the State of Indiana, the interest rate to be borne by the Series B Bonds will be fixed by or on behalf of the common council of the City. While I&ME will not be a party to the underwriting arrangement for the Series B Bonds, an Agreement of Sale between the City and I&ME, dated June 1, 1980, will provide that the terms of Series B Bonds an their sale by the City shall be satisfactory to I&ME. I&ME understands that interest on the Series B Bonds will be exempt from federal income taxation under the provisions of section 103 of the Internal Revenue Code of 1954, as amended. It is not possible to predict precisely the interest rate which may be obtained in connection with the issuance of the Series B Bonds. However, I&ME has been advised that, depending on maturity and other factors, the annual interest rates on obligations, interest on which is so tax exempt, historically have been and can be expected at the time of issuance of the Series B Bonds to be 2½% to 5% lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The Series B Bonds will be dated as of the date of issuance, will bear interest therefrom payable at maturity and will mature on October 28, 1985. It is expected that the Series B Bonds will not be redeemable at the option of the City prior to April 28, 1985 except under certain circumstances.

The proposal and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 22, 1984, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the

issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered and will receive a copy of any notice or order issued in this matter. After said date, the proposal, as filed or as it may be amended, may be authorized.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-26394 Filed 10-3-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14178 (812-5119)]

Southwest Funding Corp.; Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From All Provisions of the Act

October 1, 1984.

Notice is hereby given that Southwest Funding Corp. ("Applicant"), 165 Broadway, New York, NY, 10080, a Delaware corporation, filed an application on January 26, 1983, and amendments there to on November 17, 1983, July 13, 1984, and September 18, 1984, for a restated order, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant represents that its sole business will be issuing and selling its promissory notes and utilizing the net proceeds of sale thereof (i) to make advances (the "Advances") to United States customers of Mercantile National Bank at Dallas ("Mercantile") that participate in Applicant's promissory note program (the "Borrowers") or (ii) to make deposits (the "Deposits") with other banks (the "Banks") owned by Mercantile Southwest Corporation, Mercantile's corporate parent. Substantially all of Applicant's assets will consist of (i) promissory notes issued by the Borrowers (the "Advance Notes") evidencing the obligations of the Borrowers to repay to Applicant indebtedness of the Borrowers arising from the Applicant's Advances to them and (ii) certificates of deposit (the "Certificates of Deposit") evidencing deposits made by Applicant with the Banks. Each Advance Note issued by a Borrower to Applicant and each Certificate of Deposit issued by a Bank to Applicant will be supported by a separate irrevocable letter of credit (the "letter of Credit") issued in favor of the holder of the Advance Note or Certificate of Deposit by Mercantile for the account of that Borrower or Bank. None of Applicant's outstanding common stock is, or in the future will be, owned by Mercantile, any of the Borrowers, any of the Banks, or any of their affiliates. The current owner of all of Applicant's issued and outstanding common stock proposes to sell all of such common stock to Bettina Investments, Inc., Gordon Enterprises, Inc., and J-Bran Investments, Inc., Texas corporations owned by Texas residents, none of which is an affiliate of Mercantile, the Banks, the Borrowers, or an affiliate of any of them. As a condition to the sale, each corporation will represent that it is not an "investment company" within the meaning of the Act. Applicant states that there has been, and undertakes that in the future there will be, no public offering of Applicant's common stock or of any other equity security of Applicant.

According to the application, Applicant proposes to issue and sell (i) in public transactions, short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 (the "Securities Act") by virtue of section 3(a)(3) thereof and generally referred to as commercial paper (the "Commercial Paper Notes") and (ii) in non-public transactions exempt from the registration requirements of the Securities Act pursuant to the private placement exemption of subsecton 4(2) of the Securities Act, medium-term promissory notes (the "Medium Term Notes"). Advances and Deposits made from the proceeds of the sale of Commercial Paper Notes will be used by the Borrowers and the Banks to finance "current transactions" within the meaning of section 3(a)(3) of the Securities Act. Applicant believes, on the basis of estimates provided by Mercantile, that in the first year in which Commercial Paper Notes and Medium-Term Notes are issued the face amount of Commercial Paper Notes and the principal amount of Medium-Term Notes outstanding will average an aggregate amount of approximately $200,000,000.

The application indicates that the Commercial Paper Notes will be sold in minimum denominations of $100,000. Applicant undertakes not to market the Commercial Paper Notes before receiving an opinion of counsel to the effect that the proposed offering is exempt from the registration requirements of the Securities Act. Applicant does not request Commission review or approval of counsel's opinion, and the Commission expresses no opinion concerning the availability of any such exemption.

Applicant states that the Commercial Paper Notes will be offered publicly, through one or more major dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the commercial paper market and that, while an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised. Applicant undertakes to ensure that each dealer in the Commercial Paper Notes will furnish each offeree memoranda describing the businesses of Mercantile and Applicant and providing the most recent annual and quarterly financial information for Mercantile. Applicant represents that the memoranda prepared by each dealer will be updated as promptly as practicable to reflect any material adverse changes in the financial status of Applicant or of Mercantile and will be at least as comprehensive as memoranda customarily used in offering commercial paper. Applicant consents to having the granting of its requested order expressly conditioned upon its compliance with the undertakings in the previous two sentences. The Medium-Term Notes will be sold in minimum denominations of not less than $150,000, pursuant to the private placement exemption of section 4(2) of the Securities Act. Applicant undertakes not to issue and sell any Medium-Term Notes prior to receiving an opinion of counsel that that exemption is applicable to the transactions in which the Medium-Term Notes are proposed to be sold. Applicant does to request Commission review or approval of counsel's opinion and the Commission expresses no opinion concerning the availability of any such exemption.

Applicant undertakes that prior to their issuance, the Commercial Paper Notes, and any future offering of Applicant's debt securities, will have received one of the three highest investment grade ratings from at least one nationally-recognized statistical rating organization and Applicant's counsel shall have certified that the rating was received. However, Applicant understands that no such rating shall be required to be obtained with respect to an issue of Medium-Term Notes or other debt securities of Applicant if, in the opinion of Applicant's counsel, an exemption is available for the issue pursuant to subsection 4(2) of the Securities Act of Regulation D promulgated thereunder.

Applicant undertakes that, in respect of any future offerings of Applicant's debt securities, it will obtain an opinion of counsel or a "no-action" letter issued by the staff of the Commission to the effect that the proposed offering is in compliance with, or entitled to an exemption from, the registration provisions of the Securities Act.

