10-19-84
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Pages 41009-41226

# federal register

Friday
October 19, 1984



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Environmental Protection Agency

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Employment and Training Administration

**Continental Shelf**
Minerals Management Service

**Crop Insurance**
Federal Crop Insurance Corporation

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Agricultural Marketing Service

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 371

### Organization, Functions, and Delegations of Authority

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document revises the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) by amending the locations of principal field offices of Plant Protection and Quarantine to indicate new addresses for the Western and Latin American Regional Headquarters, located in Sacramento, CA, and Mexico City, D.F., Mexico, respectively.

**EFFECTIVE DATE:** October 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** John C. Frey, Classification, Employment and Executive Resources Program, Human Resources Division, Animal and Plant Health Inspection Service, Room 221, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782 [301–436–6466].

**SUPPLEMENTARY INFORMATION:** This amendment makes a change in the addresses of the Plant Protection and Quarantine Western and Latin American Regions.

This rule relates to internal agency management, and therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus, is exempt from the provisions of that Act.

**List of Subjects in 7 CFR Part 371**

Organization and functions (Government agencies).

**PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY**

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

**Authority:** 5 U.S.C. 301.

2. In § 371.1, paragraph (c)(1) is revised to read as follows:

**§ 371.1 General Statement.**

* * * * *

(c) * * *

(1) Plant Protection and Quarantine.

**Regions**

Northeastern: 505 South Lenola Road, Building Blason II, First Floor, Moorestown, NJ 08057
Southeastern: 3505 25th Avenue, P.O. Box 3659, Gulfport, MS 39501
South Central: 2100 Boca Chica Boulevard, Suite 400, Brownsville, TX 78521
Western: 83 Scripps Drive, Sacramento, CA 95825
Latin American: American Embassy. Reforma 305, Col. Cuauhtemoc 06500 Mexico, D.F. Mailing Address: c/o U.S. Embassy, Mexico City, P.O. Box 3087, Laredo, TX 78044.

* * * * *

Dated: October 9, 1984.

**Bert W. Hawkins,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 84–27626 Filed 10–18–84; 8:45 am]
**BILLING CODE 3410–34–M**

## Federal Crop Insurance Corporation

### 7 CFR Part 431

**[Docket No. 1289S; Amdt No. 2]**

### Soybean Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby amends Appendix A to the Soybean Crop Insurance Regulations (7 CFR Part 431) to include additional counties recently approved by FCIC's Board of Directors for soybean crop insurance, to list counties inadvertently omitted from previous county listing publications, and to republish Appendix A in its entirety to reflect all counties currently designated for soybean corp insurance. The intended effect of this rule is to update the list of counties wherein soybean corp insurance is authorized to be offered under the provisions of the Soybean Crop Insurance Regulations and to notify all interested parties in the additional affected counties that they are now eligible to participate in the program.

**EFFECTIVE DATE:** November 19, 1984.

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

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation No. 1512–1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under that memorandum. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order no. 12291 (February 17, 1981), because it will not result in: (a) An annual effect on the economy of $100 million or; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) 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; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

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

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

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

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

On Thursday, June 14, 1984, FCIC published a notice of proposed rulemaking in the **Federal Register** at 49 FR 24529, to amend Appendix A to the Soybean Crop Insurance Regulations (7 CFR Part 431), listing counties wherein such insurance is otherwise authorized to be offered. The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, the proposed rule is adopted as final.

Under the provisions of 7 CFR 431.1, before any insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which soybean crop insurance shall be offered. The Board of Directors has approved additional counties for soybean crop insurance and the Manager will make crop insurance available in those counties effective with the 1984 and succeeding crop years. The additional counties were listed and identified in Appendix A when it was published as a proposed rule by an asterisk ("*").

In reviewing the county listing for soybean crop insurance, FCIC noted that several counties had been inadvertently omitted from previous regulations published in the **Federal Register**. These counties were included in Appendix A when published as a proposed rule and identified by two asterisks ("**").

To be sure that Appendix A lists every county wherein soybean crop insurance is otherwise authorized to be offered, FCIC is republishing Appendix A in its entirety.

**List of Subjects in 7 CFR Part 431**

Crop insurance, Soybean.

**Final Rule**

**PART 431—[AMENDED]**

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Soybean Crop Insurance Regulations (7 CFR Part 431), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority Citation for 7 CFR Part 431 is:

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

2. 7 CFR Part 431 is amended by revising and reissuing Appendix A thereto to read as follows:

**APPENDIX A.—Counties Designated for Soybean Crop Insurance**

The following counties are designated for Soybean Crop Insurance under the provisions of 7 CFR 431.1.

**Alabama**

Autauga
Baldwin
Barbour
Bibb
Blount
Bullock
Butler
Calhoun
Chambers
Cherokee
Chilton
Choctaw
Clarke
Cleburne
Coffee
Colbert
Conecuh
Covington
Creshaw
Cullman
Dale
Dallas
De Kalb
Elmore
Escambia
Etowah
Fayette
Franklin
Geneva
Greene
Hale
Henry
Houston
Jackson
Jefferson
Lamar
Lauderdale
Lawrence
Lee
Limestone
Lowndes
Macon
Madison
Marengo
Marion
Marshall
Mobile
Monroe
Montgomery
Morgan
Perry
Pickens
Pike
Randolph
Russell
St. Clair
Shelby
Sumter
Talladega
Tallapoosa
Tuscaloosa
Walker
Washington
Wilcox
Winston

**Arkansas**

Arkansas
Ashley
Benton
Bradley
Calhoun
Chicot
Clark
Clay
Cleburne
Cleveland
Conway
Craighead
Crawford
Crittenden
Cross
Dallas
Desha
Drew
Faulkner
Franklin
Greene
Hempstead
Hot Spring
Howard
Independence
Jackson
Jefferson
Johnson
Lafayette
Lawrence
Lee
Lincoln
Little River
Logan
Lonoke
Miller
Mississippi
Monroe
Nevada
Ouachita
Perry
Phillips
Pike
Poinsett
Pope
Prairie
Pulaski
Randolph
St. Francis
Saline
Scott
Sebastian
Sevier
Sharp
Stone
Washington
White
Woodruff
Yell

**Delaware**

Kent
New Castle
Sussex

**Florida**

Alachua
Bay
Bradford
Calhoun
Columbia
Escambia
Gadsden
Gilchrist
Gulf
Hamilton
Holmes
Jackson
Jefferson
Leon
Levy
Liberty
Madison
Marion
Okaloosa
Pasco
Santa Rosa
Sumter
Suwannee
Union
Walton
Washington

**Georgia**

Appling
Atkinson
Bacon
Baker
Baldwin
Banks
Barrow
Bartow
Ben Hill
Berrien
Bibb
Bleckley
Brantley
Brooks
Bryan
Bulloch
Burke
Butts
Calhoun
Candler
Carroll
Catoosa
Chatham
Chattooga
Clarke
Clay
Clayton
Coffee
Colquitt
Columbia
Cook
Coweta
Crawford
Crisp
Decatur
Dodge
Dooly
Dougherty
Early
Echols
Effingham
Elbert
Emanuel
Evans
Fayette
Floyd
Forsyth
Franklin
Fulton
Glascock
Gordon
Grady
Greene
Gwinnett
Hancock
Haralson
Harris
Hart
Heard
Henry
Houston
Irwin
Jackson
Jasper
Jeff Davis
Jefferson
Jenkins
Johnson
Jones
Lamar
Lanier
Laurens
Lee
Long
Lowndes
McDuffie
Macon
Madison
Marion
Meriwether
Miller
Mitchell
Monroe
Montgomery
Morgan
Murray
Newton
Oconee
Oglethorpe
Peach
Pickens
Pierce
Pike
Polk
Pulaski
Quitman
Randolph
Richmond
Rockdale
Schley
Screven
Seminole
Spalding
Stewart
Sumter
Talbot
Tattnall
Taylor
Telfair
Terrell
Thomas
Tift
Toombs
Treutlen

Troup
Turner
Twiggs
Upson
Walker
Walton
Ware
Warren
Washington
Wayne
Webster
Wheeler
Whitfield
Wilcox
Wilkes
Wilkinson
Worth

**Illinois**

Adams
Alexander
Bond
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Christian
Clark
Clay
Clinton
Coles
Cook
Crawford
Cumberland
De Kalb
DeWitt
Douglas
DuPage
Edgar
Edwards
Effingham
Fayette
Ford
Franklin
Fulton
Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Iroquios
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Kane
Kankakee
Kendall
Knox
Lake
La Salle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Massac
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Perry
Piatt
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
St. Clair
Saline
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Union
Vermilion
Wabash
Warren
Washington
Wayne
White
Whiteside
Will
Williamson
Winnebago
Woodford

**Indiana**

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Brown
Carroll
Cass
Clark
Clay
Clinton
Crawford
Daviess
Dearborn
Decatur
De Kalb
Delaware
Dubois
Elkhart
Fayette
Floyd
Fountain
Franklin
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Harrison
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Jefferson
Jennings
Johnson
Knox
Kosciusko
Lagrange
Lake
La Porte
Lawrence
Madison
Marion
Marshall
Martin
Miami
Monroe
Montgomery
Morgan
Newton
Noble
Ohio
Orange
Owen
Parke
Perry
Pike
Porter
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
St. Joseph
Scott
Shelby
Spencer
Starke
Steuben
Sullivan
Switzerland
Tippecanoe
Tipton
Union
Vanderburgh
Vermillion
Vigo
Wabash
Warren
Warrick
Washington
Wayne
Wells
White
Whitley

**Iowa**

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
East Pottawattamie
West Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Wayne
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

**Kansas**

Allen
Anderson
Atchison
Barber
Barton
Bourbon
Brown
Butler
Chase
Chautauqua
Cherokee
Cheyenne
Clay
Cloud
Coffey
Comanche
Cowley
Crawford
Dickinson
Doniphan
Douglas
Edwards
Elk
Ellsworth
Finney
Ford
Franklin
Geary
Grant
Gray
Greenwood
Harvey
Haskell
Jackson
Jefferson
Jewell
Johnson
Kearny
Kingman
Kiowa
Labette
Leavenworth
Lincoln
Linn
Lyon
McPherson
Marion
Marshall
Meade
Miami
Mitchell
Montgomery
Morris
Nemaha
Neosho
Osage
Osborne
Ottawa
Pawnee
Pottawatomie
Pratt
Reno
Republic
Rice
Riley
Saline
Scott
Sedgwick
Seward
Shawnee
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Wabaunsee
Washington
Wichita
Wilson
Woodson
Wyandotte

**Kentucky**

Adair
Allen
Ballard
Barren
Bath
Boone
Bourbon
Boyle
Breckinridge
Bullitt
Butler
Caldwell
Calloway
Carlisle
Carroll
Casey
Christian
Clark
Clinton
Crittenden
Cumberland
Daviess
Edmonson
Fayette
Fleming
Franklin
Fulton
Gallatin
Graves
Grayson
Green
Greenup
Hancock
Hardin
Harrison
Hart
Henderson
Henry
Hickman
Hopkins
Jefferson
Jessamine
Larue
Lewis
Lincoln
Livingston
Logan
Lyon
McCracken
McLean
Madison
Marion
Marshall
Mason
Meade
Mercer
Metcalfe
Monroe
Montgomery
Muhlenberg
Nelson
Ohio
Oldham
Pendleton
Powell
Pulaski
Rowan
Russell
Scott
Shelby
Simpson
Spencer
Taylor
Todd
Trigg
Trimble
Union
Warren
Washington
Wayne
Webster
Woodford

**Louisiana**

Acadia
Allen

Ascension
Assumption
Avoyelles
Beauregard
Bienville
Bossier
Caddo
Calcasieu
Caldwell
Cameron
Catahoula
Concordia
De Soto
East Baton Rouge
East Carroll
East Feliciana
Evangeline
Franklin
Grant
Iberia
Iberville
Jefferson Davis
Lafayette
Lafourche
La Salle
Madison
Morehouse
Natchitoches
Ouachita
Pointe Coupee
Rapides
Red River
Richland
St. Charles
St. Helena
St. James
St. John the Baptist
St. Landry
St. Martin
St. Mary
St. Tammany
Tangipahoa
Tensas
Terrebonne
Vermilion
Vernon
Washington
Webster
West Baton Rouge
West Carroll
West Feliciana
Winn

### Maryland

Anne Arundel
Baltimore
Calvert
Caroline
Carroll
Cecil
Charles
Dorchester
Frederick
Harford
Howard
Kent
Montgomery
Prince Georges
Queen Annes
St. Marys
Somerset
Talbot
Wicomico
Worcester

### Michigan

Allegan
Arenac
Barry
Bay
Berrien
Branch
Calhoun
Cass
Clinton
Eaton
Genesee
Gladwin
Gratiot
Hillsdale
Huron
Ingham
Ionia
Iosco
Isabella
Jackson
Kalamazoo
Kent
Lapeer
Lenawee
Livingston
Macomb
Midland
Monroe
Montcalm
Muskegon
Oakland
Ottawa
Saginaw
St. Clair
St. Joseph
Sanilac
Shiawassee
Tuscola
Van Buren
Washtenaw
Wayne

### Minnesota

Aitkin
Anoka
Becker
Benton
Big Stone
Blue Earth
Brown
Carver
Cheippwa
Chisago
Clay
Cottonwood
Crow Wing
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Isanti
Jackson
Kanabec
Kandiyohi
Kittson
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Mahnomen
Marshall
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
East Otter Tail
West Otter Tail
Pine
Pipestone
East Polk
West Polk
Pope
Red Lake
Redwood
Renville
Rice
Rock
Scott
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Wadena
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

### Mississippi

Adams
Alcorn
Amite
Attala
Benton
Bolivar
Calhoun
Carroll
Chickasaw
Choctaw
Claiborne
Clarke
Clay
Coahoma
Copiah
Covington
Desoto
Forrest
Franklin
George
Greene
Grenada
Hancock
Harrison
Hinds
Holmes
Humphreys
Issaquena
Itawamba
Jackson
Jasper
Jefferson
Jefferson Davis
Jones
Kemper
Lafayette
Lamar
Lauderdale
Lawrence
Leake
Lee
Leflore
Lincoln
Lowndes
Madison
Marion
Marshall
Monroe
Montgomery
Neshoba
Newton
Noxubee
Oktibbeha
Panola
Pearl River
Perry
Pike
Pontotoc
Prentiss
Quitman
Rankin
Scott
Sharkey
Simpson
Smith
Stone
Sunflower
Tallahatchie
Tate
Tippah
Tishomingo
Tunica
Union
Walthall
Warren
Washington
Wayne
Webster
Wilkinson
Winston
Yalobusha
Yazoo

### Missouri

Adair
Andrew
Atchison
Audrain
Barry
Barton
Bates
Benton
Bollinger
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Cedar
Chariton
Clark
Clay
Clinton
Cole
Cooper
Crawford
Dade
Daviess
De Kalb
Dunklin
Franklin
Gasconade
Gentry
Greene
Grundy
Harrison
Henry
Hickory
Holt
Howard
Jackson
Jasper
Jefferson
Johnson
Knox
Laclede
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
McDonald
Macon
Madison
Maries
Marion
Mercer
Miller
Mississippi
Moniteau
Monroe
Montgomery
Morgan
New Madrid
Newton
Nodaway
Osage
Pemiscot
Perry
Pettis
Phelps
Pike
Platte
Polk
Putnam
Ralls
Randolph
Ray
Ripley
St. Charles
St. Clair
St. Genevieve
St. Francois
St. Louis
Saline
Schuyler
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Warren
Wayne
Worth

### Nebraska

Adams
Antelope
Boone
Buffalo
Burt
Butler
Cass
Cedar
Clay
Colfax
Cuming
Custer
Dakota
Dixon
Dodge
Douglas
Fillmore
Franklin
Furnas
Gage
Greeley
Hall
Hamilton
Harlan
Holt
Howard
Jefferson
Johnson
Kearney
Knox
Lancaster
Madison
Merrick
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Phelps
Pierce
Platte
Polk
Red Willow
Richardson
Saline
Sarpy
Saunders
Seward
Sherman
Stanton
Thayer
Thurston
Valley
Washington
Wayne
Webster
Wheeler
York

### New Jersey

Atlantic
Burlington
Camden
Cape May
Cumberland
Gloucester
Hunterdon
Mercer
Middlesex
Monmouth
Ocean
Salem
Somerset
Warren

### New York

Cayuga
Livingston
Ontario
Orleans
Seneca
Wayne

### North Carolina

Alamance
Alexander
Anson
Beaufort
Bertie
Bladen
Brunswick
Burke
Cabarrus
Caldwell
Camden
Carteret
Caswell
Catawba
Chatham
Cherokee
Chowan
Cleveland
Columbus
Craven
Cumberland
Currituck

Dare
Davidson
Davie
Duplin
Durham
Edgecombe
Forsyth
Franklin
Gaston
Gates
Granville
Greene
Guilford
Halifax
Harnett
Henderson
Hertford
Hoke
Hyde
Iredell
Johnston
Jones
Lee
Lenoir
Lincoln
Martin
Mecklenburg
Montgomery
Moore
Nash
New Hanover
Northampton
Onslow
Orange
Pamlico
Pasquotank
Pender
Perquimans
Person
Pitt
Polk
Randolph
Richmond
Robeson
Rockingham
Rowan
Rutherford
Sampson
Scotland
Stanly
Stokes
Surry
Tyrrell
Union
Vance
Wake
Warren
Washington
Wayne
Wilkes
Wilson
Yadkin

### North Dakota

Barnes
Cass
Dickey
Eddy
Grand Forks
Griggs
La Moure
Pembina
Ransom
Richland
Sargent
Steele
Stutsman
Traill
Walsh