According to the application, Morgan Guaranty Trust Company of New York ("Depositary") will act as issuing and paying agent for the Commercial Paper Notes and the Medium-Term Notes (the "Depositary"), and Mercantile has consented to the appointment of the Depositary. As trustee for the benefit of holders of the Commercial Paper Notes and the Medium-Term Notes, the Depositary will receive an assignment of all of Applicant's rights to payments of the Advance Notes and the Certificates of Deposit and all of Applicant's rights under the Leters of Credit attached thereto. The Depositary will receive proceeds from Applicant's sale of the Commercial Paper Notes and the Medium-Term Notes and will collect payments made in respect of the Advance Notes and the Certificates of Deposits upon maturity.

Applicant states that it will advance all of the net proceeds from sales of the Commercial Paper Notes and Medium-Term Notes to the Borrowers and the Banks. Applicant represents that it will enter into an agreement with each Borrower pursuant to which Applicant will agree to make Advances to the Borrower solely from the net proceeds of the Commercial Paper Notes or the Medium-Term Notes. Each Borrower and Mercantile will enter into a loan agreement pursuant to which Mercantile will agree (i) to issue, for the account of the Borrower, Letters of Credit, to be attached to each Advance Note, in favor of the Applicant as the holder of the Advance Note for the value of the Advance evidenced by the Advance Note and (ii) to make loans (the "Loans") to the Borrower. For each Borrower the aggregate amount of Commercial Paper Notes and of Medium-Term Notes issued to fund Advances to such Borrower, disbursements under the Letters of Credit issued for its account and the Loans will not be permitted to exceed a designated amount specified for that Borrower. Each Borrower will agree to pay the Advance Notes it issues to Applicant, any disbursements made under the Letters of Credit issued for the Borrower's account and any Loans made to the Borrower. In addition, Applicant will enter into an agreement with Mercantile pursuant to which Mercantile may request Applicant to make deposits with one or more of the Banks solely from the net proceeds of the sale of the Commercial Paper Notes or the Medium-Term Notes. Mercantile will agree to issue for the account of each Bank Letters of Credit to be attached to each Certificate of Deposit evidencing a Deposit in favor of Applicant as holder of the Certificate of Deposit. For each Bank, the aggregate amount of Commercial Paper Notes and Medium-Term Notes issued to obtain funds to make Deposits with such Bank and the amount of disbursements made by Mercantile under the Letters of Credit issued for the account of such Bank will not be permitted to exceed an amount designated for that Bank.

According to the application, the Advances of certain of the Borrowers may be secured. Any Borrower required by the Applicant or Mercantile to secure the Borrower's obligations to pay the Advance Notes, Letter of Credit disbursement and the Loans to Applicant and Mercantile will execute and deliver to Mercantile a security agreement pursuant to which the Borrower will pledge and assign to Mercantile, individually and as collateral agent for Applicant as the holder of the Advance Notes, a security interest in certain assets of the Borrower (the "Collateral") having a value equal to or greater than the principal amount of the Advance Notes, Letter of Credit disbursements and the outstanding Loans. The Collateral may include, among other things, merchandise acquired with the proceeds of the Advances or mortgage notes secured by mortgages on real estate, cash collateral and Government National Mortgage Association securities. While initially the Collateral will be held by Mercantile as collateral agent for Applicant as the holder of the Advance Notes, Applicant's interest in the Collateral, together with all Applicant's rights in the Advance Notes and all its rights to receive payment thereon and all its rights under the Letters of Credit, will be assigned to the Depositary as trustee for the benefit of the holders of the Commercial Paper Notes, in the case of Advances made from the net proceeds of the sale of Commercial Paper Notes, and as trustee for the benefit of the holders of the Medium-Term Notes, in the case of Advances made from the net proceeds of the sale of Medium-Term Notes.

According to the application, maturing Commercial Paper Notes will be paid by the Depositary with funds received either from (i) payments made by Borrowers under Advance Notes issued with respect to Advances of the net proceeds of the sale of Commercial Paper Notes, (ii) payments made by the Banks under Certificates of Deposit issued with respect to Deposits of the net proceeds of the sale of Commercial Paper Notes, (iii) the net proceeds of sales of Commercial Paper Notes or (iv) the proceeds of any Support Credit, described below, issued in respect of the Commercial Paper Notes. Similarly, maturing Medium-Term Notes will be paid by the Depositary with funds received either from (i) payments made by Borrowers under Advance Notes issued with respect to Advances of the net proceeds of the sale of Medium-Term Notes, (ii) payments made by the Banks under Certificates of Deposit issued with respect to Deposits of the net proceeds of the sale of Medium-Term Notes, (iii) the net proceeds of sale of Medium-Term Notes or (iv) the proceeds of any Support Credit, as described below, issued in respect of the Medium-Term Notes.

Applicant further states that while it anticipates that each Advance Note and each Certificate of Deposit will have the same maturity date as the Commercial Paper Notes or Medium-Term Notes issued by Applicant to obtain funds to make the Advances or Deposits, it may acquire Advance Notes and Certificates of Deposit which have maturity dates different from those of the Commercial Paper Notes or Medium-Term Notes issued by Applicant to obtain funds to make the attendant Advances or Deposits. Applicant represents that in any instance in which Commercial Paper Notes or Medium-Term Notes mature prior to or after the related Advance Notes or Certificates of Deposit, Mercantile will either issue Irrevocable letters of credit in favor of Applicant or make available irrevocable lines of credit to Applicant (collectively, the "Support Credit"), in an amount equal to the amount due in respect of the Commercial Paper Notes or the Medium-Term Notes issued to obtain funds to make the Advances or Deposits. Applicant Indicates that its rights to receive payment under the Support Credit will be assigned to the Depositary as trustee for the holders of the Commercial Paper Notes and the medium-Term Notes. Applicant further represents that in the event that an Advance Note or a Certificate of Deposit matures prior to the maturity of the Commercial Paper Notes Medium-Term Notes issued to obtain funds to make the related Advance or Deposit, the proceeds from the repayment of that Advance Note or Certificate of Deposit shall either be used to make additional

Advances or Deposits of the same type as that evidenced by the matured Advance Note or matured Certificate of Deposit or be temporarily held, pending use of the proceeds to pay amounts due on the related Commercial Paper Notes or Medium-Term Notes, in Obligations issued by, or the Principal of and interest on which are fully guaranteed by, the United States or agencies or instrumentalities thereof, or in obligations of Mercantile (the "Temporary Holdings"). Applicant undertakes that during any of its fiscal years the average daily aggregate principal amount of the Temporary Holdings (including any such proceeds held as cash) shall not exceed ten percent of the average daily balance of the aggregate principal or face amount of the Commercial Paper Notes and Medium-Term Notes outstanding.

Applicant avers that it will receive assurances from each Borrower that it is not an investment company as defined in Section 3 of the Act. Applicant asserts that each Borrower would be one permitted to directly issue and sell debt securities without registering under the Act as an investment company and that each Bank could itself directly issue and sell commercial paper notes and certificates of deposit in public offerings or issue and sell medium-term notes in non-public offerings in the United States without compliance with the Act's registration provisions. Based upon representations and advice received by Applicant from Mercantile and the Banks, Applicant represents that the transactions contemplated hereunder comply with all applicable banking laws, rules and regulations.

Applicant contends that the holders of the Commercial Paper Notes and of the Medium-Term Notes do not require the protections accorded investors under the Act. Applicant maintains that the assignment to the Depositary, as trustee for the holders of the Medium-Term Notes, of Applicant's rights under the irrevocable Letters of Credit issued by Mercantile and attached to each of the Advance Notes and the Certificates of Deposit, of Applicant's rights under the Support Credit in the case of Advances or Deposits maturing after the related Commercial Paper Notes or Medium-Term Notes, and of Applicant's rights to the Collateral, if any, securing the Borrowers' obligations to pay those Advance Notes, supports the payment of those Advance Notes and adequately protects the holders. In addition, applicant contends that its operations do not lend themselves to the kinds of abuses the Act was intended to prevent.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 23, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon 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.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-26396 10-3-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. IRA 28]

Prince George's County, MD; Application for Inconsistency Ruling; Public Notice and Invitation To Comment

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Public Notice and Invitation to Comment.

SUMMARY: The Government of Prince George's County, Maryland (the County) has applied for an administrative ruling as to whether Section 18-187 of the County Code dated August 10, 1982, governing the shipment and transportation of radioactive materials, into, within, through and out of the County is inconsistent with the Hazardous Materials Transportation Act (HMTA) and the Hazardous Materials Regulations (HMR) issued thereunder and, therefore, preempted under section 112(a) of the HMTA.

DATE: Comments received on or before November 20, 1984, will be considered before an administrative ruling is issued by the Associate Director for Hazardous Materials Regulation.

ADDRESSES: The application and any comments received may be reviewed in the Dockets Branch, Office of Information Services, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590. Comments on the application may be submitted to the Dockets Branch at the above address. Indicate Docket Number IRA-28 on your submission. Three copies are requested. A copy of each comment must also be sent to Ms. Joyce. B. Hope, Associate County Attorney, County Administration Building, Upper Marlboro 20772; and that fact certified to at the time the comment is submitted to the Dockets Branch. [The following format is suggested: "I hereby certify that copies of this comment have been sent to Ms. Joyce B. Hope at the address noted in the **Federal Register.**"]

FOR FURTHER INFORMATION CONTACT: Kathy M. Sachen, Office of the Chief Counsel, Research and Special Programs Administration, 400 7th Street, SW., Washington, D.C. 20590, telephone 202-755-4972.

SUPPLEMENTARY INFORMATION:

1. Background

The HMTA (49 U.S.C. 1801 *et seq.*) at section 112(a) (49 U.S.C. 1811(a)) expressly preempts "any requirement of a State of political subdivision thereof, which is inconsistent with any requirement," of the HMTA or the HMR issued thereunder. Section 112(b) (49 U.S.C. 1811(b)) provides that an inconsistent State of political subdivision requirement ceases to be preempted, however, if upon application the Secretary of Transportation determines that the requirement in question: (1) Provides an equal or greater level of protection to the public than the HMTA or the HMR; and (2) does not unreasonably burden commerce.

Procedural regulations implementing section 112 of the HMTA are codified at 49 CFR 107.201-107.225. These regulations provide for the issuance of inconsistency rulings and nonpreemption determinations. Briefly, an inconsistency ruling is an administrative opinion as to the relationship between a State or political subdivision requirement and a requirement of the HMTA or the HMR. Section 107.209(c) sets forth the following factors which are considered in determining whether a State or political subdivision requirement is inconsistent:

(1) Whether compliance with both the State political subdivision requirement and the Act

or the regulations issued under the Act is possible; and

(2) The extent to which the State or political subdivision requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

If the State or local requirement is found to be inconsistent with the HMTA or the HMR, the State or locality may seek a nonpreemption determination, i.e., waiver of preemption. Pursuant to section 112(b) of the HMTA (49 U.S.C. 1811(b)), the Secretary may waive preemption upon a showing that such requirement "(1) affords an equal or greater level of protection to the public than is afforded by the requirements of [the HMTA] or of regulations issued under [the HMTA] and (2) does not unreasonably burden commerce." However, since this proceeding is for an inconsistency ruling, comments relating to the criteria for waiver of preemption are premature and will not be considered.

2. The Application for Inconsistency Ruling

On May 5, 1983, the Government of Prince George's County, Maryland (the county) filed an application for an administrative ruling seeking a determination whether Prince George's County Code Section 18–187, restricting the movement of radioactive materials into, within, through, and out of the County is inconsistent with the HMTA or the Hazardous Materials Regulations (HMR) issued thereunder. The Prince George's County Code Section 18–187 is included as an Appendix to this document. In their application, the County claimed that certain subsections of the section are consistent with HMR, but offered no determination as to consistency of the remaining subsections. The subsections submitted as being consistent with the HMR are as follows: 18–187 (b)(2), (b)(4), (b)(6), (b)(7); 18–187 (c)(1)(B), (c)(2); 18–187(d)(i)(A) and 18–187(f).

The following is a summary of the Code Section. Subsection (a) states the purposes of the local requirement and sets forth the findings on which its adoption was premised. Subsection (b) sets forth definitions of terms used in the Section. Subsection (c) imposes an obligation on the carrier to obtain a "Certificate of Emergency Transport" for the transportation of certain materials and sets out the information that must be provided in order to obtain it. Subsection (d) covers the issuance of the certificate of emergency transport. Subsection (e) contains bonding requirements, and subsection (f) subjects on a violator of any provision of the section to a $1,000 fine.