### Ohio

Adams
Allen
Ashland
Ashtabula
Auglaize
Brown
Butler
Champaign
Clark
Clermont
Clinton
Columbiana
Coshocton
Crawford
Cuyahoga
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Gallia
Geauga
Greene
Hamilton
Hancock
Hardin
Henry
Highland
Hocking
Huron
Jackson
Knox
Lake
Licking
Logan
Lorain
Lucas
Madison
Mahoning
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Muskingum
Ottawa
Paulding
Perry
Pickaway
Pike
Portage
Preble
Putnam
Richland
Ross
Sandusky
Scioto
Seneca
Shelby
Stark
Summit
Trumbull
Tuscarawas
Union
Van Wert
Warren
Washington
Wayne
Williams
Wood
Wyandot

### Oklahoma

Bryan
Canadian
Choctaw
Cleveland
Craig
Creek
Delaware
Garvin
Grady
Haskell
Hughes
Kay
Le Flore
McClain
McCurtain
McIntosh
Mayes
Muskogee
Nowata
Okfuskee
Okmulgee
Osage
Ottawa
Pawnee
Pittsburg
Pottawatomie
Rogers
Seminole
Sequoyah
Tulsa
Wagoner
Washington

### Pennsylvania

Adams
Berks
Bucks
Chester
Columbia
Dauphin
Lancaster
Lebanon
Lehigh
Lycoming
Mercer
Montgomery
Montour
Northampton
Northumberland
York

### South Carolina

Abbeville
Aiken
Allendale
Anderson
Bamberg
Barnwell
Beaufort
Berkeley
Calhoun
Charleston
Cherokee
Chester
Chesterfield
Clarendon
Colleton
Darlington
Dillon
Dorchester
Edgefield
Fairfield
Forence
Georgetown
Greenville
Greenwood
Hampton
Horry
Jasper
Kershaw
Lancaster
Laurens
Lee
Lexington
Marion
Marlboro
Newberry
Oconee
Orangeburg
Pickens
Richland
Saluda
Spartanburg
Sumter
Union
Williamsburg
York

### South Dakota

Aurora
Beadle
Bon Homme
Brookings
Brown
Brule
Charles Mix
Clark
Clay
Codington
Davison
Day
Deuel
Douglas
Grant
Hamlin
Hanson
Hughes
Hutchinson
Kingsbury
Lake
Lincoln
McCook
Marshall
Miner
Minnehaha
Moody
Roberts
Spink
Sully
Turner
Union
Yankton

### Tennessee

Bedford
Benton
Bledsoe
Blount
Bradley
Cannon
Carroll
Cheatham
Chester
Claiborne
Clay
Cocke
Coffee
Crockett
Cumberland
Davidson
Decatur
Dekalb
Dickson
Dyer
Fayette
Fentress
Franklin
Gibson
Giles
Grainger
Greene
Grundy
Hamblen
Hamilton
Hardeman
Hardin
Hawkins
Haywood
Henderson
Henry
Hickman
Houston
Humphreys
Jackson
Jefferson
Knox
Lake
Lauderdale
Lawrence
Lewis
Lincoln
Loudon
McMinn
McNairy
Macon
Madison
Marion
Marshall
Maury
Meigs
Monroe
Montgomery
Morgan
Obion
Overton
Perry
Pickett
Polk
Putnam
Rhea
Robertson
Rutherford
Sequatchie
Sevier
Shelby
Smith
Stewart
Sumner
Tipton
Trousdale
Van Buren
Warren
Wayne
Weakley
White
Williamson
Wilson

### Texas

Bailey
Bowie
Brazoria
Brazos
Briscoe
Calhoun
Castro
Chambers
Colorado
Deaf Smith
Delta
Fannin
Fayette
Floyd
Fort Bend
Galveston
Grimes
Hale
Hardin
Harris
Hopkins
Houston
Jackson
Jefferson
Lamar
Lamb
Liberty
Lubbock
Matagorda
Medina
Moore
Newton
Orange
Parmer
Polk
Red River
San Jacinto
Sherman
Swisher
Tyler
Uvalde
Waller
Wharton
Zavala

### Virginia

Accomack
Albemarle
Amelia
Appomattox
Bedford
Brunswick
Campbell
Caroline
Charles City
Charlotte
Chesterfield
Culpeper
Cumberland
Dinwiddie
Essex
Fauquier
Fluvanna
Franklin
Gloucester
Goochland
Greensville
Halifax
Hanover
Henrico
Henry
Isle of Wight
James City
King and Queen
King George
King William
Lancaster
Loudoun
Louisa
Lunenburg
Mathews
Mecklenburg
Middlesex
Nelson
New Kent
Northampton
Northumberland
Nottoway
Orange
Patrick
Pittsylvania
Powhatan
Prince Edward
Prince George
Richmond
Southampton
Spotsylvania
Stafford

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| Surry | Chesapeake City |
| Sussex | Suffolk City |
| Westmoreland | Virginia Beach |
| York | |

**West Virginia**

Mason

**Wisconsin**

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| Adams | Lincoln |
| Barron | Manitowoc |
| Buffalo | Marquette |
| Burnett | Milwaukee |
| Calumet | Monroe |
| Chippewa | Outagamie |
| Clark | Ozaukee |
| Columbia | Pepin |
| Crawford | Pierce |
| Dane | Polk |
| Dodge | Portage |
| Door | Racine |
| Dunn | Richland |
| Eau Claire | Rock |
| Fond du Lac | St. Croix |
| Grant | Sauk |
| Green | Sheboygan |
| Iowa | Trempealeau |
| Jackson | Walworth |
| Jefferson | Washington |
| Juneau | Waukesha |
| Kenosha | Waupaca |
| LaCrosse | Waushara |
| Lafayette | Winnebago |
| Langlade | Wood |

Done in Washington, D.C., on July 17, 1984.

**Peter F. Cole,**

*Secretary, Federal Crop Insurance Corporation.*

Dated: October 11, 1984.

Approved by:

**Merritt W. Sprague,**

*Manager.*

[FR Doc. 84-27651 Filed 10-18-84; 8:45 am]

BILLING CODE 3410-18-M

## Agricultural Marketing Service

## 7 CFR Part 910

**[Lemon Reg. 486]**

## Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 180,000 cartons during the period October 21–27, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

**EFFECTIVE DATE:** October 21, 1984 to October 27, 1984.

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

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

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on October 16, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is easier.

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

**List of Subjects in 7 CFR Part 910**

Marketing agreements and orders, California, Arizona, Lemons.

**PART 910—[AMENDED]**

Section 910.786 is added as follows:

**§ 910.786 Lemon Regulation 486.**

The quantity of lemons grown in California and Arizona which may be handled during the period October 21, 1984, through October 27, 1984, is established at 180,000 cartons.

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

Dated: October 17, 1984.

**Thomas R. Clark,**

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

[FR Doc. 84-27804 Filed 10-18-84; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF JUSTICE

## Immigration and Naturalization Service

## 8 CFR Parts 103, 214, and 292a

## Powers and Duties of Service Officers; Availability of Service Records; Nonimmigrant Classes; Listing of Free Legal Services Programs; Miscellaneous Amendments

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule makes technical amendments necessary to 8 CFR reflecting the transfer of appellate authority formerly held by INS regional commissioners to the Associate Commissioner, Examinations. The transfer of authority was effective October 3, 1983, pursuant to a final rule published in the **Federal Register** of September 22, 1983 (48 FR 43160).

**EFFECTIVE DATE:** October 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

**SUPPLEMENTARY INFORMATION:** A final rule amending 8 CFR 103.1(f) published 9–22–83 (48 FR 43160) transferred to the Associate Commissioner, Examinations authority to consider all appeals concerning proceedings by immigration judges to withdraw the approval of petitions by schools, as provided in § 214.4(j) of this title and applications by organizations to be listed on the Service listing of free legal services programs and removal therefrom under § 292a of this title. This rule amends §§ 214 and 292a to reflect these changes. This rule also corrects a typographical error that occurred in final rule published 9–22–83 (48 FR 43160) amending 8 CFR 103.1(f).

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary

because the rule is limited to a matter relating to agency management.

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

This order is not a rule within the definition of Section 1(a) of E.O. 12291 because it relates to agency organization and management.

**List of Subjects**

*8 CFR Part 103*

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

*8 CFR Part 214*

Aliens, Employment, Schools, Students.

*8 CFR Part 292a*

Accreditation, Representation of others, Legal service.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended to read as follows:

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

In § 103.1, paragraph (f)(2)(iv) is revised to read as follows:

**§ 103.1 [Amended]**

* * * * *

(f) * * *

(2) * * *

(iv) Revoking approval of certain petitions under § 205.2 of this title;

* * * * *

## PART 214—NONIMMIGRANT CLASSES

In § 214.4, paragraphs (i) and (j) are revised to read as follows:

**§ 214.4 Withdrawal of school approval.**

* * * * *

(i) *Finality of order.* The order of the special inquiry officer shall be final except when the case is certified as provided in Part 103 of this chapter or an appeal is made by the respondent or the trial attorney.

(j) *Appeals.* Pursuant to Part 103 of this chapter, an appeal from a decision of a special inquiry officer under paragraph (g) of this section may be made. An appeal shall be taken within 15 days after the mailing of a written decision or the stating of an oral decision. The reasons for the appeal shall be stated briefly in the notice of appeal, Form I–290B; failure to do so may constitute a ground for dismissal of the appeal.

* * * * *

## PART 292a—LISTING OF FREE LEGAL SERVICES PROGRAMS

Section 292a.5 is revised to read as follows:

**§ 292a.5 Removal of an organization from list.**

If the district director or officer-in-charge is satisfied that an organization listed under § 292a.1 does not meet the qualifications as set out in § 292a.2, he/she shall notify the organization concerned, in writing, of his/her intention to remove its name from the Service list. The organization may submit an answer within 30 days from the date the notice was served. If, after considering the answer by the organization, in the event an answer is submitted, the district director or officer-in-charge determines that the organization does not qualify under § 292a.2, he/she shall remove its name from the list. Removal must be based on the failure of the organization to meet the qualifications specified in § 292a.2 of this chapter. The organization shall be advised of its right to appeal in accordance with §§ 103.1 and 103.3 of this chapter. If an organization applies to the district director or officer-in-charge to have its name removed from the Service list, that request shall be honored.

**Authority:** The amendments to Parts 103, 214 and 292a issued under section 103 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103.

Dated: October 15, 1984.

**Andrew J. Carmichael, Jr.,**

*Associate Commissioner, Examinations, Immigration and Naturalization Service.*

[FR Doc. 84-27628 Filed 10-18-84; 8:45 am]

BILLING CODE 4410-10-M

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Part 92

**[Docket No. 84-073]**

### Specifically Approved States Authorized To Receive Mares and Stallions Imported From CEM-Affected Countries

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule.

**SUMMARY:** This document affirms the interim rule which added Tennessee to the lists of approved States authorized to receive certain mares and stallions imported into the United States from countries affected with contagious equine metritis (CEM). This action is needed because the Deputy Administrator for Veterinary Services has determined that Tennessee has laws or regulations in effect to require the additional inspection, treatment, and testing of such horses to further ensure their freedom from CEM as required by the regulations. This action is necessary in order to avoid the imposition of unnecessary restrictions on importers of mares and stallions from countries affected with CEM.

**EFFECTIVE DATE:** October 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** Dr. M. P. Dulin, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 92.2(i) of the regulations in 9 CFR Part 92, among other things, authorizes the importation of certain horses (mares and stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into approved States for further inspection, treatment, and testing.

A document published in the **Federal Register** on June 4, 1984 (49 FR 23036–23037), set forth an interim rule amending § 92.4 of the regulations in 9 CFR Part 92 by adding Tennessee to the lists of States approved to receive these mares and stallions. The addition of Tennessee to the lists was based on the finding that it meets certain minimum standards concerning treatment, testing, and handling procedures for these mares and stallions.

The interim rule was made effective upon publication. Comments were solicited for 60 days after publication of the amendments. No comments were received. The factual situation which was set forth in the document of June 4,

1984, still provides a basis for the amendments.

**Executive Order 12291 and Regulatory Flexibility Act**

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

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

It is anticipated that fewer than 15 mares and stallions from countries affected with CEM will be imported into the State of Tennessee annually. This compares with 320 such animals imported into the entire United States during Fiscal Year 1983 and with approximately 40,000 horses of all classes imported into the United States during that same period.

Based on the circumstances explained above, Mr. Bert W. Hawkins, Administrator, Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 9 CFR Part 92**

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, the interim rule which was published at 49 FR 23036–23037 on June 4, 1984, is adopted as a final rule.

**Authority:** Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132; 21 U.S.C 111, 134c 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 12th day of October 1984.

**G.P. Pierson,**

*Acting Deputy Administrator, Veterinary Services.*

[FR Doc. 84-27627 Filed 10-18-84; 8:45 am]

BILLING CODE 3410-34-M

## FEDERAL ELECTION COMMISSION

**11 CFR Parts 4 and 5**

**[Notice 1984-17]**

## Public Records and the Freedom of Information Act; Access to Public Disclosure Division Documents; Amendment of Fee Provisions

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of effective date and correction of final rule.

**SUMMARY:** On July 31, 1984, (48 FR 30458), the Commission published the text of revised regulations governing the fee schedules for reproduction of materials available under the Freedom of Information Act and through the Commission's Public Disclosure Division. These regulations were transmitted to Congress on July 26, 1984. The Commission announces that these rules are effective as of October 19, 1984. Additionally, the Commission is correcting the authority citation for Part 5, (49 FR 30459).

**EFFECTIVE DATE:** October 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kim L. Bright, Acting Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463, (202) 523–4143 or (800) 424–9530.

**SUPPLEMENTARY INFORMATION:** 2 U.S.C. 438(d) requires that regulations prescribed by the Commission to implement the provisions of Title 2, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. Since the revisions to 11 CFR Part 5 implement provisions of Title 2, these regulations were transmitted to Congress on July 26, 1984. Thirty legislative days expired on October 9, 1984.

Announcement of effective date, 11 CFR Parts 4 and 5, as published at 49 FR 30458, are effective as of October 18, 1984.

In addition to announcing the effective date for these regulations, the Commission is correcting the authority citation for Part 5 which appears on page 30459, column 2. As corrected, the authority citation for Part 5 reads as follows:

**Authority:** 2 U.S.C. 437f(d), 437g(a)(4)(B)(ii), 438(a) and 31 U.S.C. 9701.

Dated: October 16, 1984.

**Lee Ann Elliott,**

*Chairman, Federal Election Commission.*

[FR Doc. 84-27677 Filed 10-18-84; 8:45 am]

BILLING CODE 6715-01-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

[Docket No. C-1161]

### Foremost Dairies, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Set Aside Order.

**SUMMARY:** This Order reopens the proceeding and sets aside the divestiture Order issued against a dairy products processor on January 23, 1967 (71 F.T.C. 56) and modified on February 17, 1983 (101 F.T.C. 343) by deleting provision requiring prior Commission approval for any acquisitions made by the company. After considering request of successor company, McKesson Corporation, together with supporting materials and other relevant data, the Commission found that the competitive problem that had prompted issuance of the divestiture order no longer existed and that termination of the Order to relieve respondent of compliance costs was in the public interest.

**DATES:** Consent Order issued January 23, 1967; Modifying Order issued February 17, 1983; Set Aside Order issued September 18, 1984.

**FOR FURTHER INFORMATION CONTACT:** L/301-1, Elliot Feinberg, Washington, D.C. 20580, (202) 634-4604.

**SUPPLEMENTARY INFORMATION:** In the matter of Foremost Dairies, Inc., a corporation.

### List of Subjects in 16 CFR Part 13

Pharmaceutical products.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

### Order Reopening and Setting Aside Modified Order Issued on January 23, 1967

[Docket No. C-1161]

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

In the matter of Foremost Dairies, Inc., a corporation.

By a petition filed on May 16, 1984, and a supplement thereto dated June 29, 1984, McKesson Corporation (formerly Foremost-McKesson, Inc. and Foremost Dairies, Inc. and hereafter "McKesson") requests that the Commission reopen the proceeding in Docket No. C-1161 and set aside the modified order against McKesson issued by the Commission on January 23, 1967. Pursuant to § 2.51 of the Commission's Rules of Practice, McKesson's petition was placed on the public record for comment. No comments were received.

Upon consideration of McKesson's petition and supporting materials, and other relevant information, the Commission now finds that changed conditions of fact and the public interest warrant reopening the proceeding and setting aside the modified order. The record demonstrates that the competitive problem Paragraph IV of the order intended to remedy no longer exists and termination of the order to relieve respondent of compliance costs is in the public interest.

Accordingly, it is ordered that this matter be, and it hereby is reopened and that the Commission's modified order be, and it is hereby set aside.

By direction of the Commission. Chairman Miller did not participate.

Issued: September 18, 1984.

Emily H. Rock,

*Secretary.*

[FR Doc. 84-27665 Filed 10-18-84; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

### 20 CFR Part 618

### Federal Supplemental Benefits; Revocation of Regulations

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Revocation.

**SUMMARY:** The Department of Labor revokes 20 CFR Part 618, originally established under the Emergency Unemployment Compensation Act of 1974, Pub. L. 93-572, which provided for

the payment of benefits from January 1975 to January 1978. The Federal Supplemental Benefits (FSB) program was a temporary program of unemployment assistance which paid benefits to workers who continued to be unemployed after exhausting their regular and extended unemployment benefits. The FSB program expired on January 31, 1978, and all benefit activities have ceased. There is no longer a need for the regulations.