The Federal rules with which County Code Section 18–187 will be compared for consistency are those involving the highway routing of radioactive materials. On January 19, 1981, the MTB issued a final rule (46 FR 5298) entitled "Radioactive Materials; Routing and Driver Training Requirements," commonly known by its docket number, HM–164. In relevant part, HM–164 provided that highway carriers of "large quantity" radioactive materials (such as spent nuclear fuel) are required to use "preferred routes," which are defined as Interstate System highways or alternative highway routes designated by the States that provide an equal or greater level of safety as compared with the Interstate System.

The term "large quantity" was subsequently changed to "highway route controlled quantity" in a final rule published on March 10, 1983 (48 FR 10218) under docket number HM–169. The revision was necessary to ensure the compatibility of the HMR with the latest revised international standards for transport of radioactive materials. There are some differences between the old values for "large quantity" and the new values for "highway route controlled quantity", and the differences are relevant to this proceeding insofar as the County Code Section 18–187 may rely on the now obsolete definition of "large quantity."

In addition to the routing rules, HM–164 adopted an Appendix A to Part 177 of the HMR which sets forth Departmental policy regarding the preemptive effects of the routing rules. The Appendix provides that DOT generally regards State and local requirements to be inconsistent if they:

- Prohibit the highway transport of large quantity radioactive materials without providing for an alternative highway route for the duration of the prohibition;
- Require additional or special personnel, equipment, or escort;
- Require additional or different shipping paper entries, placards, or other hazard warning devices;
- Require filing route plans or other documents containing information that is specific to individual shipments;
- Require prenotification;
- Require accident or incident reporting other than as immediately necessary for emergency assistance; or
- Unnecessarily delay transportation.

Appendix A is not a regulation which imposes obligations to act. It is DOT's interpretation of the general preemptive effect of its regulation on state and local requirements. It was not intended to replace the two-prong test for determining the inconsistency of an existing state or local rule. Rather, it was intended to advise state and local governments contemplating rulemaking action as to the likelihood of such actions being deemed inconsistent. Therefore, while references to Appendix A are not determinative of inconsistency, they serve to illustrate the basis for the Departmental policy set forth therein.

3. Public Comment

Comments should be restricted to the following issue: Whether Prince George's County Code Section 18–187 is inconsistent, in whole or in part, with the HMTA or the HMR.

Persons intending to comment on the application should examine the HMTA (49 U.S.C. 1801–1812); the HMR (49 CFR Parts 171–179); the inconsistency rulings at 43 FR 16954, 44 FR 75566 (on appeal 45 FR 71881), 46 FR 18918, (on appeal, 47 FR 18457), 47 FR 1231, 47 FR 51991, and 48 FR 760; the procedures governing the Department's consideration of applications for inconsistency rulings (49 CFR 107.201–.211); and Prince George's County Code Section 18–187 which is provided as Appendix A to this notice.

Appendix A—Text of Prince George's County Code Section 18–187

Adopted by the County Council of Prince George's County, Maryland, August 10, 1982.

Section 18–187 Transport of radioactive materials.

(a) Purposes and findings.

(a) The purposes of this Section are:

(A) To provide minimum standards and regulations insuring the safe shipment and transportation of radioactive materials into, within, through, and out of Prince George's County.

(B) To regulate the transport of hazardous radioactive wastes through Prince George's County.

(2) The Council of Prince George's County finds that:

(A) The increasing production of hazardous radioactive wastes and other radioactive materials has led to increased transportation of these wastes and materials and to increased occurrences of transportation accidents involving the release of radioactivity to the environment.

(B) While it is unknown exactly how many and what kinds of radioactive shipments are transported into, within, through, and out of Prince George's County, there is persuasive evidence

that the volume of these shipments and their levels of hazard are substantial and are expected to increase rapidly in the foreseeable future.

(C) There is currently no monitoring of many of these shipments enroute, by either federal or Prince George's County officials, and the federal capabilities for enforcement of compliance with federal safety regulations are inadequate unless supplemented by state or local action.

(D) There is, therefore, a significant threat to public health and safety and to the environment form the shipment of hazardous radioactive wastes and other radioactive materials into, within, through, and out of Prince George's County.

(b) Definitions. For the purpose of this act and unless otherewise required by the context:

(1) The term "curie" means an expression of the quantity of radiation in terms of the number of atoms which disintegrate per second; a curie is that quantity of radioactive materials which decays such that thirty-seven billion atoms disintegrate per second.

(2) The term "large quantity radioactive materials" means a quantity the aggregate radioactivity of which exceeds that specified in Volume 10 of the Code of Federal Regulations (CFR) part 71 entitled, "Packaging of Radioactive Material for Transport"; Section 71.4(j).

(3) The term "millicurie" means one-thousandth of a curie.

(4) The term "person" means any individual, partnership, or corporation engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarder.

(5) The term "radioactive" means spontaneously emitting ionizing radiation. Materials in which the estimated specific gravity is not greater than 0.002 microcuries per gram of material and in which the radioactivity is essentially uniformly distributed are not considered to be radioactive.

(6) The term "radioactive material" means any material or combination of materials which spontaneously emits ionizing radiation. Materials in which the estimated specific activity is not greater than 0.002 microcuies per gram of material and in which the radioactivity is essentially uniformly distributed are not considered to be radioactive materials.

(7) The term "transport" is limited to transportation by rail or highway by any mode or type of vehicle or carrier.

(c) Transporting of radioactive material.

(1) No person shall transport into, within, throught, or out of Prince George's County any of the following materials unless a "Certificate of Emergency Transport" has been issued by the County Executive or his designee:

(A) Plutonium isotopes in any quantity and form exceeding two grams or twenty (20) curies, whichever is less;

(B) Uranium enriched in the isotope U-235 exceeding twenty-five (25) atomic percent of the total uranium content in quantities where the U-235 content exceeds one kilogram;

(C) Any elements with atomic number eighty-nine (89) or greater, the activity of which exceeds twenty (20) curies;

(D) Spent reactor fuel elements or mixed fission products associated with such fuel elements the activity of which exceeds twenty(20) curies;

(E) Large quantity of radioactive materials;

(F) Any quantity, arrangement, and packaging combination of fissile material specified by the United States Nuclear Regulatory Commission as a "Fissile Class III" shipment in 10 CFR 571.4(d)(3) relating to packaging of radioactive materials for transport;

(G) Any shipment or transportation of radioactive material that is required by any federal or Prince George's County regulating agency to be accompanied by an escort for safety reasons.