**EFFECTIVE DATE:** October 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** Director, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street NW., Washington, D.C. 20213; Telephone: (202) 376–6636 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The revocation of these regulations merely removes regulations that are no longer necessary because the program to which they applied ceased operating in February 1978. Subsection (b) of 5 U.S.C. 553 requires that a notice of proposed rulemaking be published in the **Federal Register**, except when the agency for good cause finds that notice and public procedures thereon are impracticable, unnecessary, or contrary to the public interest. I have determined that the notice and comment procedures of Section 553(b) are unnecessary since the purpose and effect of this rule are merely to remove regulations that are no longer useful. For the same reason, this revocation is made effective upon publication in the **Federal Register**, pursuant to 5 U.S.C. 553(d).

### Drafting Information

This document was prepared under the direction and control of the Director of the Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street NW., Washington, D.C. 20213; Telephone: (202) 376–6636 (this is not a toll-free number).

### Classification—Executive Order 12291

The rule in this document is not classified as a "major rule" under Executive Order 12291 on Federal Regulations and, therefore, no regulatory impact analysis is required.

### Regulatory Flexibility Act

Because notice of proposed rulemaking is not required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., pertaining to regulatory flexibility analyses, do not apply to this rule.

### List of Subjects in 20 CFR Part 618

Labor, Federal Supplemental Benefits (FSB), Unemployment compensation.

### Words of Issuance

## PART 20—[REMOVED]

Accordingly, for the reasons set out in the preamble, 20 CFR Part 618 is hereby revoked and removed and reserved.

(Pub. L. 93–572, 88 Stat. 1869 (26 U.S.C. 3304 note); Secretary's Order No. 4–75 (40 FR 18515))

Signed at Washington, D.C., on October 11, 1984.

**Patrick J. O'Keefe,**

*Deputy Assistant Secretary of Labor.*

[FR Doc. 84–27711 Filed 10–18–84; 8:45 am]

**BILLING CODE 4510–30–M**

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## 20 CFR Parts 621 and 655

## Labor Certification Process for the Temporary Employment of Aliens on Guam: Termination of Program; Adverse Effect Wage Rates; Apprenticeship Wages

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Final rule.

**SUMMARY:** The Department of Labor (DOL) is revising its temporary alien labor certification regulations to indicate that it no longer will be advising the Immigration and Naturalization Service (INS) on the availability of qualified United States workers for temporary employment offered to nonimmigrant aliens in the Territory of Guam, or on the adverse effect of such employment on similarly employed U.S. workers. This is as a result of the action of the (INS), transferring this advisory function from DOL to the Governor of Guam.

**EFFECTIVE DATE:** June 18, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard C. Gilliland, Director, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213. Telephone 376–6289.

**SUPPLEMENTARY INFORMATION:** On April 18, 1984, there was published in the **Federal Register** a final rule by the Immigration and Naturalization Service (INS) which transfers from the Secretary of Labor to the Governor of Guam the advisory function set out at section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), with respect to employment in the Territory of Guam. 49 FR 15182. The INS regulation provides, effective June 18, 1984, that the Governor of Guam, or the Governor's designated representative within the Territorial Government, will advise INS whether qualified United States workers are available for temporary employment offered to nonimmigrant aliens (beneficiaries of H–2 visa petitions) in the Territory of Guam, and whether employment of those nonimmigrant aliens adversely affects the wages and working conditions of similarly employed U.S. workers. 8 CFR 214.2(h)(3); 49 FR 15183 (April 18, 1984).

The Department of Labor (DOL), therefore, is amending its regulations at 20 CFR Part 621 and Part 655, Subpart B, to terminate its temporary alien labor certification program for Guam. DOL continues, however, to have the statutory responsibility to certify the permanent employment of immigrant aliens in the Territory of Guam, and this document does not affect, therefore, the regulations at 20 CFR Part 656 governing that program. See 8 U.S.C. 1182(a)(14).

On October 16, 1981, DOL published in the **Federal Register** an advance notice of proposed rulemaking, requesting comments on revising the adverse effect wage rate methodology for the temporary employment of nonimmigrant alien construction workers in Guam. 46 FR 50981. This final rule constitutes the completion of that rulemaking.

Also on October 16, 1981, DOL published in the **Federal Register** a notice of proposed rulemaking, requesting comments on revising the methodology for setting wage rates for construction industry apprentices covered by the temporary alien certification program in Guam. 46 FR 50982. This final rule constitutes the completion of that rulemaking.

Since the recent INS rulemaking removes from DOL the authority for a temporary alien labor certification program in Guam, DOL finds it impracticable, unnecessary, and contrary to the public interest to publish a general notice of proposed rulemaking on this subject. 5 U.S.C. 553(b)(B). This rule is effective June 18, 1984, contemporaneous with the effective date of the INS rule.

### Development of Final Rule

This final rule was prepared under the direction and control of Mr. Richard C.

Gilliland, Director, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213.

**Regulatory Impact**

This document reflects the removal of regulations for which there are no longer any authority. Therefore, it is not a rule or regulation as defined in E.O. 12291.

With the exception of the October 16, 1981, proposed rulemaking on apprentice wages (46 FR 50982), this document was not preceded by a general notice of proposed rulemaking, and, therefore, is not a rule as defined in the Regulatory Flexibility Act. 5 U.S.C. 601(2) and 604(a). At the time that proposed rule was published, DOL notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b), that the rule proposed therein would not have had a significant economic impact on a substantial number of small entities.

*(Catalog of Federal Domestic Assistance* Number: This program was listed in the *Catalog of Federal Domestic Assistance* at 17.203.)

**List of Subjects**

*20 CFR Part 621*

Administrative practice and procedure, Aliens, Employment, Guam, Labor, Wages.

*20 CFR Part 655*

Administrative practice and procedure, Agriculture, Aliens, Employment, Forests and forest products, Guam, Labor, Migrant labor, Wages.

**Promulgation of Final Rule**

Accordingly, Parts 621 and 655 of Chapter V of Title 20, Code of Federal Regulations, are amended as follows:

## PART 621—CERTIFICATION OF TEMPORARY FOREIGN LABOR FOR OCCUPATIONS OTHER THAN AGRICULTURE OR LOGGING

1. Section 621.1 is revised to read as follows:

**§ 621.1 Scope and purpose.**

(a) *Purpose.* This part and Part 655, Subpart A, of this chapter set forth the procedures governing the temporary labor certification process for occupations other than agriculture and logging.

(b) *Territory of Guam.* (1) This part and Part 655 of this chapter do not apply to temporary employment in the Territory of Guam, and the Department of Labor does not certify to the Immigration and Naturalization Service (INS) the temporary employment of nonimmigrant aliens in the Territory of Guam. Pursuant to the INS's regulation at 8 CFR 214.2(h)(3), that function is performed by the Governor of Guam, or the Governor's designated representative within the Territorial Government.

(2) Certification to the INS and the Department of State of the permanent employment of immigrant aliens in the Territory of Guam is performed by the Department of Labor pursuant to 8 U.S.C. 1182(a)(14) and the regulations at 20 CFR Part 656.

## PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

2. A new § 655.000 is added to read as follows:

**§ 655.000 Territory of Guam.**

(a) *Temporary employment.* This part and Part 621 of this chapter do not apply to temporary employment in the Territory of Guam, and the Department of Labor does not certify to the Immigration and Naturalization Service (INS) the temporary employment of nonimmigrant aliens in the Territory of Guam. Pursuant to the INS's regulation at 8 CFR 214.2(h)(3), that function is performed by the Governor of Guam, or the Governor's designated representative within the Territorial Government.

(b) *Permanent employment.* Certification to the INS and the Department of State of the permanent employment of immigrant aliens in the Territory of Guam is performed by the Department of Labor pursuant to 8 U.S.C. 1182(a)(14) and the regulations at 20 CFR Part 656.

**§§ 655.100—655.110–(Subpart B) [Removed]**

3. Part 655 is amended by removing Subpart B consisting of §§ 655.100 through 655.110.

**Authority:** Secs. 101(a)(15)(H)(ii) and 214(c) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(H)(ii); Wagner-Peyser Act (29 U.S.C 49 *et seq.*); and 8 CFR 214.2(h)(3).

Signed in Washington, DC, this 15th day of October, 1984.

**Ford B. Ford,**

*Under Secretary of Labor.*

[FR Doc. 84-27713 Filed 10-18-84; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Ch. I

**[Docket No. 78N-0158]**

## Uniform Effective Date for Food Labeling Regulations; Notice to Manufacturers, Packers, and Distributors

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice; final rule-related.

**SUMMARY:** The Food and Drug Administration (FDA) is establishing July 1, 1987 as its new uniform effective date for compliance with all FDA final food labeling regulations that are published in the **Federal Register** after October 19, 1984 and before July 1, 1986.

FDA periodically has announced uniform effective dates for compliance with new food labeling requirements because the economic impact of requiring individual label changes on separate dates would probably be substantial. In addition, industry needs sufficient lead time to make label changes and the current uniform effective date of July 1, 1985, is less than 1 year away. Therefore, the agency has concluded that a new uniform effective date should be established.

**EFFECTIVE DATE:** July 1, 1987, for compliance with food labeling regulations published after October 19, 1984, and before July 1, 1986, except as otherwise provided in individual regulations.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Lake, Center for Food Safety and Applied Nutrition (HFF-302), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0162.

**SUPPLEMENTARY INFORMATION:** FDA periodically issues various regulations requiring changes in labeling for packaged food. If these labeling changes were individually required on separate dates, the cumulative economic impact on the food industry of frequent changes would probably be substantial. Therefore, the agency periodically has announced uniform effective dates for compliance with new food labeling requirements (see, e.g., the **Federal Register** of August 13, 1982 (47 FR 35185)). Use of a uniform effective date also provides for an orderly and economical industry adjustment to new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labeling materials. The agency believes that this policy

serves consumers' interest as well because the increased cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher food prices.

The agency has decided that a new uniform effective date of July 1, 1987 should be established for future FDA regulations requiring changes in food labels where special circumstances do not justify a different effective date. Action is appropriate now because the current uniform effective date is less than 1 year away. The agency has selected July 1, 1987 to ensure adequate time for implementation of any changes in food labeling that may be required by FDA final regulations published after October 19, 1984 and before July 1, 1986.

The agency encourages industry, however, to comply with new labeling regulations earlier than the required date wherever this is feasible. Thus, when industry members voluntarily change their labels, FDA believes that it is appropriate that they incorporate any new requirements that have been published as final regulations up to that time.

The new uniform effective date will apply only to final FDA food labeling regulations published after October 19, 1984 and before July 1, 1986. Those regulations will specifically identify July 1, 1987, as their effective date for compliance. If any food labeling regulation involves special circumstances that justify an effective date other than July 1, 1987, the agency will determine for that regulation an appropriate effective date that will be specified when the regulation is published.

This notice is not intended to change existing requirements. Therefore, all final FDA food labeling regulations previously published in the **Federal Register** that announced July 1, 1985, as their effective date will still go into effect on that date. Final regulations published in the **Federal Register** with effective dates earlier than July 1, 1985 (e.g., July 1, 1983) are also unaffected by this notice.

The current uniform effective date of July 1, 1985, for new final regulations affecting the labeling of food products was announced in the **Federal Register** of August 13, 1982 (47 FR 35185). Foods initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1985, are still required to comply with any final FDA regulations that identify July 1, 1985, as their effective date for compliance.

Dated: October 15, 1984.

**Joseph P. Hile,**

*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 84-27614 Filed 10-18-84; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

### 27 CFR Part 285

**[T.D. ATF-185; Correction]**

### Electronic Fund Transfer for Alcohol and Tobacco Taxpayments; Correction.

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a final rule on electronic fund transfer for alcohol and tobacco taxpayments which appeared in the issue of Tuesday, September 25, 1984 (49 FR 37585). This action is necessary to correct a technical error.

**FOR FURTHER INFORMATION CONTACT:** John A. Linthicum, FAA, Wine and Beer Branch (202) 566-7626

**SUPPLEMENTARY INFORMATION:** In FR Doc. 84-25342, appearing in the issue of Tuesday, September 25, 1984, an omission occurred on page 37585.

**§ 285.27 [Corrected]**

Immediately preceding the statutory authority for 27 CFR 285.27, the OMB Control Number for the section should be displayed, to read as follows:

(Approved by the Office of Management and Budget under Control Number 1512-0457)

Approved: October 10, 1984.

**Stephen E. Higgins,**

*Director.*

[FR Doc. 84-27709 Filed 10-18-84; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 914

### Approval of Permanent Program Amendments From the State of Indiana Under the Surface Mining Control and Reclamation Act of 1977

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

**ACTION:** Final rule.

**SUMMARY:** OSM is announcing the approval of certain amendments to the Indiana regulatory program (hereinafter referred to as the Indiana program) under the provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

On March 19, 1984, Indiana submitted an amendment to its program which consisted of modifications to the Indiana statute pertaining to the hearing on a lands unsuitable petition, various provisions on the blasting plan and use of explosives, administrative and judicial review of decisions on permit applications, requirements for signs and markers, and protection of underground mining.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Director of OSM has determined that the amendments meet the requirements of SMCRA and the Federal regulations, with the exception of several provisions discussed below. Accordingly, the Director is approving those amendments which are consistent and has notified Indiana, pursuant to 30 CFR 732.17, of additional program amendments which are required. Pursuant to 30 CFR 732.17(f), Indiana must respond to this notification within 60 days.

The Federal rules at 30 CFR Part 914 which codify decisions concerning the Indiana program are being amended to implement these actions.

**EFFECTIVE DATE:** October 19, 1984.

**ADDRESSES:** Copies of the Indiana program and the Administrative Record on the Indiana program are available for public inspection and copying during business hours at:

Office of Surface Mining Reclamation and Enforcement, Room 5124, 1100 L Street, NW., Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204

Indiana Department of Natural Resources, 608 State Office Building, Indianapolis, Indiana 46204

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard D. McNabb, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204. Telephone: (317) 269-2600.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Information regarding the general background on the Indiana State Program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, **Federal Register** (47 FR 32071–32108).

On March 19, 1984, the Director, Indiana Department of Natural Resources, submitted to OSM, pursuant to 30 CFR 732.17, a proposed State program amendment for approval. The proposed amendment to the Indiana regulations would modify various provisions of the approved Indiana program. Briefly, the proposed modifications and regulation cites are:

1. Indiana proposed changes to regulations concerning hearing requirements for lands unsuitable determinations. 310 IAC 12–2–8.

2. Indiana would change some requirements for information in the blasting plan required for permit applications. 310 IAC 12–3–43.

3. A change was proposed concerning administrative review of decisions by the commission on permit applications. 310 IAC 12–3–118.

4. Changes were proposed in the requirements for signs and markers. 310 IAC 12–5–6 and 310 IAC 12–5–73.

5. Changes were proposed in the use of explosives provisions for preblasting survey, public notice of blasting schedule, surface blasting requirements, and records of blasting operations. 30 IAC 12–5–34, 12–5–35, 12–5–36, 12–5–38, and 310 IAC 12–5–100, 12–5–101, 12–5–103.

6. A change was proposed in the requirements for protection of underground mining. 310 IAC 12–5–40.

7. A new section was proposed for underground mining use of explosives detailing requirements for public notice of a blasting schedule. 310 IAC 12–5–100.5.

OSM published a notice in the **Federal Register** on April 9, 1984, announcing receipt of the amendments, and procedures for the public comment period and for requesting a public hearing on the adequacy of the amendment (49 FR 13891). The public comment period ended May 9, 1984. Since no one requested a public hearing, the hearing, scheduled for May 4, 1984, was not held.

During its review of the proposed Indiana amendment, OSM identified several concerns. These were relayed to the State in a letter dated June 1, 1984. The State responded in a letter dated June 8, 1984, with explanation and modification of the identified provisions, to address OSM's concerns.

On July 30, 1984, OSM published a notice in the **Federal Register** reopening and extending the public comment period on the proposed amendment in light of the State's response (49 FR 30334). The comment period ended on August 14, 1984.

**II. Director's Findings**

*A. General findings*

The Director finds, in accordance with SMCRA and 30 CFR 732.17, that the amendments submitted by Indiana on March 9, 1984, as modified in Indiana's June 8, 1984, letter to OSM, meet the requirements of SMCRA and the Federal regulations with the exception of several provisions discussed below. Only those provisions of particular interest or concern are discussed in the specific findings which follow. Unless specifically stated, the Director approves the revisions to the Indiana program. Discussion of only those provisions for which specific findings are made does not imply any deficiency in any provision not discussed. The provisions not specifically discussed are found to be no less stringent than the Act and no less effective than the Federal rules. All of the amended provisions are cited at the end of this notice in the amendatory language for § 914.15 and § 914.16. Indiana has also made non-substantive changes which the Director finds consistent with Federal requirements.

The amendment submitted by Indiana modifies requirements for hearings on lands unsuitable petitions, various provisions on the blasting plan and use of explosives, administrative and judicial review of decisions on permit applications, requirements for signs and markers and protection of underground mining.

*B. Specific Findings*

1. Indiana has modified its procedures for hearing requirements at 310 IAC 12–2–8. The changes give the Director of Indiana Department of Natural Resources the authority to subpoena witnesses as necessary and modify the language pertaining to data base and inventory items to be included in the record. Other less substantive changes were also made. The Director finds that these amended provisions are no less effective than the Federal requirements at 30 CFR 764.17.

2. Indiana has amended its requirements for a blasting plan at 310 IAC 12–3–43 to require that the plan include certain information on ground vibration and airblast limits, methods to control adverse effects of blasting, a description of warning and site access control equipment and procedures to be used, and a description of information recording and retention procedures. Indiana has also revised the requirements for a description of the blast monitoring system to be used. The Director finds these revised provisions to be no less effective than the Federal requirements at 30 CFR 780.13.