(2) Prior to transporting such materials, such person shall apply to the County executive or his designee for a "Certificate for Emergency Transport" and shall provide the County Executive with the following information:

(A) Name of shipper;

(B) Name of carrier;

(C) Type and quantity of radioactive material or waste;

(D) Proposed date and time of shipment;

(E) Starting point, schedule route, and destination; place and time of any stops; unscheduled stops prohibited;

(F) Name of designee or receiver;

(G) Any other information required by the County Executive which is reasonably related to the aforegoing information.

(3) No certificate may be issued for the transportation of radioactive waste or spent nuclear fuel of any kind into, within, or through Prince George's County primarily or solely for storage or disposal in the State of Maryland unless the storage or disposal is authorized by the Secretary under Section 689B of Article 43 of the Annotated Code of Maryland.

(d) Issuance of certificate of emergency transport.

(1) The County Executive or his designee shall not issue a certificate to any person for the shipment or transportation of radioactive materials unless:

(A) There is a showing that the radioactive material has been or will be containerized and packaged, and all warning labels affixed to the outer container holding the radioactive material and that the vehicle transporting such material will be operated and equipped in conformity with the regulations of the United States Department of Transportation, the United States Nuclear Regulatory Commission, or any other federal or County agency having jurisdiction regardless of whether the shipment is being made within, into, or out of Prince George's County; and

(2) No certificate shall be issued without a finding that appropriate procedures and precautions exist to protect Prince George's County and its inhabitants in the event of a transportation accident.

(3) Such certificate shall be granted upon a finding that the transporting of such material shall be accomplished in a manner necessary to protect public health and safety of the citizens of the County.

(4) Such certificate shall be granted or denied not later than three (3) days, Saturdays, Sundays, and national holidays excluded, after such person has applied for such certificate, except that if the County Executive or his designee determines that additional time is required to evaluate such application, the County Executive or his designee shall notify such person not later than such three (3) day period that such additional time is required. The County Executive or his designee may require changes in dates, routes, or time for the transporting of such material or the use of escorts in the transporting of such material if necessary to protect the public health and safety.

(5) The County Executive shall adopt regulations to carry out the provisions of this Section and shall establish a certificate fee schedule commensurate with the cost of administering the provisions of this Section.

(e) Bonding.

(1) No "Certificate of Emergency Transport" shall be issued until the applicant has filed with the County Executive a bond sufficient to protect Prince George's County from the costs of cleanup, decontamination, and immediate and residual health costs arising from radiation exposure. The amount of this bond shall be determined by the County Executive.

(2) All or part of this bond may be waived by the County Executive or his designee upon proof that the applicant

has made adequate provisions for bearing the costs of cleanup, decontamination, health care, and related expenses. The County Executive may issue rules and procedures for such bonding and for waivers of the bonding requirement.

(f) Penalties.

Any person who violates any provisions of this Section or the terms of the "Certificate of Emergency Transport" shall be subject to a fine of not more than One Thousand Dollars ($1,000) for each violation.

(CB–8–1980).

Issued in Washington, D.C. on September 27, 1984.

Alan I. Roberts,

Associate Director, Hazardous Materials Regulation.

[FR Doc. 26343 Filed 10–3–84; 8:45 am]

BILLING CODE 4910–60–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 194
Thursday, October 4, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, October 9, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Farmers Savings Bank, an operating noninsured State-chartered bank located on Main Street, Frederika, Iowa.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,114—The Greenwich Savings Bank, New York, New York
Case No. 46,115-SR—State Bank of Prairie City, Prairie City, Iowa
Case No. 46,116-SR—Hohenwald Bank & Trust Co., Hohenwald, Tennessee
Memorandum and Resolution re: East Texas Bank & Trust Company, Longview, Texas

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and resolution re: Proposed amendments to Part 332 of the Corporation's rules and regulations, entitled "Powers Inconsistent with Purposes of Federal Deposit Insurance Law," which amendments will govern insured banks' direct and indirect involvement in insurance brokerage and underwriting, real estate brokerage and underwriting, securities brokerage, EDP services, or travel services.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 2, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-26502 Filed 10-2-84; 3:53 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, October 9, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for reconsideration of a previous denial of an application for consent to purchase assets and assume liabilities and establish branches:

Live Stock State Bank, Mitchell, South Dakota, an insured State nonmember bank, for reconsideration of a previous denial of an application for consent to purchase the assets of and assume the liability to pay deposits made in five branches of United National Bank, Sioux Falls, South Dakota, and for consent to establish those offices as branches of Live Stock State Bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: Coles County National Bank of Charleston, Charleston, Illinois.

Memorandum re: Development of an automated system for the payment of insured deposits in closed banks.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: October 2, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–26503 Filed 10–2–84; 3:54 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, October 1, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Mr. Michael A. Mancusi, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and Resolution re: Delegation of Authority to the Director of the Division of Bank Supervision to Conduct Special Examinations of Insured State Member Banks Pursuant to Section 10(b) of the Federal Deposit Insurance Act.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: October 1, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–26504 Filed 10–2–84; 3:54 pm]

BILLING CODE 6714–01–M

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NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Tuesday, October 9, 1984.

PLACE: 1776 G Street, NW., Washington, D.C. 20456, Filene Board Room, 7th Floor.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Final Rule: Implementing the NCUSIF Capitalization Legislation.
4. Consideration of the Operating Fee for Calendar Year 1985.

RECESS: 10:30 a.m.

TIME AND DATE: 10:45 a.m., Tuesday, October 9, 1984.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Termination of Outstanding Cease and Desist Order. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 84–26460 Filed 10–2–84; 12:48 p.m.]

BILLING CODE 7535–01–M

5

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, October 18, 1984.

PLACE: Suite 316, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mr. Earl R. Ohman, Jr., (202) 634–4015.

Dated: October 2, 1984.

Earl R. Ohman, Jr.,

Acting General Counsel.

[FR Doc. 84–26441 Filed 10–2–84; 10:59 am]

BILLING CODE 7600–01–M

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SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of October 8, 1984, at 450 Fifth Street, NW., Washington, D.C.

An open meeting will be held on Thursday, October 11, 1984, at 10:00 a.m., in Room 1C30, followed by a closed meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Cox, Marinaccio and Peters voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Thursday, October 11, 1984, at 10:00 a.m., will be:

1. Consideration of a proposal by the New York stock Exchange, Inc. ("NYSE") to allow NYSE specialists to use options on their specialty stocks for hedging purposes. For further information, please contact Alden Adkins at (202) 272–2843.
2. Consideration of whether to propose for public comment Rule 26a–3 under the Investment Company Act of 1940, which would provide variable annuity separate accounts with exemptive relief in connection with the deduction of mortality and expense risk charges. For further information, please contact Jeffrey S. Puretz at (202) 272–3010.
3. Consideration of whether to adopt: (i) Rule 2a19–1 under the Investment Company Act of 1940 ("Act") to exempt from the definition of "interested person", under certain conditions, any investment company director who would be considered "interested" solely because he is a registered broker or dealer or an affiliated person of a registered broker or dealer; (ii) Rule 10b–1 under the Act to define the term "regular broker or dealer" as used in Section 10(b) of the Act and in Form N–1R, the annual report for management investment companies; and (iii) technical amendments to investment company registration statement forms to reflect the adoption of Rule 10b–1. For further information, please contact Brian M. Kaplowitz at (202) 272–3024.

The subject matter of the closed meeting scheduled for Thursday, October 11, 1984, following the 10:00 a.m. open meeting, will be:

Formal orders of investigation.
Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceeding of an enforcement nature.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Wescoe at (202) 272–2092.

Shirley E. Hollis,

Acting Secretary.

October 1, 1984.

[FR Doc. 84–26462 Filed 10–2–84; 12:48 pm]

BILLING CODE 8010–01–M

federal register

Thursday
October 4, 1984

Part II

Small Business Administration

13 CFR Part 123

Disaster Loans; Economic Injury; Final Rule

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

Disaster Loans; Economic Injury

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule implements a section of the Omnibus Budget Reconciliation Act of 1984 which authorizes the Small Business Administration to provide disaster assistance to alleviate economic injury caused by currency devaluation and monetary adjustment in a country contiguous to the United States.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, Telephone: (202) 653–6879.

SUPPLEMENTARY INFORMATION: As part of the Small Business Administration's (SBA) implementation of Title III of the Omnibus Budget Reconciliation Act of 1984, Pub. L. 98–270, signed April 18, 1984 (98 Stat. 157), SBA is hereby adding a new Subpart E to Part 123 of Title 13, Code of Federal Regulations, to implement new subsection 7(b)(4) of the Small Business Act (Act). New subsection 7(b)(4) authorizes loans and the refinancing of certain previously made SBA business loans to small business concerns which SBA determines to be unable to obtain credit elsewhere (§ 123.60) and which are located in an area of economic dislocation that results from the drastic fluctuation in the currency of a country contiguous to the United States and adjustments in the regulation of its monetary system.

On August 14, 1984, at 49 FR 32530, SBA published proposed regulations concerning currency fluctuation disaster assistance. Consistent with congressional intent that SBA implement the new legislation concerning disaster loans as quickly as possible, the public was afforded 15 days to comment on the proposed regulations. SBA received seven comments on that publication, several of which represented groups potentially affected by these regulations. SBA has carefully reviewed all comments. Where appropriate, SBA has made changes to the regulations in response to the comments received. A detailed analysis of the issues raised by these comments and whether or not SBA adopted the suggested changes in these final regulations have been made a part of this Supplementary Material.

Overview of the Currency Fluctuation Loan Program

Pursuant to new subsection 7(b)(4) of the Act, SBA may make loans to small business concerns, which the Agency determines to be unable to obtain credit elsewhere, if such concerns are located in an area of economic dislocation caused by the drastic fluctuation in the currency of a country contiguous to the United States and by adjustments in the regulation of that country's monetary system. The Governor of a State may certify to such economic injury, and to the need for such disaster loan assistance, where such financial assistance is not available on reasonable terms.

The Governor's request for a designation of such area of dislocation must show that at least 25 small concerns in a county, previously financially sound, have suffered economic injury of such magnitude that without this assistance they may become insolvent, or be unable to return to their former level of operation within six months (§ 123.61). The regulation defines substantial economic injury as a drop of a least 40 percent in income from operations or working capital which causes the business to be unable to meet its financial obligations (§ 123.62). Most small businesses are eligible, if they demonstrate that they have suffered an injury due to the harmful event stated in the designation, but a business which has changed ownership after the event is not eligible. Proceeds of these loans may be used only to alleviate the specific economic injury caused by the designated event (§ 123.63).

Review of Public Comments

Subsection 123.61(a) sets forth requirements for designation of an area of economic dislocation due to currency fluctuation including requirements that the Governor of a State certify that at least 25 small business concerns have suffered substantial economic injury in a county or smaller political subdivision. Commenters were concerned that the 25 small business concern minimum was too restrictive and that such a threshold would preclude assistance to affected small businesses in sparsely populated counties adjacent to counties where affected small businesses qualify for assistance.

SBA believes the regulations, as proposed, are proper regarding these requirements. SBA established the impact factor for designation at 25 because of the limitation imposed by the Act that program costs not exceed $100 million per year in fiscal years 1984 through 1986. The inclusion of a lower impact factor would jeopardize the effective allocation of program resources over projected demand. In addition, the SBA policy of providing assistance to only primary counties is in conformity with SBA's disaster designated procedures for economic injury loans in areas where disaster damage is insufficient for an SBA physical disaster declaration. Therefore, SBA has maintained the requirements set forth in the proposed regulation.

Subsection 123.61(c) defines currency fluctuation as a rise in value, during a 30-day period, of more than 40 percent in the conversion rate of United States currency to that of the contiguous country. One commenter questioned whether successive devaluations of less than 40 percent would qualify under the regulation. Another questioned whether continuous devaluations, each greater than 40 percent, would qualify as separate disasters. The regulations require a 40 percent or greater rise in value in the conversion rate of U.S. currency during a 30-day period. This means that continuous devaluations of greater than 40 percent in the aggregate are only eligible when the 40 percent threshold is met within 30 days. In deciding whether successive currency devaluations will be considered a single disaster, SBA focuses on whether or not the devaluations meeting the 40 percent threshold have been continuous. SBA will consider devaluations which meet the threshold over consecutive 30-day periods a single disaster. Similarly, SBA may consider qualifying devaluations over intermittent 30-day periods to be continuous, and therefore, a single disaster.