3. Indiana has deleted language at 310 IAC 12–3–43 (c), (d) and (e) and has added new language at 310 IAC 12–3–43(c) to require that blasting operations proposed to be conducted within 500 feet of an active underground mine be jointly approved by the commission, the Indiana Bureau of Mines and Mining and the Mine Safety and Health Administration. The Director finds those amended provisions to be no less effective than the provisions of 30 CFR 780.13(c).

4. Indiana has made various minor changes to the rule at 310 IAC 12–3–118 concerning administrative and judicial review of decisions on permit applications and to 310 IAC 12–5–6 and 12–5–73 concerning signs and markets, which the Director finds to be no less effective than the Federal rules at 30 CFR 787.11 for administrative review and at 30 CFR 816.11 and 817.11 for signs and markers.

5. Indiana has made various editorial changes and a substantive change concerning blasting signs to requirements for signs and markers at 310 IAC 12–5–6 and 12–5–73, which the Director finds to be no less effective than corresponding Federal provisions at 30 CFR 816.11 and 817.11.

6. At rules 310 IAC 12–5–34 and 12–5–100, Indiana has modified its requirements for preblasting surveys and has added requirements for the permittee to notify area residents or owners how to request a preblasting survey and for the permittee to publish notice that preblasting surveys will be performed upon request. The requirements at 310 IAC 12–5–34(e) and 12–5–100(e) for written reports of surveys performed to be provided to the director have been changed to allow that "a copy of the survey need not be submitted to the director if the request for survey is made of the permittee and is part of a voluntary program by the permittee to encourage all dwelling owners to have surveys conducted." The Director finds these changes to be no less effective than the Federal requirements with the exception of the above-quoted language from 310 IAC 12–5–34(e) and 12–5–100(e). OSM in its June 1, 1984, letter pointed out that this

exception to providing copies of preblast surveys to the regulatory authority is not contained in the Federal rules.

Indiana responded on June 8, 1984, by explaining that, in Indiana, some operators voluntarily contact all residents and owners of structures within one mile of the permit area and arrange for preblast surveys. The surveys are initiated by the operator, not in response to a request. Only these operator-initiated surveys would be exempt from providing copies to the regulatory authority.

The Director has considered Indiana's explanation and would find the explained intent to be acceptable. However, the Director finds that Indiana's rule does not clearly distinguish between surveys requested of the permittee by a resident or owner and surveys voluntarily made by the permittee, for purposes of the exemption. Therefore, the Director requires that Indiana amend this provision to clearly require that copies of any reports on preblasting surveys conducted at the request of a resident or dwelling owner, be provided to the regulatory authority. The exception proposed by Indiana is acceptable only if clearly reserved for those instances when the survey was initiated by the permittee not as a result of a request by a resident or owner.

7. Indiana has amended 310 IAC 12–5–35 and added 310 IAC 12–5–100.5 pertaining to public notice of blasting schedule for surface and underground mining, respectively. These sections cover requirements for publication of blasting schedules, distribution of schedules, contents of the blasting schedules, and public notice of schedule changes. The Director finds these provisions to be no less effective than the Federal rules for blasting schedules at 30 CFR 816.64.

8. Indiana has amended 310 IAC 12–5 sections 36 and 101 concerning surface blasting requirements for surface and underground mining, respectively. The rules cover blasting times, warning signals, airblast standards and monitoring, maximum peak particle velocity, scaled-distance equation, ground vibration, and other blasting topics. The Director finds the amended provisions to be no less effective than Federal provisions at 30 CFR 816.67 and 817.67, which establish requirements for control of adverse effects of blasting, with the following three exceptions.

(a) Indiana 310 IAC 12–5–36(h)(1) and 12–5–101(h)(1) would require the establishment of a limit on ground vibration to prevent damage to active underground mines. The Federal rules at 30 CFR 816.67(d)(1) and 817.67(d)(1) require such protection for underground mines whether active or inactive. In response to OSM's concern that Indiana omits inactive underground mines from this protection, Indiana in its June 8, 1984, letter stated that its intent in this provision was to be consistent with 30 CFR 780.13(c) which requires joint regulatory authority concurrence for blasting within 500 feet of an active underground mine.

While it is true that 30 CFR 780.13(c) specifies "active" underground mines, this is because the provision is concerned with protection of workers in underground mines, so only active underground mines would be involved. As to protection of the underground mine itself, section 515(b)(15)(c)(iii) of SMCRA provides that explosives regulations shall limit use of explosives so as to prevent "adverse impacts on any underground mine." Accordingly, 30 CFR 816.67(d)(1) and 817.67(d)(1) require that any underground mines be protected from damage. The Director requires that Indiana amend its provisions at 310 IAC 12–5–36(h)(1) and 12–5–101(h)(1) to delete the word "active" from the phrase "active underground mines."

(b) Indiana requires at 310 IAC 12–5–36(f) and 12–5–101(f) that flyrock shall not be cast from the blasting site more than ½ the distance to the nearest dwelling or occupied structure or beyond the area of regulated access under section 310 IAC 12–5–36(d) or 12–5–101(d). The Federal rules at 30 CFR 816.67(c)(3) and 817.67(c)(3) contain the additional requirement that flyrock shall not be cast from the blasting site beyond the permit boundary. In its June 8, 1984 letter to OSM, Indiana acknowledged that there appeared to be an inadvertent omission. Indiana stated that it would review the record and, if necessary, revise the provision by adding the language "or beyond the boundary of the bonded area." The Director requires that Indiana revise its provisions to be no less effective than Federal rules which require that flyrock travelling in the air or along the ground not be cast from the blasting site beyond the permit boundary. Revising the language to read "or beyond the boundary of the bonded area" would not be as effective as the Federal provision since the bonded area expands and contracts within the permit area as bonds are posted and released on incremental areas within the permit area.

(c) Federal rules at 30 CFR 816.67(b)(1)(ii) and 817.67(b)(1)(ii) require that, if necessary to prevent damage, the regulatory authority shall specify lower maximum airblast levels than those contained in referenced airblast limits rules, for use in the vicinity of a specific blasting operation. The Indiana rules do not contain this requirement. In its June 1 letter to the State, OSM expressed concern over this omitted provision. Indiana responded that the language at 310 IAC 12–5–36(e)(4) and 12–5–101(e)(4) provides for the director to impose additional restrictions on blasting operations. Indiana stated that, in addition, the permit review process would identify where lower airblast limits were required, and permits would then be modified as necessary.

The Director, after review of the above-cited Indiana requirements, finds that Indiana's provisions are less effective than the Federal requirements. Indiana rules 310 IAC 12–5–36(e)(4) and 12–5–101(e)(4), rather than giving the regulatory authority the responsibility to require lower airblast levels than those contained in the rules, actually impede the regulatory authority from doing so. This is because the rule, rather than specifically giving the regulatory authority the responsibility to lower the airblast levels, requires the regulatory authority to perform airblast measurements before imposing additional restrictions. The rule does not impose a responsibility on the regulatory authority and only serves to impede the responsibility that it implies. Nor does Indiana's permitting process provide for the flexibility needed to change airblast levels for a specific blasting operation.

Therefore, the Director requires that Indiana amend this provision to be no less effective than the Federal rules which require that, if necessary to prevent damage, the regulatory authority shall specify lower maximum allowable airblast levels than those specified in the Section, for use in the vicinity of a specific blasting operation.

9. Indiana has amended its rules at 310 IAC 12–5–38 and 12–5–103 concerning records of blasting operations. The revisions render the rules similar to new Federal rules for records of blasting operations at 30 CFR 816.68 and 817.68. The Director finds the amended rules to be no less effective than the Federal rules.

10. Indiana amendments at 310 IAC 12–5–40 on protection of underground mining add a clarifying clause which the Director finds no less effective than the Federal provisions at 30 CFR 816.79.

### III. Public Comments

A number of comments were received on the proposed Indiana blasting performance standards. Almost all of the commenters objected to the

proposed standards at 310 IAC 12–5–36(h)(2) and 12–5–101(h)(2) which establish maximum peak particle velocity standards. These commenters urged that the maximum allowable peak particle velocity of 1.25 inches per second at the location of certain buildings within the 0 to 300 foot distance from the blasting site, be lowered at least to 1.00. The commenters stated that damage to homes had already resulted with the maximum 1.00 inch per second standard currently in effect in Indiana (until approval of these rules).

Some of the commenters cited specific damage to their homes that they believed resulted from blasting at nearby coal mines under the 1.00 inch per second standard. One commenter suggested that a survey or study be conducted "to show the degree of structural response on homes built atop old underground mines." Another commenter also discussed the importance of past underground mining in the area when considering peak particle velocity limits. The commenter felt that individual and public rights of the citizens of Indiana would not be protected if the rule amendment were adopted as proposed.

A coal company representative submitted a favorable response to the proposed rule changes. This commenter said that the proposed rules are no less effective than the corresponding Federal rules. The commenter said that "the revisions were the product of substantial public participation at the state level," and that all comments were carefully considered.

Another representative of the same company submitted comments which also supported approval of the rules. This commenter specifically requested approval of 310 IAC 12–5–34(e) and 12–5–100(e) concerning pre-blast surveys. The commenter stated that coal operators participating in the voluntary pre-blast survey program should be exempt from the requirement to submit copies of the report to the regulatory authority. The commenter said that the extra expense of submitting copies of all reports to the regulatory authority would discourage companies from making voluntary pre-blast surveys.

Concerning the comments on maximum airblast limits, OSM has reviewed the revised Indiana rules and found them to be no less effective than the Federal rules except for the provisions specifically requiring amendment under Finding number 8 above. The 1.25 inches per second maximum for airblast measurements at certain buildings within 0 to 300 feet of the blasting location, is the same as that at Federal rules 30 CFR 816.67(d)(2) and 817.67(d)(2). Also, Indiana rules 310 IAC 12–5–36(h)(5) and 12–5–101(h)(5) require the regulatory authority to reduce maximum ground violation limits if determined necessary to provide damage protection. This requirement should help to ensure protection from blasting damage for such buildings.

Regarding the comment on pre-blast survey reports, OSM does not object to Indiana granting an exception to the requirement that pre-blast survey reports be submitted to the regulatory authority when the pre-blast surveys are performed voluntarily by the operator and not as a result of a request from a resident or dwelling owner. However, the language at 310 IAC 12–5–34(e) and 12–5–100(e) does not clearly reserve this exception for instances where no request is made of the permittee but the permittee makes the survey voluntarily. OSM is requiring an amendment to this provision to clarify when the exception will be granted.

OSM sought comments from the Environmental Protection Agency (EPA) on Indiana's proposed regulatory amendments. The EPA responded that it had no objections to approval of the amendments.

## IV. Director's Decision

The Director, based on the above findings, is approving the Indiana regulatory Amendments as submitted on March 19, 1984, including the modifications submitted on June 8, 1984, under the provisions of 30 CFR 732.17. As indicated in the findings above, there are a number of provisions which are inconsistent with SMCRA and the Federal regulations. The Director has notified Indiana, pursuant to 30 CFR 732.17, that certain program amendments are required. The State must reply within 60 days after notification by submitting either the text of the proposed amendment or a description of the amendment to be proposed and a timetable for enactment which is consistent with established administrative procedures in the State.

The Federal rules at 30 CFR Part 914 are being amended to implement this decision.

## V. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

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

**List of Subjects in 30 CFR Part 914**

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

Accordingly, 30 CFR Part 914 is amended as set forth herein.

Dated: October 15, 1984.

**John D. Ward,**

*Director, Office of Surface Mining.*

**Authority:** Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1202 *et seq.*).

## PART 914—INDIANA

1. 30 CFR 914.15 is amended by adding a new paragraph (e) as follows:

**§ 914.15 Approval of regulatory program amendments.**

* * * * *

(e) The following amendments are approved effective October 19, 1984. Revisions submitted March 19, 1984, amending Indiana regulations at 310 IAC 12–2–8, 12–3–43, 12–3–118, 12–5–6, 12–5–34, 12–5–35, 12–5–36, 12–5–38, 12–5–40, 12–5–73, 12–5–100, 12–5–101, and 12–5–103, and adding section 310 IAC 12–5–100.5; with the exception of those provisions identified in § 914.16(b) which require further amendment.

2. 30 CFR 914.16 is amended by revising the introductory paragraph and by adding a new paragraph (b) to read as follows:

**§ 914.16 Required program amendments.**

Pursuant to 30 CFR 732.17, Indiana is required to make the following program amendments:

(b) Within 60 days of notification of required amendments Indiana shall submit for OSM approval:

* * * * *

(1) An amendment to 310 IAC 12–5–34(e) and 12–5–100(e) to clarify that copies of preblast survey reports conducted at the request of a resident or dwelling owner, be promptly provided to the regulatory authority. Exceptions provided by this provision must be clearly reserved for those instances when a survey was initiated by the permittee not as a result of a request by a resident or dwelling owner.

(2) An amendment to 310 IAC 12–5–36(h)(1) and 12–5–101(h)(1) to delete the word "active" from the phrase "active underground mines."

(3) An amendment at 310 IAC 12–5–36(f) and 12–5–101(f) to add the requirement that flyrock traveling in the air or along the ground not be cast from the blasting site beyond the permit boundary.

(4) An amendment to 310 IAC 12–5–36(e) and 12–5–101(e) to require that, if necessary to prevent damage, the regulatory authority shall specify lower maximum airblast levels than those contained in 310 IAC 12–5–36(e)(1) and 12–5–101(e)(1) for use in the vicinity of a specific blasting operation.

[FR Doc. 84–27666 Filed 10–18–84; 8:45 am]
BILLING CODE 4310–05–M

## 30 CFR Part 935

## Ohio Abandoned Mine Land Reclamation Plan Amendment

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

**ACTION:** Final rule.

**SUMMARY:** On April 22, 1984, the State of Ohio submitted to OSM a proposed amendment to its Abandoned Mine Land Reclamation (AMLR) Plan. Contents of the amendment consist of administrative, realty, project identification and public participation procedure. After opportunity for public comment and review of the amendment, the Assistant Secretary for Land and Minerals Management of the Department of the Interior has determined that the Ohio AMLR plan amendment meets the requirements of SMCRA and the Secretary's regulations (30 CFR Chapter VII, Subchapter R, 47 FR 28574–28604, June 30, 1982). Accordingly, the Assistant Secretary has approved the Amendment.

**EFFECTIVE DATE:** The rule is effective November 19, 1984.

**ADDRESSES:** Copies of the full text of the proposed amendment are available for review during regular business hours at the following locations:

Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Columbus, Ohio 43232.

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Rm. 5315, 1100 "L" Street, NW., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Nina Rose Hatfield, Columbus Field Office Director, Office of Surface Mining Reclamation and Enforcement, 2242 South Hamilton Road, 2nd Floor, Columbus, Ohio 43232, telephone FTS (614) 866–0578.

**SUPPLEMENTARY INFORMATION:** Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming anf restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal Law. Title IV provides that a State with an approved AMLR program has the responsibility and primary authority to implement an abandoned mine land reclamation program.

The Ohio AMLR Plan was initially approved on August 16, 1982, and was subsequently amended on April 12, 1984. An approved State AMLR Plan can be amended under the provisions of 30 CFR 884.15. Under these provisions, if the amendment or revision changes the objectives, scope, or major policies followed by the State in the conduct of its reclamation program, the Director of the Office of Surface Mining should follow the procedures set out in 30 CFR 884.14 in approving an amendment or revision of a State reclamation plan. The Director has followed these procedures and recommended to the Assistant Secretary on July 31, 1984 that the Ohio AML plan amendment be approved.

OSM published a notice of proposed rulemaking on the Ohio amendment and requested public comment on June 11, 1984 (49 FR 22108). No public comments were received.

The amended plan is available for public inspection at the offices of OSM and at the State organization listed above under **ADDRESSES.**

To codify information application to individual States under SMCRA, including decisions on State reclamation plans and amendments, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of parts 900 through 953. Provisions relating to Ohio are found in 30 CFR 935.

Contents of the Ohio amendment pertains to:

1. Administration and management
2. Realty procedures
3. Project identification and selection
4. Public participation

### Assistant Secretary's Findings

In accordance with section 405 of SMCRA, the Assistant Secretary finds that Ohio has submitted an amendment to its Abandoned Mine Land Reclamation Plan and has determined, pursuant to 30 CFR 884.15, that:

1. The public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Comments of other Federal agencies have been solicited, but none were received.

3. The State has the legal authority, policies and administrative structure to carry out the amendment.

4. The amendment meets all requirements of the OSM, AMLR Program provisions.

5. The State has an approved Surface Mining Regulatory Program.

6. The amendment is in compliance with all applicable State and Federal laws and regulations.

### Disposition of Comments

No comments were received

### Additional Findings

The Office of Surface Mining has examined this proposed rulemaking under section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Ohio AML plan amendment does not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the Ohio amendment is categorically excluded from the National Environmental Policy Act requirements.

As a result, no environmental assessment (EA) nor environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

**List of Subjects in 30 CFR Part 935**

Abandoned mine land reclamation, Coal mining, Intergovernmental regulations, Surface mining, Underground mining.

Dated: July 31, 1984.

**J. Lisle Reed,**

*Director, Office of Surface Mining.*

Dated: August 8, 1984.

**J. Steven Griles,**

*Acting Assistant Secretary for Lands and Minerals Management.*

Authority: Pub. L. 95-87, 304 U.S.C. 1201, *et seq.*

**PART 935—OHIO**

Therefore, Part 935.20 is revised to read as follows:

**§ 935.20 Approval of Ohio Abandoned Mine Land Reclamation Plan Amendment.**

The Ohio Abandoned Mine Land Reclamation Plan, as submitted on August 16, 1982, is approved. Amendments to this Plan, as submitted on May 7, 1984 are also approved. Copies of the approved program, as amended, are available at:

Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Columbus, Ohio 43232

Office of Surface Mining and Reclamation and Enforcement, Administrative Record—Room 5315, 1100 L Street NW., Washington, D.C. 20240.

[FR Doc. 84-27716 Filed 10-18-84; 8:45 am]

BILLING CODE 4310-05-M

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**DEPARTMENT OF DEFENSE**

**Department of the Army**

**35 CFR Part 253**

**Regulations of the Secretary of the Army; Panama Canal Employment System**

**AGENCY:** Department of the Army, Defense.

**ACTION:** Final rule.

**SUMMARY:** By this document, certain portions of the regulations governing employment and compensation for Federal agencies in Panama covered by the Panama Canal Employment System are amended. They are intending to provide an employment ladder for Panamanian citizens seeking employment with the Panama Commission and to effectively meet the spirit of the Panama Canal Act of 1979.

**EFFECTIVE DATE:** These amendments to 35 CFR Part 253 are effective October 18, 1984.

**ADDRESS:** Department of the Army, Office of the Assistant Secretary of the Army (CW), Washington, D.C. 20310.

**FOR FURTHER INFORMATION CONTACT:** LTC Roger Baldwin, Office of the Assistant Secretary of the Army (CW), Washington, D.C. 20310, Tel (202) 695-1370.

**SUPPLEMENTARY INFORMATION:** Because this rule pertains to personnel of agencies covered by these regulations, it is not necessary to issue a notice of proposed rulemaking under 5 U.S.C. 553.

**List of Subjects in 35 CFR Part 253**

Administrative practice and procedure, Employment, Government employees, Panama Canal.

**Adoption of Amendments**

Accordingly, effective as indicated above, the following amendments to Title 35, Code of Federal Regulations are adopted:

**PART 253—[AMENDED]**

1. Section 253.8 is amended by adding a new paragraph (c)(10) to read as follows:

**§ 253.8 [Amended]**

* * * * *

(c) * * *

(10) Positions at non-manual grade 5 and grade 7 (not to exceed 15 in number) designated for use by the Panama Canal Commission for filling positions in the Professional and Administrative Career Intern Program with high-potential Panamanian citizens.

* * * * *

2. Section 253.44 is amended by adding paragraph (e) to read as follows:

**§ 253.44 [Amended]**

* * * * *

(e) A Professional and Administrative Career Intern Program participant who has successfully completed the prescribed training program may be noncompetitively appointed to positions at non-manual grades 9 and above for which he/she meets the qualification requirements.

3. Section 253.45 is amended by revising paragraph (e) to read as follows:

**§ 253.45 [Amended]**

* * * * *

(e) The noncompetitive appointment of a person who successfully completed a cooperative work-study program or a Professional and Administrative Career Intern Program under paragraph (c) or (e), respectively, of § 253.44 shall be made as a Canal Area Career-Conditional Appointment or Canal Area Career Appointment and may be subject to the satisfactory completion of a probationary period of one year. Canal Area Career-Conditional Appointments shall be automatically converted to Canal Area Career Appointments upon completion of the Service requirements.

(5 U.S.C. 5102, E.O. 12173, 12215)

Dated: September 22, 1984.

**William R. Gianelli,**

*Chairman, Panama Area Personnel Board.*

[FR Doc. 84-27222 Filed 10-18-84; 8:45 am]

BILLING CODE 3710-02-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-9-FRL-2697-1]

### Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final rulemaking.

**SUMMARY:** Today's notice takes final action to approve revisions to the State of Arizona's rules and regulations. These revisions were submitted by the Arizona Department of Health Services (ADHS) as revisions to the Arizona State Implementation Plan (SIP). These revisions generally are administrative and retain the previous emission control requirements. EPA has reviewed these rules and determined that they are consistent with the requirements of the Clean Air Act and EPA policy.

**DATE:** This action is effective December 18, 1984.

**ADDRESSES:** A copy of the revision is available for public inspection during normal business hours at the EPA Region 9 office and at the following locations.

Arizona Department of Health Services, State Health Building, 1740 West Adams Street, Phoenix AZ 85007

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

EPA Library, Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Thomas Rarick, Chief, State Implementation Plan Section, A-2-3, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105 (415) 974-7641 FTS: 454-7641.

**SUPPLEMENTARY INFORMATION:** .

#### Background

The Arizona Department of Health Services submitted as SIP revisions the following rules on February 3, 1984:

R9-3-101 Definitions (Nos. 98 and 158)
R9-3-201 Particulate Matter
R9-3-202 Sulfur Oxides
R9-3-203 Hydrocarbons (Reserved)
R9-3-204 Ozone
R9-3-205 Carbon Monoxide
R9-3-206 Nitrogen Dioxide
R9-3-207 Lead
R9-3-215 Ambient Air Quality Monitoring Methods & Procedures
R9-3-218 Violations
R9-3-310 Arizona Testing Manual for Air Pollutant Emissions
R9-3-322 Temporary Conditional Permits
R9-3-402 Unlawful Open Burning
R9-3-404 Open Areas
R9-3-502 Unclassified Sources
R9-3-515 Standards of Performance for Existing Primary Copper Smelters
R9-3-529 Standards of Performance for Cotton Gins
R9-3-1101 Jurisdiction
Appendix I—Filing Instructions for Installation Permit Application
Appendix II—Allowable Particulate Emissions Computations

#### Evaluation

These rule revisions are administrative and do not affect current emission control requirements. The above mentioned rules (1) add new definitions and reflect a renumbering change, (2) transfer testing procedures to procedures manual, and (3) improve the enforceability of the SIP.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, EPA is required to approve or disapprove these regulations as SIP revisions. All rules submitted have been evaluated and found to be in accordance with the Clean Air Act, EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available at the location indicated in the **ADDRESSES** section of this notice.

#### EPA Action

This notice approves the rule revisions listed above and incorporates them into the Arizona SIP. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse comments, the approval will be withdrawn and a subsequent notice will be published. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

#### Regulatory Process

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

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

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

**Authority:** Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601(a)).

#### List of Subjects in 40 CFR Part 52

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

Dated: October 15, 1984.

**William D. Ruckelshaus,**

*Administrator.*

### PART 52—[AMENDED]

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

### Subpart D—[Arizona]

1. Section 52.120 is amended by adding paragraph (c)(56) to read as follows:

**§ 52.120 Identification of plan.**

* * * * *

(c) * * *

(56) The following amendments to the plan were submitted on February 3, 1984, by the Governor's designee.

(i) Arizona State Rules and Regulations for Air Pollution Control.

(A) New or amended rules R9-3-101 (No.'s 98 and 158), R9-3-201 to R9-3-207, R9-3-215, R9-3-218, R9-3-310, R9-3-322, R9-3-402, R9-3-404, R9-3-502, R9-3-515 (paragraph (c)), R9-3-529, R9-3-1101, and Appendices I and II.

* * * * *

[FR Doc. 84-27633 Filed 10-18-84; 8:45 am]

BILLING CODE 6560-50-M

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### 40 CFR Part 52

[A-1-FRL-2696-6]

### Approval and Promulgation of Implementation Plans Connecticut; Alternative Emission Reductions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA is approving State Implementation Plan revisions submitted by the State of Connecticut.

These revisions include an amendment to Connecticut's generic bubble regulation for volatile organic compounds allowing additional sources to comply with applicable emission limitations by bubbling. The intended effect of this action is to propose approval of the State's request to expand the scope of its generic bubble regulation. This action is being taken in accordance with Section 110 of the Clean Air Act. EPA is also disapproving a separate revision to Connecticut's generic bubble regulation.

**EFFECTIVE DATE:** November 19, 1984.

**ADDRESSES:** Copies of the submittal are available for public inspection at Room 2313, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408 and Department of Environmental Protection, State Office Bldg., Hartford, CT 06162.

**FOR FURTHER INFORMATION CONTACT:** Marcia L. Spink (617) 223–4868, FTS 223–4868.

**SUPPLEMENTARY INFORMATION:** On May 9, 1984 (49 FR 19681), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut. The NPR proposed action on revisions to the Connecticut State Implementation Plan (SIP). The revisions include amendments to Connecticut regulation 19–508–20(cc), "Alternative Emissions Reductions." This regulation is more commonly referred to as Connecticut's generic volatile organic compound (VOC) bubble regulation, and was originally approved by EPA on June 7, 1982 (47 FR 24552).

As discussed in the May 9, 1984 NPR, the revisions add two regulations to the list of those Connecticut VOC regulations that may be met by bubbling under 19–508–20(cc). EPA proposed to approve the addition of one of the regulations, 19–508–20(ee), and to disapprove the addition of the other, 19–508–20(l). The revisions and the rationale for EPA's proposed action were fully explained in the NPR and will not be restated here. The one public comment received on the proposal supported EPA's action.

Therefore, under the federally-approved version of 19–508–20(cc), VOC sources subject to Connecticut's Regulations 19–508–20(m), can coating; (n), coil coating; (o), fabric and vinyl coating; (p), metal furniture coating; (q), paper coating; (r), wire coating; (s), miscellaneous metal parts; (t), manufacture of synthesized pharmaceutical products; (v), graphic arts-rotogravure and flexography; and (ee) which requires reasonable available control technology (RACT) on otherwise unregulated 100 TPY sources may apply to meet applicable SIP emission limits by bubbling under 19–508–20(cc).

Sources subject to Regulation 19–508–20(ee) must have RACT defined and imposed on a case by case basis. Once RACT has been determined for a subject source, it must be submitted and approved as a revision to the SIP. Only after EPA has completed rulemaking approving a RACT determination may a source be issued a generic bubble order by the State of Connecticut under 19–508–20(cc). This sequence of events is necessary to insure federal enforceability of both the RACT level and any bubble designed to comply with that RACT level.

As stated in EPA's original approval of Connecticut's generic bubble regulation (47 FR 24552), plant owners may propose emission limits different from those specified in the SIP so long as on a solids-applied basis emissions from the plant are equivalent to or below RACT-required levels. In accordance with EPA policy, Connecticut may approve bubbles under 19–508–20(cc) which demonstrate equivalency to RACT-required levels, as described above, on a plantwide daily weighted average basis (averaging times not to exceed 24 hours). Bubbles with averaging times longer than 24 hours must still be submitted as source-specific SIP revisions. Bubble orders issued by the Connecticut Department of Environmental Protection in accordance with EPA's approval of 19–508–20(cc) need not be submitted as individual SIP revisions.

The May 9, 1984 NPR (49 FR 19681) also proposed approval of revisions which require sources subject to 19–508–20(ee) to comply with 19–508–20(aa), (bb), and (dd). Subsections (aa), (bb), and (dd) are the applicability, compliance methods, and afterburner usage provisions of 19–508–20, respectively. No comments were received on this portion of the NPR.

Final Action: EPA is approving a revision to Connecticut Regulation 19–508–20(cc), "Alternative Emission Reductions," which adds Regulation 19–508–20(ee) to the list of VOC regulations that may be met by bubbling under the State's generic regulation. EPA is also approving revisions which require sources subject to 19–508–20(ee) to comply with 19–508–20 (aa), (bb) and (dd). EPA is disapproving a revision to 19–508–20(cc) which adds Regulation 19–508–20(l) to the list of VOC regulations that may be met by bubbling under Connecticut's generic regulation.

The disapproval action taken by this rulemaking will not have a significant impact on a substantial number of small entities. Emission trades such as bubbles are undertaken by sources on a voluntary basis, and are not mandated by the Clean Air Act. Although not approved to trade under Connecticut's generic VOC bubble regulation, sources subject to 19–508–20(l), solvent metal degreasers, may be approved to emission trade by source-specific revisions to the SIP.

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

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

**List of Subjects in 40 CFR Part 52**

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

**Authority:** Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7610(a)).

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

Dated: October 15, 1984.

**William D. Ruckelshaus,**

*Administrator.*

**PART 25—[AMENDED]**

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

**Subpart H—Connecticut**

1. Section 52.370, is amended by adding paragraph (c)(33) as follows:

**§ 52.370 Identification of plan.**

* * * * *

(c) * * *

(33) Revision to Regulation 19–508–20(cc), "Alternative Emission Reductions" [made part of the SIP under subparagraph (23) of this Section] to add Regulation 19–508–20(ee) to the list of VOC regulations that may be met by bubbling under Connecticut's generic rule after source-specific RACT determinations have been made part of the SIP. Revisions requiring sources subject to Regulation 19–508–20(ee) to

comply with 19-508-20 (aa), (bb), and (dd). These revisions were submitted by the Connecticut Department of Environmental Protection on September 20, 1983.

[FR Doc. 84-27638 Filed 10-18-84; 8:45 am]
BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[A-9-FRL-2696-8]**

## Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rulemaking.

**SUMMARY:** In today's notice EPA is finalizing action on rule revisions of the Bay Area and South Coast Air Quality Management Districts proposed for approval on December 7, 1983 (48 FR 54832). These revisions were submitted by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). These revisions generally are administrative and retain the previous emission control requirements. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved.

**DATE:** This action is effective November 19, 1984.

**ADDRESSES:** A copy of the revisions is available for public inspection during normal business hours at the EPA Region 9 office and at the following locations:

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814
Library, Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20460
Public Information Reference Unit, EPA, 401 N Street SW., Washington, D.C. 20460

**FOR FURTHER INFORMATION CONTACT:** Thomas Rarick, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7641, FTS: 454-7641.

**SUPPLEMENTARY INFORMATION:**

### Background

On December 7, 1983 [48 FR 54832], EPA published a notice which proposed approval of revisions to rules and regulations for the Bay Area and South Coast AQMDs. That notice should be used as a reference in reviewing today's notice. The December 7, 1983 notice provides a description and an evaluation of the proposed rules and compares them to the requirements of the Clean Air Act, as amended in 1977.

### Public Comments

The Notice of Proposed Rulemaking provided for a 30-day comment period. No comments were received.

### EPA Actions

EPA is taking final action under Section 110 of the Clean Air Act to approve the following rules, submitted on the indicated dates, since they strengthen the SIP and are consistent with the Clean Air Act and 40 CFR Part 51.

**August 6, 1982**

*Bay Area Air Quality Management District (BAAQMD)*

Rule 2-1-207 Organic Compounds, Precursor
Rule 2-1-208 Reasonably Available Control Technology (RACT)
Rule 2-1-301 Authority to Construct
Rule 2-1-304 Denial, Failure to Meet Emission Limitations
Rule 2-1-307 Failure to Meet Permit Conditions

**February 3, 1983**

*BAAQMD*

Rule 2-2-113.2 Exemption, Congeneration Project
Rule 2-2-115 Exemption, Temporary Replacement
Rule 2-2-209 Organic Compounds,
Rule 2-2-210 Organic Compounds Non-Precursor
Rule 2-2-211 Organic Compounds, Precursor
Rule 2-2-303.2 Offset Requirements
Rule 2-2-304.1 Emission Calculation Standards
Rule 2-2-304.2 Emission Calculation Standards
Rule 2-2-404 Publication and Public Comments

**Regulation 3—FEES**

Rule 3-312 Emission Caps and Alternative Compliance Plans

*South Coast Air Quality Management District (SCAQMD)*

Rule 301 Permit Fees
Rule 304 Analysis Fees
Rule 401(b) Visible Emissions (Roofing Construction Equipment)
Rule 1148 Thermally Enhanced Oil Recovery Wells

**July 19, 1983**

*SCAQMD*

Rule 301 Permit Fees
Rule 301.1 Permit Fees Rates
Rule 301.2 Fee Schedules
Rule 431.1 Sulfur Content of Gaseous Fuels

### Regulatory Process

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

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

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

**Authority:** Sec. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410, 7502 and 7601(a)).

### List of Subjects in 40 CFR Part 52

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

Dated: October 15, 1984

**William D. Ruckelshaus,**

*Administrator.*

## PART 52—[AMENDED]

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

### Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c) (124)(i)(D), (c)(127)(i)(D) and (vii)(C), and (c) (137)(vii)(B) to read as follows:

**§ 52.220 Identification of plan.**

* * * * *

(c) * * *

(124) * * *

(i) * * *

(D) New or amended Regulation 2: Rules 2-1-207, 2-1-208, 2-1-301, 2-1-304, and 2-1-307.

* * * * *

(127) * * *

(i) * * *

(D) New or amended Regulation 2: Rules 2-2-113.2, 2-2-115, 2-2-209, 2-2-210, 2-2-211, 2-2-303.2, 2-2-304.1, 2-2-304.2, and 2-2-404; and Regulation 3: Rule 3-312.

* * * * *

(vii) * * *

(C) New or amended Rules 301, 304, 401(b) and 1148.

* * * * *

(137) * * *

(vii) * * *

(B) New or amended Rules 301, 301.1, 301.2 and 431.1.

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[FR Doc. 84-27634 Filed 10-18-84; 8:45 am]

BILLING CODE 6560-50-M

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## 40 CFR Parts 52 and 81

[TN-017; A-4-FRL-2696-5]

## Approval and Promulgation of Implementation Plans Designation of Areas for Air Quality Planning Purposes; Tennessee; Approval of Plan Revisions and Redesignations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA today approves four (4) State Implementation Plan (SIP) revisions submitted by the Tennessee Department of Health and Environment. These revisions involve: (1) the redesignation of two areas within Rockwood in Roane County from unclassified to attainment for total suspended particulates (TSP), (2) the redesignation of the Mt. Pleasant sulfur dioxide ($SO_2$) unclassified area to attainment, (3) an individual compliance schedule for Maremont's Pulaski facility, and (4) two revised SIP permits for Kingsport Press.