Several comments indicated that the definition of currency fluctuation was unclear in its reference to the rise in value of U.S. currency. For example, some commenters were concerned that the result of a calculation based on the percentage increase in the value of U.S. currency would be greater than a calculation based on the percentage decrease in the value of the contiguous country's currency. Some commenters also noted that it would be difficult to make the calculation if multiple conversion rates were involved. Also, some commenters preferred the description of currency fluctuation found in the Omnibus Budget Reconciliation Act of 1984 to that proposed in the regulations.

In response to the comments, SBA has changed its regulations to define more precisely what constitutes a rise in value of more than 40 percent in the conversion rate of U.S. currency to that

of the contiguous country's currency. The amended regulation states that the rise in value must represent at least a 40 percent increase in the exchange rate of foreign currency per U.S. dollar. The calculation of increase uses the exchange rate according to trading among banks in amounts of $1 million and more, as quoted at 3 p.m. Eastern time by Bankers Trust Co. This rate is published daily in the *Wall Street Journal.*

The comments indicated some confusion about how exchange freezes relate to the § 123.61(c) definition of currency fluctuation. One commenter suggested that the criteria include the effects from lost business activity with a neighboring country. Another commenter stated that SBA rules should extend disaster assistance to victims of either currency fluctuations or exchange freezes. The Act requires, however, that both drastic currency fluctuations and adjustments in the regulation of the contiguous country's monetary system must be present to establish eligibility. Exchange freezes are but one example of regulatory adjustments which are required to be present before an event can be considered for designation as a disaster.

The definition of "substantial economic injury" for the purposes of Subpart E is set forth in § 123.62. The proposed rules for this section established a 40 percent criteria relative to profit from operations, cash position or operating costs. This definition was the subject of the greatest amount of public criticism. Many commenters questioned the inclusion of specific variables, especially the profit variable, and the use of thresholds of 40 percent as appropriate criteria for establishing substantial economic injury. Several commenters suggested using a decrease in sales as an alternate and more verifiable measure of economic injury. Others believed that profit decreases should be evaluated, but only in conjunction with other criteria. Still others expressed concern that a specific threshold of 40 percent decrease in profits was inflexible and unfair. Their view was that it penalized those small businesses with marginal profits or significant debt repayment. One commenter said profits could too easily be manipulated to achieve predetermined results. Additionally, two commenters stated that a 40 percent increase in operating costs criteria was a poor indicator of substantial economic injury.

In response to those comments, SBA has rewritten this section eliminating the criteria for increase in operating costs and changing the terms "profit from operations" and "cash position" to the more commonly understood terms "income from operations" and "working capital," respectively. Accordingly, the measure of substantial injury now addresses either of two conditions: At least a 40 percent decrease in income from operations or a 40 percent decrease in working capital (as adjusted for frozen accounts receivable or similar accounts).

SBA believes that a decrease in sales is not as meaningful a measure as income from operations because the former disregards a firm's ability to adjust costs of goods sold and expenses with changes in sales. The measure of income from operations, however, recognizes the effect of cost adjustments. Income from operations also takes into account increased operating expenses such as interest which may be occasioned by additional borrowing. It also takes into account decreased gross margins which are brought about by the dislocation. Other dislocation effects not measured by decrease in income such as debt repayment will be shown in decreased working capital (as adjusted for frozen accounts receivable and similar accounts).

One commenter presented a hypothetical case in which a minor change in profits resulted in a firm's insolvency. SBA emphasizes that the regulations are drafted to address only material changes which result in an otherwise financially sound firm's inability to pay its current liabilities. Minor financial changes which occasion such an inability to meet obligations may be indications of causes of the firm's financial instability which are ineligible for assistance under this program.

Commenters expressed concern that § 123.62 could permit undeserving small businesses to apply for assistance. For example, in 1982 immediately prior to the devaluation, businesses along the Mexican border experienced a substantial increase in profits because Mexican consumers purchased more than normal in anticipation of the devaluation. The commenters feared SBA would be assisting them to maintain an unusually high income from operations. Another commenter believed that the increase in 1982 would warrant a period longer than six months to show the proper effect. Commenters cautioned SBA to guard against manipulation of numbers in order to qualify an undeserving business improperly.

SBA believes, however, that the requirement that the economic injury must be directly attributable to the dislocation and must result in the inability of the small business to meet its obligations as they mature is sufficient to guard against any abuse in this area. SBA has also retained in the final rule the six-month minimum period for measurement of economic injury. Such a period is necessary so that an applicant can select a representative time frame that allows for the effects of seasonal fluctuations. SBA has retained its standard safeguards to insure that applicants submit correct information.

Paragraph § 123.63(c) sets forth provisions for refinancing loans and other credit. Under the regulation, only refinancing of SBA direct loans previously made to the applicant to alleviate the effect of currency fluctuation is permitted. Two comments objected to this limitation and requested that the regulation allow refinancing of the SBA guaranteed portion of loans made for the same purpose. While the Act specifically authorizes refinancing, it prohibits SBA from reducing the exposure of any other lender. Therefore, only SBA direct loans are eligible for refinancing under this subpart and the regulations remain as originally proposed.

Also in § 123.63, SBA has corrected an error regarding the use of loan proceeds for upgrading. Loans authorized by this subpart are to be used for working capital, to pay the liabilities that the eligible small business could have paid were it not for the currency fluctuation. Therefore, upgrading is not an eligible use of the proceeds of Currency Fluctuation Loans and the Regulations have been amended to reflect that fact.

One commenter objected to the $100,000 limitation on Currency Fluctuation Loans, particularly in light of the $500,000 limit on loans relating to the Payment-In-Kind program. Since the Act sets the limitation at $100,000 for this type of loan, the limitation cannot be raised by regulation.

Two commenters expressed concern that SBA's application process might require applicants to furnish extensive and costly financial documents in order to establish their economic injury within the guidelines. Applicant requirements are set forth in § 123.63(g). Under those requirements, the applicant is requested to furnish only information necessary to process the application and establish economic injury. In requesting such information, SBA makes every possible attempt to meet its responsibility to request information which is readily available or prepared at minimum

expense. Therefore, SBA normally requests standard business records which are necessary, usual and customary to meet the applicant's internal recordkeeping and tax compliance requirements.