**EFFECTIVE DATE:** This action will be effective on December 18, 1984 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Written comments should be addressed to Michael Cooper of EPA Region IV, Air Management Branch (see EPA Region IV address below). Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Air Management Branch, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

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

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

Tennessee Air Pollution Control Division, 150 9th Avenue North, Nashville, Tennessee 37203.

Also, a Technical Support Document which further explains the basis for EPA's action today may be examined at EPA's Region IV Office (address given above).

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Cooper, EPA Region IV, Air Management Branch, at the above listed address, telephone 404/881-3286.

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to announce action on four (4) SIP revisions adopted by the Tennessee Air Pollution Control Board on August 11, 1983, following public hearings conducted on May 5, and August 4, 1983. They were submitted to EPA on September 15, 1983. EPA also received additional information on January 16, 1984, thereby completing the submittal. The revisions are detailed below. Additionally, the basis for EPA's action on Tennessee's submittal is set forth in greater detail in a TSD that has been placed in the rulemaking record for this Agency action. It is available at EPA Region IV.

### 1. Redesignation of Rockwood Unclassified Areas

A portion of Section 1.3 of the Tennessee nonregulatory SIP was revised to redesignate the Rockwood particulate unclassified areas to attainment. The two areas involved are the Clymersville section of Rockwood (Roane County) and the downtown section of Rockwood (Roane County).

*Clymersville section of Rockwood.* EPA's position concerning the status of the Clymersville section is set forth in the August 8, 1983, **Federal Register** (48 FR 35920). Basically, EPA's position is that the portion of Roane County within the Clymersville section of Rockwood is already designated attainment for TSP.

Therefore, no EPA action is required concerning the Tennessee request to redesignate the Clymersville section of Rockwood from unclassifiable to attainment for TSP.

*Downtown Section of Rockwood.* Concerning the redesignation of the particulate unclassified area within the downtown section of Rockwood, Tennessee has submitted the most recent eight (8) quarters of ambient air quality data showing attainment as required by EPA redesignation policy. The data justifies the request and EPA is approving the redesignation of the area within the downtown section of Rockwood attainment for TSP.

### 2. Redesignation of Mt. Pleasant for $SO_2$

A portion of Section 1.3 of the Tennessee nonregulatory SIP was revised by the Tennessee Board to redesignate the Mt. Pleasant sulfur dioxide unclassified area to attainment. Tennessee has requested that EPA reclassify the same area to attainment.

On March 3, 1978, EPA published a list of areas in each state that were either meeting or not meeting the NAAQS. Also within that list were areas indentified as unclassifiable. This list was published as required by Section 107 of the Clean Air Act (CAA) as amended in 1977.

In the listing of Tennessee areas, EPA listed an area near Mt. Pleasant in Maury County as unclassifiable for $SO_2$. It is noted that this area actually could have been listed as attainment, but there was a small degree of uncertainty since the main $SO_2$ source in the area had just installed control equipment in 1977. Prior to the installation of the control equipment, the source had begun operating three ambient $SO_2$ monitors in the immediate vicinity. Monitoring data from these monitors indicate a marked improvement in air quality commensurate with the start up of the control equipment. By the time 1979 SIPs were due the area was attaining the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide. On the basis of the available monitoring date showing attainment, and marked reduction in $SO_2$ emissions, EPA is approving the redesignation of Pleasant from unclassifiable to attainment for $SO_2$.

### 3. Individual Compliance Schedule for Maremont's Pulaski Facility.

On March 9, 1981, Maremont Corporation petitioned the Tennessee Division of Air Pollution Control for an individual volatile organic compound (VOC) compliance schedule for its Pulaski facility in Giles County in Western Tennessee. This area is currently designated attainment (June 21, 1984, 49 FR 25451). Maremont's Pulaski facility is devoted to the manufacture of shock absorbers for cars and trucks and operates its own final coating lines for the coating of shock absorbers parts with various surface coatings which constitute a source of VOC's. The plant is subject to VOC emission regulations under provisions of the Tennessee Air Pollution Control Regulations, Chapter 1200-3-18. These regulations were developed as a requirement of the 1979 Part D State Implementation Plans (SIPs). In developing their Part D plan, Tennessee used the "accommodate SIP" approach which requires control of existing sources in rural unclassified or nonattainment areas thereby allowing new sources to construct without having to get offsetting emissions reductions. The Maremont plant is an existing source in a rural area and is regulated under rule 1200-3-18-.21. The Maremont

plant is subject, under rule 1200–3–18–.21, to an emission limit of 100 tons of VOC per year, to have been complied with by December 31, 1982. The matter went to public hearing on January 6, 1982, and August 4, 1983, in Nashville and became state-effective on August 11, 1983. The individual compliance schedule extends the final compliance date for VOC emissions at the Pulaski plant from the December 31, 1982, deadline to January 1, 1985.

Maremont has committed to the development of low-solvent coating and compatible equipment in place of RACT add-on controls to control its VOC emissions. The company has (1) adequately demonstrated the economic burden of RACT add-on controls, (2) specified an alternate compliance plan, and (3) demonstrated phased VOC reductions early in the program, thus satisfying concerns which EPA expressed at the January 6, 1982 public hearing. EPA encourages the use of low-solvent coatings instead of add-on controls where feasible and the Agency generally supports low-solvent coating development programs that are properly documented and which do not interfere with expeditious attainment of National Ambient Air Quality Standards. Since Tennessee's submittal satisfies the above criteria, EPA approves the individual compliance schedule for Maremont's Pulaski facility.

**4. Revised SIP Permits for Kingsport Press**

Two operating permits issued to Kingsport Press were revised by Tennessee to more accurately specify control equipment. The Kingsport Press facility in Kingsport prints and processes magazines and other publications. The two permits involved here limit the amount of particulate matter that can be emitted from two points—a sanding system with fabric filter control (permit #011468P) and a waste paper handling system with cyclone #8 control (permit #011283P). In reviewing the submittal, a typographical error was detected in condition #4 of both permits. (A reference to "1200–3–16.01(5)(g)(9)" should read "1200–3–16–.1(5)(g) 10.") the remainder of the submittal has been found to be adequate and with the assurance from Tennessee that the error has been corrected, EPA approves the two revised permits for Kingsport Press.

*Action.* EPA has reviewed these four (4) revisions to the Tennessee SIP and is approving them. This action is taken without prior proposal because the revisions are noncontroversial and EPA anticipates no comments on them. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 18, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

The Director of the office of the Federal Register approved the incorporation by reference of the Tennessee implementation plan on July 1, 1982.

**List of Subjects in 40 CFR Part 52**

Air pollution control, intergovernmental relations, ozone, sulfur oxides, nitrogen dioxide, lead, particulate matter, carbon monoxide, hydrocarbons, national parks, wilderness areas.

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

Dated: October 15, 1984.

**William D. Ruckelshaus,**

*Administrator.*

## PART 52—[AMENDED]

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

### Subpart RR—Tennessee

1. Section 52.2220 is amended by adding paragraph (c)(61) as follows:

**§ 52.2220 Identification of plan.**

* * * * *

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

* * *

(61) Material related to a compliance schedule for Maremont Corporation in Pulaski, and two permits for the Kingsport Press in Kingsport, submitted on September 15, 1983, and January 16, 1984, by the Tennessee Department of Health and Environment.

## PART 81—[AMENDED]

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

### Subpart C—Section 107 Attainment Status Designations

**§ 81.343 [Amended]**

2. In §81.343 the Tennessee—TSP table is amended by removing the first entry for Roane County (downtown Rockwood) and by removing the words "Rest of" from the remaining entry for Roane County.

3. In §81.343 the Tennessee—$SO_2$ table is amended by removing the first entry for Maury County (Mt. Pleasant) and by removing the words "Rest of" from the remaining entry for Maury County.

[FR Doc. 84–27635 Filed 10–18–84; 8:45 am]

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**40 CFR Part 60**

**[AD–FRL 2655–7]**

## Standards of Performance for New Stationary Sources Glass Manufacturing Plants

**AGENCY:** Environmental Protection Agency [EPA].

**ACTION:** Final rule.

**SUMMARY:** This action promulgates amendments to the standards of performance for glass manufacturing plants. The amendments were proposed in the **Federal Register** on November 2, 1983 (48 FR 50670). The amendments provide separate standards for particulate matter emissions from glass melting furnaces using modified processes; exempt experimental glass melting furnaces from the standards; exclude forming channels from the definition of "glass melting furnace" as applied to wool fiberglass and textile fiberglass furnaces; revise the definitions of specific glass recipes to use glass composition; and exempt glass melting furnaces from the numerical emission limits during periods of add-on control maintenance, not to exceed 6 days per year.

Under section 307(b)(1) of the Clean Air Act, judicial review of these amendments to standards of performance is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of

Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

*Docket.* A docket, number A–79–2, containing information considered by EPA in the development of the promulgated amendments for glass manufacturing plants, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A–130), West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

**EFFECTIVE DATE:** October 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gilbert Wood, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5578.

**SUPPLEMENTARY INFORMATION:**

## Background

On October 7, 1980, EPA promulgated in the **Federal Register** (45 FR 66742) standards of performance for glass manufacturing plants. Following promulgation of the standards, EPA received petitions to reconsider the standards from PPG Industries, Inc. (PPG); the Glass Packaging Institute, their 18 member companies, 5 other companies, and the Glass Industry Air Quality Group (GPI *et al.*): Owens-Corning Fiberglass Corporation (OCF); Libbey-Owens-Ford Company (LOF); and Ford Motor Company (Ford). EPA reviewed the petitions, acquired new information, and met with the glass manufacturers for additional clarification of the issues. Based on this review of the petitioner's requests, EPA decided to convene a proceeding to reconsider several aspects of the standards. EPA also decided to deny reconsideration of certain other issues raised by the petitioners. A notice of the grant and denial of the petitions for reconsideration and the proposal of amendments was published in the **Federal Register** (48 FR 50670) on November 2, 1983.

## Public Participation

An opportunity to request a public hearing was presented in the November 2, 1983, **Federal Register** notice (48 FR 50670). However, no person requested a public hearing. The public comment period was open from November 2, 1983, to January 4, 1984. Six comment letters were received concerning issues relative to the amendments. Five letters were received from glass manufacturing industry representatives, and one letter was received from a State air pollution regulatory agency. The comments have been carefully considered and, where determined appropriate by the Administrator, changes have been made.

## Comments and Responses

The comments on the proposed amendments and EPA's responses to the comments are discussed in this notice. Some of the comment letters received contained multiple comments; and, for some issues, the same comment was made by several commenters. The comments and responses are discussed below.

### Emission Limits for Furnaces Using Modified Processes

In the petitions for reconsideration, OCF and GPI, *et al.*, raised the issue of the reasonableness of the cost of the standards as the standards affect glass melting furnaces which effectively control emissions using modified processes. Upon evaluating the supporting information provided in the petitions and additional information obtained from glass manufacturers, EPA decided that to the extent modified processes are effective in continuously reducing emissions, they should be considered in establishing standards for glass melting furnaces. Accordingly, EPA proposed to establish separate standards for a class of sources that can effectively and continuously reduce particulate emissions without the use of add-on controls.

*Comment 1:* Three comments supported and one comment opposed the proposed emission limits of glass melting furnaces using modified processes. One commenter stated that the proposed particulate standard of 0.5 g/kg represents a strict, but nonetheless achievable, emission limit for a flat glass melting furnace using modified processes. A second commenter stated that the proposed standards for glass melting furnaces using modified processes will allow the continued development and commercialization of advanced modified-process technology for the manufacture of fiberglass. A third commenter stated that the standard proposed by EPA for glass melting furnaces using modified processes offers a meaningful alternative for container glass manufacturers.

In contrast to the comments supporting the standards, one commenter opposed the standards for glass melting furnaces using modified processes because they are less restrictive than the particulate emission limits allowed by the commenter's State implementation plan (SIP) for glass manufacturing plants. The commenter is concerned that the glass manufacturing industry would locate plants in other States rather than comply with the SIP. In the commenter's opinion, EPA has failed to properly define "modified processes" and to establish the corresponding equivalency to add-on control equipment. The commenter asserts that EPA does not have an adequate basis upon which to develop standards of performance for glass melting furnaces using modified processes. Furthermore, the commenter believes that EPA is exempting new glass melting furnaces from best available control technology (BACT) and lowest achievable emission rate (LAER) requirements because most modified processes cannot be considered BACT or LAER.

*Response 1:* Modified processes for glass melting furnaces are any techniques (e.g., furnace design modifications or raw material batch formulation changes) whch result in particulate emissions lower than those normally vented in exhaust gases from conventional glass melting furnaces. Modified processes achieve various levels of particulate emission reduction. Some modified processes can reduce particulate matter emissions to a level that almost achieves the emission limits for glass melting furnaces using add-on controls. Upon consideration by EPA of the reasonableness of the standards in light of the relatively high cost of add-on control devices and the small increment of emission reduction achievable beyond the levels which can be achieved by effective modified processes, EPA proposed emission limits for glass melting furnaces using modified processes based upon test results for the most effective modified processes demonstrated to date. If a glass melting furnace using modified processes cannot achieve the numerical emission limits, then add-on controls must be used to achieve the standards. Therefore, EPA believes there is sufficient basis to justify setting numerical emission limits for glass melting furnaces using modified processes.

The location of new glass manufacturing plants should be determined primarily by economic considerations such as the proximity of the plant location to the intended market for the glass product and the availability of labor and raw material

supplies. Regardless of the location selected for a new glass manufacturing plant, the plant must achieve the new source performance standards for glass manufacturing plants by using either add-on controls or modified processes. In addition, the plant must comply with the SIP requirements applicable to the area where the plant is to be located. The emission limits for glass melting furnaces using modified processes are more restrictive than the levels typically required by SIP's. In response to the commenter's specific concern, EPA compared the emission limits for glass melting furnaces using modified processes with the emission limits required by the commenter's SIP. This comparison shows that, except for flat glass manufacturing, all glass manufacturing plants achieving the emission limit for glass melting furnace using modified processes should also achieve the emission limit required by the commenter's SIP. Because the limit for flat glass manufacturing plants using modified process can be considered typical on a national basis, EPA sees no reason to change the emission limit for flat glass melting furnaces using modified processes. EPA believes that the level of the standards of glass melting furnaces does discourage the glass manufacturing industry from locating plants in other States rather than comply with a particular SIP.

The standards of performance of glass manufacturing plants establish the minimum BACT and LAER emission levels. However, because the BACT or LAER requirement for a specific glass manufacturing plant is determined on a case-by-case basis, more stringent levels can be established. Since modified processes for glass melting furnaces achieve various levels of particulate emission reduction, a BACT or LAER determination for a source could be set based on the most stringent emission level achievable by glass melting furnaces using modified processes, or on the numerical emission limits for glass melting furnaces using add-on controls. Thus, EPA is not exempting new glass melting furnaces from BACT and LAER requirements. Instead, the amendments to the standards will provide guidance for BACT and LAER determinations.

*Comment 2:* One commenter expressed the opinion that the existing numerical emission limits for glass melting furnaces using add-on controls should be increased to the levels proposed for glass melting furnaces using modified processes.

*Response 2:* This issue was addressed in reconsidering the standards with respect to the use of modified processes. As discussed in the **Federal Register** notice proposing the amendments to the standards (48 FR 50673), EPA initially considered revising standards based only on use of modified processes. However, after thorough examination of the supporting information provided in the petitions and additional information obtained from glass manufacturers, EPA concluded that modified processes are not an adequately demonstrated means of emission reduction which could necessarily be applied by all glass manufacturers. As a consequence, EPA considers the emission limits established for add-on controls to reflect representative performance of these controls. Thus, there is no reason to establish limits for add-on controls at any other level. Therefore, even though EPA continues to believe that in certain instances modified processes may be capable of substantial continuous reduction of particulate emissions from glass melting furnaces; the emission limits previously promulgated based on add-on control devices of known and proven effectiveness remain in effect for those individual sources which cannot use modified processes.

*Comment 3:* A few commenters contended that the 30 percent emission allowance for oil firing provided in the existing standards for glass melting furnaces should also apply to glass melting furnaces using modified processes.

*Response 3:* The information EPA used to select the proposed emission limits for glass melting furnaces using modified processes included data on the application of modified process technology to oil-fired furnaces. These data indicate that glass melting furnaces using modified processes and firing fuel oil can achieve the emission limits for modified processes. Furthermore, selection of the fuel type burned in a glass melting furnace is an integral component of modified process techniques. Any additional particulates that might be generated by firing fuel oil can be compensated by modified process techniques. No information was provided by the commenters to show why it was inappropriate for EPA to select the proposed emission limits for modified processes. Therefore, the emission limits for glass melting furnaces using modified processes remain the same as proposed.

*Comment 4:* Two commenters expressed the opinion that a uniform filter box temperature of 177 °C for all Method 5 tests be allowed regardless of the sulfur content of the fuel fired. Another commenter disagreed with the proposal to allow a maximum sampling temperature of 177 °C for glass melting furnaces using modified processes and firing a fuel containing more than 0.5 percent sulfur. The commenter stated the belief that this proposal is not consistent with EPA's intent to encourage application of modified processes to glass melting furnaces in order to reduce sulfur dioxide emissions to offset increased particulate emissions.

*Response 4:* As part of their petitions for reconsideration, glass industry representatives suggested that Method 5 be used with a sampling temperature of 177 °C (350 °F) to determine compliance with the emission limits for glass melting furnaces using modified processes. According to the industry representatives, a sampling temperature of 177 °C prevents inclusion of condensible acid gases in the particulate emission results. EPA agreed in part with this suggestion, and proposed a maximum sampling temperature of 177 °C for glass melting furnaces using modified processes and firing a fuel containing more than 0.5 percent sulfur. However, EPA believed that it is neither necessary nor appropriate to do so for furnaces using modified processes and firing a fuel containing less than 0.5 percent sulfur. Furthermore, EPA's decision to propose a maximum sampling temperature of 177 °C was based solely upon the technical considerations of the effects of sulfuric acid on Method 5 sampling for particulate matter. Although reduced sulfur oxide emissions can be a benefit of the application of modified processes to glass melting furnaces, the basis for the proposed emission limits for glass melting furnaces using modified processes was not reduced levels of sulfur oxide emissions.

The effects of sulfuric acid on sampling of particulates were included in the data EPA used to select the proposed emission limits for glass melting furnaces using modified processes. EPA recognizes that excess sulfuric acid from the combusion of fuels containing more than 0.5 weight percent sulfur exists as a gas as it is collected and then condenses onto the filter at a temperature of about 121°C (250 °F). A sampling temperature of 177 °C is above the dew point of condensible acid gases and, consequently, any excess sulfuric acid from fuel combustion passes through the filter as a gas. However, no data were provided by the commenters which disproves EPA's conclusion that the firing of fuels having a sulfur content less than 0.5 weight percent does not influence the quantity of particulates measured by Method 5 when using a

sampling box temperature of about 121°C. Therefore, the Method 5 sampling box temperature requirements remain the same as proposed.

**Continuous Opacity Monitoring**

The use of opacity monitors for glass melting furnaces using modified processes was proposed to ensure that the furnace is continuously operated and maintained to achieve the same level of emission reduction observed during the performance test. Opacity monitoring during the performance test would be used to determine, on a case-by-case basis, a statistical relationship for each furnace between particulate emissions and its opacity. Using this statistical relationship, the furnace would be monitored for opacity, and excess emissions reported to EPA. The excess emission reports would be used to alert EPA enforcement personnel to consider whether the facility was being properly operated and maintained consistent with good air pollution control practices. As an alternative to continuous opacity monitoring, EPA proposed provisions permitting the continuous monitoring of a process parameter provided the owner or operator of the affected facility demonstrates that monitoring the process parameter is equivalent to opacity monitoring.

*Comment:* One commenter agreed with EPA's proposed approach for continuous opacity monitoring by stating that the proposed provisions properly establish a method for setting opacity guidelines on a furnace-by-furnace basis, allow those guidelines to be adjusted over time, and treat the guidelines as indicators and not tests of compliance. Another commenter requested that the provisions allowing alternative monitoring of process parameters be retained in the final standards. It is the commenter's opinion that opacity measurements are not indicative of the level of particulate emissions from a glass melting furnace; and, therefore, the alternative of process parameter monitoring is necessary. In contrast, one commenter stated that the use of process monitoring as a substitute for opacity monitoring should not be allowed because it is the commenter's opinion that there is no demonstrated correlation of process parameters with opacity. Furthermore, the commenter stated that specific limits on opacity should be mandated for glass melting furnaces using modified processes and should be enforced through the use of continuous opacity monitors.

*Response:* Compliance of a glass melting furnace using modified processes with the numerical limits is determined using Method 5. Because neither the operator of a glass melting furnace using modified processes nor EPA would have any indicator for knowing whether the facility is continuing to maintain the emission reduction observed during the performance test, EPA proposed that opacity monitors be installed and operated on such sources. Specific limits on opacity were not proposed because of the expected variability in opacity from a glass melting furnace as a function of the type of modified process used as well as the type of glass being produced. However, EPA's investigation of the relationship between opacity and emission rates for individual sources shows that opacity monitoring is a useful indicator of the overall performance of a control device or, in this case, a glass melting furnace using modified processes when applied on a source-by-source basis.

Although EPA does not have sufficient data to clearly demonstrate that the use of process monitoring is an acceptable substitute for opacity monitoring, EPA has no reason or desire to preclude the alternative of monitoring process parameters if a relationship between a process parameter and emission rates can be demonstrated. Therefore, the provisions permitting the continuous monitoring of a process parameter provided the owner or operator of the affected facility demonstrates to EPA the equivalency of the monitoring method with opacity monitoring remains the same as proposed.

**Experimental Furnaces**

A petition for reconsideration submitted by PPG raised the issue of the reasonableness of the cost of the standards on experimental glass melting furnaces (furnaces used solely for research and development of new glass manufacturing technologies and new glass products). After considering PPG's petition and additional information, EPA concluded that the economic impact of the standards is unreasonable for experimental furnaces. Therefore, EPA proposed to exempt experimental glass melting furnaces from the standards.

*Comment*: One commenter supported the experimental furnace exemption as proposed. Two other commenters supported the concept of exempting experimental furnaces, but disagreed with EPA's proposed definition of "experimental furnace."

*Response*: The proposed definition of "experimental furnace" was based on EPA's understanding of the application of experimental furnaces by the glass industry. Information provided to EPA by glass manufacturers indicates that experimental furnaces have historically been used by some, but not all, segments of the glass industry to test new batch formulas and glass compositions, to provide glass for new product development and testing, and to develop new glass melting technologies. These furnaces tend to have small capacities and short useful life spans. In EPA's judgment, the proposed definition of "experimental furnace" best characterizes experimental furnaces used by the glass industry. Therefore, the definition of "experimental furnace" remains the same as proposed.

**Test Methods**

Method 5 requires that the collected particulate sample must weigh at least 50 milligrams (mg). PPG requested in a petition for reconsideration that EPA permit an alternative test method which would allow the collection of particulate from a minimum exhaust gas sample volume of 90 actual cubic feet (acf). EPA denied this request because sampling particulates from 90 acf volume sample would collect a particulate sample significantly below the minimum weight considered necessary to assure an acceptable level of precision.

*Comment*: One commenter stated that the accuracy of a source test using Method 5 is a function of both flowrate and sampling time. Therefore, EPA's requirement that a 50 mg sample be collected regardless of sampling time and flowrates imposes a "needless burden."

*Response:* The requirement for a 50 mg particulate sample is not related to flowrate or sampling time. Instead, EPA established the requirement of collecting a minimum of 50 mg of particulate sample to reduce potential sampling error resulting from sampling technique to an acceptable level. The total particulate sample collected using Method 5 procedures is determined by adding the weight of particulates deposited on the filter plus the weight of particulates which accumulate on the inside walls of the sampling probe. To obtain an accurate and precise sample weight, it is important that the sampling probe be thoroughly cleaned to minimize any sample losses due to leaving particulates inside the probe. The significance of any errors introduced by improper cleaning of the sampling probe increases as the total weight of the particulate sample decreases. Therefore, the requirement of collecting a minimum of 50 mg of particulate sample is necessary to ensure the test method is accurate and precise. Compliance of a glass melting furnace with the particulate standards is determined only by a performance test and it is,

therefore, important that the test method be accurate and precise. A 50 mg particulate sample can be obtained from most glass melting furnaces using standard sampling equipment in a sampling period of 1 to 2 hours. For glass melting furnaces having special flow conditions, Method 5 may be run using equipment which operates at sampling flow rates greater than the standard flow rate. Thus, EPA's requirement does not impose a "needless burden" on glass manufacturers.

**Exemptions During Periods of Maintenance**

In their petition for reconsideration, GPI, *et al.*, requested an exemption from numerical emission limits during periods of add-on control device maintenance. EPA reviewed this request and found that such an exemption may be required by some glass manufacturers in certain situations. Therefore, EPA proposed to exempt glass melting furnaces from the emission limits during periods of routine maintenance of add-on control devices not to exceed 6 calendar days per year.

*Comment:* Two commenters stated support for EPA's proposal to exempt an operator of a glass melting furnace from the standards during periods of routine maintenance of add-on controls, subject to the limitation of 6 days per year, application of good air pollution control practices, and a reporting requirement. Another commenter stated that a limitation of 9 days per year would be more practical.

*Response:* The proposed limitation of 6 days per year was based on information about control equipment maintenance practices that EPA obtained from equipment manufacturers and glass companies operating control systems. The 6-day period was selected to allow semiannual inspection and routine maintenance for an ESP having compartments which cannot be isolated, and thus requiring complete bypass of the ESP unit to allow maintenance personnel to enter the compartments. Other control system designs that are expected to be installed by glass companies require less frequent inspection and maintenance intervals, have individual compartments which can be isolated to perform maintenance and repairs without bypass of the system, or allow maintenance to be performed external to the control system compartments. The commenter presented no new information to justify increasing the limitation to 9 days. A review of the data base EPA used to select the 6-day period (see docket reference VI–D–11) showed that at only one glass manufacturing plant was more than 6 days per year required to perform inspection and routine maintenance of an ESP unit. At this plant, three single compartment ESP units are normally operated simultaneously in a parallel configuration. The ESP unit maintenance procedure performed at the plant is unusual because it involves performing maintenance while routinely suspending glass production and placing the furnace in the idling mode. The operating configuration allows the ESP units to be serviced by isolating one unit for maintenance while venting the reduced volume of exhaust gases from the furnace through the other two units. Thus, the ESP units are essentially operated as a multiple compartment ESP unit with compartments that can be isolated. Based on these considerations, the limitation of 6 days remains the same as proposed.

**Glass Definitions**

*Comment:* One commenter questioned EPA's rationale for changing the definitions of the glass recipes to use glass composition. Specifically, it is not clear to the commenter which emission limit will apply to glass melting furnaces producing "lead recipe" glass. Furthermore, the effect of changing the definition of lead recipe glass on the national ambient air quality standard for lead was not presented by EPA.

*Response:* As part of the analysis to decide whether to revise the definition of "lead recipe" to be based on glass composition, EPA did not evaluate the impact of a lead recipe definition revision on the national ambient air quality standard for lead. An analysis of the impact of the glass melting furnace lead emissions was not necessary because the lead recipe definition revision being considered would not change the numerical emissions limits for any glass manufacturing plant industry segment using lead compounds as a raw material. Using the proposed glass definitions, if a glass melting furnace fired with a gaseous fuel produced a glass product containing 18 to 35 percent lead oxide then the maximum allowable particulate matter emission rate is 0.1 grams of particulate per kilogram of glass produced (g/kg). If the same furnace produces a glass product containing less than 18 percent lead oxide, then the maximum allowable particulate matter emission rate is 0.25 g/kg. These are the same emission levels allowed by the originally promulgated definition of lead glass recipe. Therefore, the revised definition of lead glass recipe remains the same as proposed.

**Significance of Source Category**

GPI, *et al.*, petitioned EPA to reconsider EPA's determination that glass manufacturing plants "cause [ ], or contribute [ ] significantly to air pollution which may be reasonably anticipated to endanger public health or welfare." Section 111(b)(1)(A). Other petitioners joined GPI, *et al*, in this issue. After reviewing the petitions, EPA found that even though new data and information may be available, the objection raised by these new data and information is not of central relevance to the outcome of this issue, and, therefore, EPA denied reconsideration of this issue.

*Comment:* One commenter restated their position that the facts do not support EPA's determination that the glass industry is an appropriate category for regulation by new source performance standards.

*Response:* As was stated in the **Federal Register** notice discussing EPA's denial of reconsideration of this issue (48 FR 50671), EPA believes that any major industrial source category with potential emission rates of the magnitude associated with glass manufacturing plants and with projected new plant growth is appropriately considered a significant contributor to air pollution and is appropriately regulated under Section 111. Therefore, EPA decided that reconsideration of this issue is not warranted.

**Other Comments**

One comment was received concerning specific wording used in the November 2, 1983, **Federal Register** notice (48 FR 50670). On page 50679 of the **Federal Register** notice, the applicability of the standards of performance for glass manufacturing plants to existing flat glass melting furnaces was discussed. Under today's promulgated amendments to the standards, if an existing flat glass melting furnace is determined to be an affected facility due to a modification as defined in 40 CFR 60.14, then the affected flat glass melting furnace is subject to achieving the standard of 0.5 g/kg if modified processes are used or to achieving the standard of 0.225 g/kg if add-on controls are used. Major alterations that do not result in increased emissions, such as alterations where air pollution control equipment is added or upgraded to maintain emissions at their previous level, are not considered modifications.

The same commenter also suggested that EPA provide, in the public record, support for its references to "high

quality flat glass" and "normal quality and production levels" on page 50679 of the **Federal Register** notice. The term "high quality" was used to describe the type of flat glass being produced by a flat glass melting furnace during an EPA-conducted emission source test. As is noted in docket reference VI–D–12, the term "high quality" flat glass is referring to architectural flat glass. The phrase "normal quality and production levels" was used in the statement: "Flat glass manufacturing companies are achieving emission levels less than 0.225 g/kg while maintaining normal glass quality and production." This statement is referring to the fact that two glass manufacturers have been able to reduce particulate emissions from flat glass melting furnaces to levels less than 0.225 g/kg by installation of add-on controls without affecting the glass quality or production levels that the two glass manufacturers would be able to achieve in the absence of any add-on controls.

### Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industry involved to identify and locate documents so that they can participate effectively in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review, except for interagency review materials (Section 307(d)(7)(A)).

### Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because it would reduce the cost of compliance with the current standards.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW. Washington, D.C. 20460.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 701, et seq., is not required for this rulemaking, because the rulemaking would not have significant impact on a substantial number of small entities. This regulation would reduce the cost of compliance with the current standards.

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*, and have been assigned OMB control number 2060–0054.

### List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic Minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by Reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers.

Dated: October 12, 1984.

**William D. Ruckelshaus,**

*Administrator.*

## PART 60—[AMENDED]

40 CFR Part 60, Subpart CC, is amended as follows:

1. In § 60.291, the following definitions are revised: "Borosilicate recipe," "Glass melting furnace," "Lead recipe," and "Sodalime recipe;" and the following definitions are added in alphabetical order: "Experimental furnace," "Flow channels," "Textile fiberglass," and "With modified-processes;" as follows:

**§ 60.291 Definitions.**

* * * * *

"Borosilicate recipe" means glass product composition of the following approximate ranges of weight proportions: 60 to 80 percent silicon dioxide, 4 to 10 percent total $R_2O$ (e.g., $Na_2O$ and $K_2O$), 5 to 35 percent boric oxides, and 0 to 13 percent other oxides.

* * * * *

"Experimental furnace" means a glass melting furnace with the sole purpose of operating to evaluate glass melting processes, technologies, or glass products. An experimental furnace does not produce glass that is sold (except for further research and development purposes) or that is used as a raw material for nonexperimental furnaces.

* * * * *

"Flow channels" means appendages used for conditioning and distributing molten glass to forming apparatuses and are a permanently separate source of emissions such that no mixing of emissions occurs with emissions from the melter cooling system prior to their being vented to the atmosphere.

"Glass melting furnace" means a unit comprising a refractory vessel in which raw materials are charged, melted at high temperature, refined, and conditioned to produce molten glass. The unit includes foundations, superstructure and retaining walls, raw material charger systems, heat exchangers, melter cooling system, exhaust system, refractory brick work, fuel supply and electrical boosting equipment, integral control systems and instrumentation, and appendages for conditioning and distributing molten glass to forming apparatuses. The forming apparatuses, including the float bath used in flat glass manufacturing and flow channels in wool fiberglass and textile fiberglass manufacturing, are not considered part of the glass melting furnace.

* * * * *

"Lead recipe" means glass product composition of the following ranges of weight proportions: 50 to 60 percent silicon dioxide, 18 to 35 percent lead oxides, 5 to 20 percent total $R_2O$ (e.g., $Na_2O$ and $K_2O$), 0 to 8 percent total $R_2O_3$ (e.g., $Al_2O_3$), 0 to 15 percent total RO (e.g., CaO, MgO), other than lead oxide, and 5 to 10 percent other oxides.

* * * * *

"Soda-lime recipe" means glass product composition of the following ranges of weight proportions: 60 to 75 percent silicon dioxide, 10 to 17 percent total $R_2O$ (e.g., $Na_2O$ and $K_2O$), 8 to 20 percent total RO but not to include any PbO (e.g., CaO, and MgO), 0 to 8 percent total $R_2O_3$ (e.g., $Al_2O_3$), and 1 to 5 percent other oxides.

"Textile fiberglass" means fibrous glass in the form of continuous strands having uniform thickness.

"With modified-processes" means using any technique designed to minimize emissions without the use of add-on pollution controls.

(Sec. 111, 301(a), of the Clean Air Act as amended (42 U.S.C. 7411, 7601(a)))

2. In § 60.292, paragraphs (d) and (e) are added as follows:

**§ 60.292 Standards for particulate matter.**

* * * * *

(d) An owner or operator of an experimental furnace is not subject to the requirements of this section.

(e) During routine maintenance of add-on pollution controls, an owner or operator of a glass melting furnace

subject to the provisions of § 60.292(a) is exempt from the provisions of § 60.292(a) if:

(1) Routine maintenance in each calendar year does not exceed 6 days;

(2) Routine maintenance is conducted in a manner consistent with good air pollution control practices for minimizing emissions; and

(3) A report is submitted to the Administrator 10 days before the start of the routine maintenance (if 10 days cannot be provided, the report must be submitted as soon as practicable) and the report contains an explanation of the schedule of the maintenance.

(Sec. 111, 301(a), of the Clean Air Act as amended (42 U.S.C. 7411, 7601(a)))

3. Section 60.293 is added as follows:

**§ 60.293 Standards for particulate matter from glass melting furnace with modified-processes.**

(a) An owner or operator of a glass melting furnaces with modified-processes is not subject to the provisions of § 60.292 if the affected facility complies with the provisions of this section.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator of a glass melting furnance with modified-processes subject to the provisions of this subpart shall cause to be discharged into the atmosphere from the affected facility:

(1) Particulate matter at emission rates exceeding 0.5 gram of particulate per kilogram of glass produced (g/kg) as measured according to paragraph (e) of this section for container glass, flat glass, and pressed and blown glass with a soda-lime recipe melting furnaces.