Regulatory Impact

This final regulation is not a major rule for purposes of E.O. 12291. However, for purposes of Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, it is likely to have a significant economic impact on a substantial number of small entities. Consequently, for purposes of section 604 of that Act, the following information is offered:

1. The objectives and legal basis for this final rule, as well as a detailed description of the issues raised by public comments and the Agency's resolution of such issues is set forth above.

2. The regulations will apply to all small businesses which apply for asistance pursuant to section 7(b)(4) of the Small Business Act.

3. There are no 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 final rule.

5. There are no significant alternatives to this regulation. In each instance in which SBA has provided a substantive requirement in the regulation, it was either in response to a specific statutory requirement (§ 123.61 (a) and (c)) or consistent with the implementation of SBA's other economic injury disaster loan program procedures which have proven to be administratively sound and equitable based upon extensive administrative experience (§§ 123.61(b), 123.62, and 123.63).

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 the reporting and recordkeeping requirement under the Paperwork Reduction Act is noted in the text of this regulation.

List of Subjects in 13 CFR Part 123

Disaster assistance, Loan programs/business, Small businesses.

PART 123—[AMENDED]

Accordingly, pursuant to sections 5(b)(6) and 7(b)(4) of the Act, 15 U.S.C. 634 and 636, a new Subpart E is added to Part 123 of Title 13 of the Code of Federal Regulations as follows:

Subpart E—Currency Fluctuation Loans

Sec.
123.60 Introduction.
123.61 Designation.
123.62 Substantial economic injury.
123.63 Loan conditions.

Authority: Sec. 7(b)(4) of the Small Business Act, 15 U.S.C. 634, 636, Pub. L. 98–270, Title III.

Subpart E—Currency Fluctuation Loans

§ 123.60 Introduction.

This subpart applies to loans made for substantial economic injury caused by drastic currency fluctuation and adjustments in the regulation of the monetary system in a country contiguous to the continental United States, commencing on or after January 1, 1982. These loans are available only for small concerns suffering such injury and meeting the size standards of Part 121 of this chapter as of the time (stated in the relevant designation) when the 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 requirements, see § 123.61(a) of this part.

§ 123.61 Designation.

(a) *Request for designation.* A designation of an area of economic dislocation caused by drastic currency fluctuations and adjustments in the regulation of the monetary system of a country contiguous to the continental United States shall be requested by the Governor of the State in which the economic dislocation is claimed to have injured small business concerns. The Governor's request must cite the specific drastic fluctuation in the value of the currency and the adjustment in the regulation of the monetary system of the contiguous country, and must certify that:

(1) At least twenty-five small business concerns located in a county or smaller political subdivision of the State have directly suffered substantial economic injury as a result of these events;

(2) These concerns were financially sound prior to these events;

(3) These concerns are in need of financial assistance that is not otherwise available on reasonable terms; and

(4) The injury is of such magnitude that without the loans provided by this program these concerns would become insolvent or be unable to return quickly (within 6 months after the commencement of these events) to their former level of operation.

(b) *Processing.* The request, together with supporting documentation, shall be sent by the Governor to the Regional Office serving the region wherein the State is located within 6 months of the commencement of these events, or 60 days from the effective date of this regulation, whichever comes later. The Administrator may extend the time for filing a request where the extent of the dislocation could not reasonably be ascertained within the stated time. The Regional Office will forward the request and documentation to the appropriate Disaster Area Office where the request will be evaluated and forwarded to SBA's Central Office. The Administrator will take final action and, if a request is approved, publish a notice of designation of the currency-related economic dislocation area(s) in the **Federal Register.**

(OMB Control No. 3245–0121)

(c) *Definition of currency fluctuation.* For purposes of this Subpart, drastic currency fluctuation means a rise in value, during a 30 day period, of more than 40 percent in the conversion rate of United States currency to that of a country contiguous to the continental United States together with an adjustment in the regulation of the monetary system of the national government of the contiguous country. The rise in value of U.S. currency is determined by calculating the increase in the exchange rate of foreign currency per U.S. dollar according to trading among banks in amounts of $1 million and more, as quoted at 3 p.m. Eastern time each business day by Bankers Trust Co. This rate is published daily in the *Wall Street Journal.*

§ 123.62 Substantial economic injury.

Substantial economic injury, for purposes of this subpart, means:

(a) *Income from operations.* A decrease of at least 40 percent in income from operations 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; or

(b) *Working capital.* A decrease in working capital (adjusted for frozen accounts receivable or similar accounts) 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 and with the result as described in the preceding paragraph; or

(c) *Other.* A reasonable expectation of (a) or (b) above.

§ 123.63 Loan conditions.

(a) *Eligibility of applicants.* Applicants otherwise eligible under § 123.60 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 only if each of the owners would itself qualify as a small business concern under Part 121 of the chapter.

(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. Evidence of loss or injury and of the cause thereof, satisfactory to SBA, must be provided by the applicant.

(OMB Control No. 3245–0017)

(c) *Use of proceeds.* (1) Proceeds of loans under this subpart may be used for the alleviation of the specific economic injury, and for working capital necessary to carry the concern until resumption of normal operations, but not to exceed that which the business could provide had the currency fluctuation not occurred. Refunding of SBA direct loans previously made to the applicant to alleviate the effect of currency fluctuation is permitted.

(2) Proceeds of a loan under this subpart may not be used to refinance any other (non-SBA) loans, or credit, nor for the payment of dividends or other disbursements to owners, partners, officers or stockholders unless they constitute reasonable remuneration and are directly related to their performance of services; 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.

(3) 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 section.

(e) *Loan amount.* No loan under this subpart shall exceed $100,000.

(f) *Interest.* Loans under this section shall bear interest at a rate not to exceed 8 percent.

(g) *Other requirements.* For application requirements see § 123.7; for record keeping requirements see § 123.18; for terms of loans, see § 9(a); for types of loans, see § 123.4; for service fees, see § 123.6 of this Part.

(Catalog of Federal Domestic Assistance Program No. 59.039, Currency Devaluation Disaster Loans)

Dated: September 20, 1984.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 84–26392 Filed 10–3–84; 8:45 am]

BILLING CODE 8025–01–M

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Federal Register

Vol. 49, No. 194

Thursday, October 4, 1984

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