(2) Particulate matter at emission rates exceeding 1.0 g/kg as measured according to paragraph (e) of this section for pressed and blown glass with a borosilicate recipe melting furnace.

(3) Particulate matter at emission rates exceeding 0.5 g/kg as measured according to paragraph (e) of this section for textile fiberglass and wool fiberglass melting furnaces.

(c) The owner or operator of an affected facility that is subject to emission limits specified under paragraph (b) of this section shall:

(1) Install, calibrate, maintain, and operate a continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the affected facility.

(2) During the performance test required to be conducted by § 60.8, conduct continuous opacity monitoring during each test run.

(3) Calculate 6-minute opacity averages from 24 or more data points equally spaced over each 6-minute period during the test runs.

(4) Determine, based on the 6-minute opacity averages, the opacity value corresponding to the 97.5 percent upper confidence level of a normal distribution of average opacity values.

(5) For the purposes of § 60.7, report to the Administrator as excess emissions all of the 6-minute periods during which the average opacity, as measured by the continuous monitoring system installed under paragraph (c)(1) of this section, exceeds the opacity value corresponding to the 97.5 percent upper confidence level determined under paragraph (c)(4) of this section.

(d)(1) After receipt and consideration of written application, the Administrator may approve alternative continuous monitoring systems for the measurement of one or more process or operating parameters that is or are demonstrated to enable accurate and representative monitoring of an emission limit specified in paragraph (b)(1) of this section.

(2) After the Administrator approves an alternative continuous monitoring system for an affected facility, the requirements of paragraphs (c) (1) through (5) of this section will not apply for that affected facility.

(3) An owner or operator may redetermine the opacity value corresponding to the 97.5 percent upper confidence level as described in paragraph (c)(4) of this section if the owner or operator:

(i) Conducts continuous opacity monitoring during each test run of a performance test that demonstrates compliance with an emission limit of paragraph (b) of this section,

(ii) Recalculates the 6-minute opacity averages as described in paragraph (c)(3) of this section, and

(iii) Uses the redetermined opacity value corresponding to the 97.5 percent upper confidence level for the purposes of paragraph (c)(5) of this section.

(e) Test methods and procedures as specified in § 60.296 shall be used to determine compliance with this section except that to determine compliance for any glass melting furnace using modified processes and fired with either a gaseous fuel or a liquid fuel containing less than 0.50 weight percent sulfur, Method 5 shall be used with the probe and filter holder heating system in the sampling train set to provide a gas temperature of 120±14 °C.

(Sec. 111, 114, 301(a), of the Clean Air Act as amended (42 U.S.C. 7411, 7414, 7601(a)))

4. In § 60.296, the introductory text of paragraph (a) is revised, and paragraph (g) is added as follows:

**§ 60.296 Test methods and procedures.**

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.292 and § 60.293 as follows:

* * * * *

(g) If an owner or operator changes an affected facility from a glass melting furnace with modified processes to a glass melting furnace without modified processes or from a glass melting furnace without modified processes to a glass melting furnace with modified processes, the owner or operator shall notify the Administrator 60 days before the change is scheduled to occur.

(Sec. 111, 114, 301(a), of the Clean Air Act as amended (42 U.S.C. 7411, 7414, 7601(a)))

[FR Doc. 84-27640 Filed 10-18-84; 8:45 am]
BILLING CODE 6560-50-M

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**40 CFR Part 271**

**[OSWER-8-FRL-2697-3]**

## Colorado; Final Authorization of State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final determination of application of State of Colorado for final authorization.

**SUMMARY:** Colorado has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Colorado's application and found it includes all the information necessary for final authorization. Colorado has addressed to EPA's satisfaction all EPA requirements and all concerns identified in the August 6, 1984 notice. EPA grants to Colorado final authorization to operate its hazardous waste program in lieu of the federal program.

**EFFECTIVE DATE:** Final Authorization for Colorado shall be effective at 1:00 p.m. on November 2, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles Brinkman, EPA Region 8, 1860 Lincoln Street, Denver, Colorado 80295, Telephone: (303) 844-2221.

**SUPPLEMENTARY INFORMATION:** 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 is known as "interim authorization". It is a temporary authorization and is not addressed here.

The second type of authorization is a "final" authorization that is granted by EPA if the Agency finds the State program: (1) Is "equivalent" to the Federal program, (2) 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)). EPA regulations for final authorization appear at 40 CFR Part 271.

The State of Colorado submitted a draft application for final authorization to EPA on September 15, 1983. EPA comments were made to the State for their consideration and revision on January 4, 1984. A public hearing to solicit comments was held by Colorado on March 5, 1984 on the revised application. The application for final authorization of the Colorado hazardous waste management program was received by EPA on March 13, 1984. A notice announcing EPA's tentative decision to grant authorization of the Colorado hazardous waste program was published in Volume 49, No. 152, Page 31301 of the **Federal Register** on August 6, 1984, at which time a public comment period was opened and held open through September 4, 1984, the date on which a Public Hearing was held.

The tentative determination to authorize the Colorado program was made after development of a Capability Assessment evaluating Colorado's past performance in hazardous waste program participation and its resources to implement the hazardous waste program after authorization and upon a commitment by Colorado to provide additional materials to EPA. The additional materials were presented during the period between the State's receipt of the EPA comments up through September 5, 1984. EPA concerns were adequately addressed by these materials as follows:

1. The Memorandum of Agreement was expanded to include additional detail on the procedure for negotiation when there is disagreement between the State and EPA on the review of waiver, variance or permit applications.

2. A permit call-in strategy for permitting all existing facilities over a specified period of time was added to the Program Description.

3. Detail was provided in the Program Description on the staffing of the hazardous waste program.

4. Colorado Hazardous Waste Regulations were revised to limit minor modification to situations as provided for in the Federal regulation.

5. Colorado Hazardous Waste Regulations were revised to limit changes allowed during interim status to those allowed in the Federal Hazardous Waste program regulations.

6. The authority of Colorado to extend the storage of hazardous waste by generators beyond the 30 days specified in the Federal regulations was deleted from the Colorado regulations.

7. Colorado Hazardous Waste Regulations were revised to limit the use of the trial permits to situations not controlled by the Resource Conservation and Recovery Act regulations.

8. The Attorney General certified the legality of all commitments made in the Memorandum of Agreement and the changes in the Colorado Hazardous Waste regulations.

Comments were received by mail and by presentation at the Public Hearing. Correspondence was received which supported the transfer of the regulation of hazardous waste to the State and which expressed a strong belief that local government should be involved in the process.

Several presentations were made at the Public Hearing. None refuted the Authorization of the State hazardous waste program. However, two areas of reservation were expressed. The ability of the State to fund and staff an adequate hazardous waste effort and the possibility of withholding authorization until a specific facility had been permitted by EPA were questioned.

EPA analysis of the State resources available to the hazardous waste program demonstrates that resources are presently adequate and that the resources will increase as workload increases due to the State hazardous waste fee system that becomes effective upon Authorization.

EPA has determined, further, that the Authorization should not be delayed to allow for permitting of any specific facility. The permit review conducted under authorization will continue to be rigorous with EPA overseeing State permitting efforts.

Colorado satisfied all of EPA's concerns by revision of the Program Description, Memorandum of Agreement, Hazardous Waste Regulations, and the Attorney General's Statement. Thus, EPA grants final authorization to Colorado to operate its program in lieu of the federal program.

In making its final decision, EPA has considered all public comments on the tentative determination and the measures taken by the State to address EPA's concerns.

**Decision**

After review of the public comment and the changes the State has made to its application/program since the tentative decision, I conclude that the Colorado application for final authorization meets all statutory and regulatory requirements established by RCRA. Accordingly, Colorado is granted authorization to operate its hazardous waste program. Upon the effective date of this authorization, Colorado has responsibility for permitting hazardous waste treatment, storage and disposal facilities within its borders and for carrying out other aspects of the approved Colorado program. Colorado also has primary enforcement responsibility, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Sections 3008, 3013 and 7003 of RCRA.

**Certification Under the 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 authorization 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.

**Compliance With 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, Confidential business information.

**Authority**

This notice is issued under the authority of 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), EPA Delegations 7.

Dated: October 15, 1984.

**John G. Welles,**

*Regional Administrator.*

[FR Doc. 84-27637 Filed 10-18-84; 8:45 am]

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## 40 CFR Part 271

[OSWER-8-FRL-2697-4]

## South Dakota; Decision on Final Authorization of State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final determination on application of South Dakota for final authorization.

**SUMMARY:** South Dakota has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed South Dakota's application and has reached a final determination that South Dakota's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to the State to operate its program in lieu of the Federal program.

**EFFECTIVE DATE:** Final Authorization for South Dakota shall be effective at 1:00 p.m. on November 2, 1984.

**FOR FURTHER INFORMATION CONTACT:** Henry C. Schroeder, EPA/Region 8, 1860 Lincoln Street, Denver, Colorado 80295, Telephone: (303) 844-2221.

**SUPPLEMENTARY INFORMATION:** Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows the Environmental Protection Agency (EPA) to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. To qualify for final authorization, a State's program must (1) be "equivalent" to the Federal program; (2) be consistent with the Federal program and other State programs; and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On March 16, 1984, South Dakota submitted a complete application to obtain final authorization to administer the RCRA program. Following detailed review of the complete application and the development of a Capability Assessment evaluating past State program performance and present resource capacity for future program implementation, EPA published a tentative decision announcing its intent to grant South Dakota final authorization on July 10, 1984. Further background on the tentative decision to grant authorization appears at Vol. 49, No. 133 **Federal Register**, page 28074, July 10, 1984. This tentative decision notice reviewed all issues raised in the consolidated EPA comments to the State and the State intended responses to these comments.

South Dakota's official responses to the consolidated EPA comments were negotiated with the State Department of Environmental Quality, the Attorney General's Office and approved by the Board of Minerals and Environment. The comments and responses are as follows:

1. Program description must provide an explanation of the relationship between the Board of Minerals and Environment and the Department. Also, if necessary, obtain a statement from the Board that they will operate in a manner consistent with the State Hazardous Waste Program.

The State described the relationship between the Board and the Department, and the Board also signed a letter agreeing to operate in a manner consistent with the State Hazardous Waste Program.

2. The Attorney General's Statement must be revised to further explain why 1-26-30.1 of South Dakota's Administrative Procedures Act is consistent with the requirements of Authorization of the State Hazardous Waste Program.

The State Attorney General revised the Statement to provide sufficient explanation proving the consistency of the State Administrative Procedures Act with RCRA.

Along with the tentative determination EPA announced the availability of the application in the State, EPA Region VIII, and EPA Headquarters for public comment and the date of a public hearing on the application. The public hearing was held on August 16, 1984 in Pierre, South Dakota. Approximately ten individuals were in attendance including one local television reporter. One written statement was received and one oral statement was made. No adverse comments were expressed at the public hearing.

### Decision

After reviewing the public comment and the changes the State made to its application/program prior to the tentative decision, I conclude that South Dakota's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. South Dakota continues to demonstrate a commitment to hazardous waste program implementation as documented in the Capability Assessment developed for tentative decision. Accordingly, South Dakota is granted final authorization to operate its hazardous waste program. This means that South Dakota now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program. South Dakota also has primary enforcement responsibility, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Sections 3008, 3012, and 7003 of RCRA.

### Compliance with Executive Order 12291

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

### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 505(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain Federal regulations in favor of South Dakota's 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.

### List of Subjects in 40 CFR Part 271

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

### Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 15, 1984.

**John G. Welles,**

*Regional Administrator.*

[FR Doc. 84-27636 Filed 10-18-84; 8:45 am]

BILLING CODE 6560-50-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Ch. 18

## Acquisition Regulations, Promulgation of NASA FAR Supplement Directive 84-2

**AGENCY:** Procurement Policy Division, NASA.

**ACTION:** Final rule.

**SUMMARY:** This document promulgates miscellaneous amendments to NASA acquisition regulations contained in NASA FAR Supplement Directive (NFSD) 84–2.

**EFFECTIVE DATE:** October 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** James H. Wilson, Procurement Policy Division (Code HP), Office of Procurement, NASA Headquarters, Washington, DC 20546, or call (202) 453–2118.

**SUPPLEMENTARY INFORMATION:** On August 29, 1984, as corrected September 18, 1984, proposed amendments to the NASA FAR Supplement were published, for review and public comment. No comments were received. However, in section 1804.674–4, Preparation of individual procurement action report (NASA Form 507), paragraph (O), the parenthetical statement "(see Supplement 50, Subpart 1)" is revised to read "(see NPR Supplement 50, Subpart 1)".

**List of Subjects in 48 CFR Ch. 18**

Government procurement.

**S.J. Evans,**

*Assistant Administrator for Procurement.*

Accordingly, 48 CFR, Ch. 18 is amended as set forth herein. The authority citation for 48 CFR chapter 18 reads as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

## PART 1801—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERAL ACQUISITION REGULATION SUPPLEMENT

2. Section 1801.105–1 is revised to read as follows:

**1801.105–1 NASA FAR Supplement requirements.**

The following OMB control numbers apply:

NASA FAR Supplement Segment: All
OMB Approval Number: 2700–0043
Expiration Date: 03/31/87.

**1801.471 [Amended]**

3. Section 1801.471, paragraph (a) is amended in the second sentence by changing the word "his" to read "that person's."

## PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

4. Subpart 1803.5 is added to read as follows:

### Subpart 1803.5—Other Improper Business Practices

**1803.502 Subcontractor kickbacks.**

Suspected violations of the Anti-Kickback Act shall be reported in accordance with 1809.470.

5. In section 1803.7001, paragraph (c) is amended by adding a sentence at the end of the paragraph to read as follows:

**1803.7001 Policy.**

(c) * * * Such documentation is not required if formal advertising is used.

* * * * *

**1803.7002 [Amended]**

6. Section 1803.7002 is amended beginning with the word "except." by adding "except IFB's" after "solicitations" and before the period.

## PART 1804—ADMINISTRATIVE MATTERS

7. In section 1804.202, paragraph (a) is revised to read as follows:

**1804.202 Agency distribution requirements**

* * * * *

(a) For research or research and development projects one copy of the contract plus a copy of the contractor's technical proposal and/or Statement of Work will be furnished to the Scientific and Technical Information Office, Code NIT–4, NASA Headquarters.

* * * * *

**1804.671–1 [Amended]**

8. In section 1804.671–1, paragraph (a)(3), (a)(4) and paragraph (b)(1) and (b)(2) are amended by revising the dollar amount at each paragraph to read "$25,000" in place of "$10,000."

9. Section 1804.671–4 is amended as follows:

a. Paragraph (c), the codes in paragraph (e), the entry for code 53 in paragraph (f), and paragraphs (x) and (dd) are revised.

b. Paragraph (i) is amended by removing "Code HM–1" and inserting in its place "Code HM".

c. Paragraph (o) is amended by revising the last two sentences in the introductory text.

d. Paragraph (w)(3)(i) is amended by removing "NASA FAR Supplement 70" and inserting in its place "Supplement 50"; (w) (4) and (5) are amended by removing "Supplement 70" and inserting in its place "Supplement 50".

e. Paragraph (ii) is amended by removing "$10,000" and inserting in its place "$25,000".

f. Paragraph (mm) is amended by removing "NBS–LO–1967" and "NBS–10–1967" and inserting in their places "NBS–LC–1067". It is further amended by removing "leave this item blank" and inserting in its place "enter U.S.".

**1804.671–4 Preparation of individual procurement action report (NASA Form 507).**

* * * * *

(c) *Contract numbering scheme.*

(1) The method of numbering contracts and purchase orders is set forth in 1804.71 (*e.g.*, NAS9–14000, NAS10–9080, NASW–2080).

(2) The method of numbering grants is set forth in the NASA Grant and Cooperative Agreement Handbook, NHB 5800.1B paragraph 306.1 (*e.g.*, NAGW–1, NAG2–308).

(3) The method of numbering cooperative agreements is set forth in the NASA Grant and Cooperative Agreement Handbook, NHB 5800.1B, paragraph 306.2 (e.g., NCC 2–1).

(4) Utility Contracts/Purchase Orders Serial Number Scheme.

* * * * *

(e) *Item 4—Accounting installation number* (2 positions). * * *

*Code and Installation*

10—NASA Headquarters
17—Agency Reimbursable Financial Operations
21—Ames Research Center
22—Lewis Research Center
23—Langley Research Center
51—Goddard Space Flight Center
55—NASA Resident Office—JPL
62—George C. Marshall Space Flight Center
64—National Space Technology Laboratories
72—Lyndon B. Johnson Space Center
76—John F. Kennedy Space Center

* * * * *

(f) *Item 5—Procuring installation number* (2 Positions). * * *

* * * * *

53—Wallops Flight Facility

* * * * *

(o) *Item 15—Procurement placement code (2 positions).* * * * Refer to the procurement placement code (PPC) matrix (see NPR Supplement 50, Subpart 1). See paragraph 1804.671–6 for special Procurement Placement Codes.

* * * * *

(x) *Item 24—Proposed procurement synopsized* (1 position). Enter "1" if the procurement was synopsized prior to award in the Department of Commerce publication "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards." Enter "2" if the procurement was not synopsized. Enter "3" if the procurement was not synopsized due to unusual or compelling emergency.

* * * * *

(dd) *Item 30—Subcontracting program plan* (1) position). Enter Y (yes) or N (no)

to indicate whether the contract contains a subcontract plan requiring the contractor to furnish the information prescribed on Standard Forms 294 and 295 (see 1804.674). Enter W (Waiver) if there are no subcontracting opportunities or other waivers.

* * * * *

10. Section 1804.671–6 if amended by changing the dollar amount in the heading and paragraphs (b) and (c) to read "$25,000" in place of "$10,000" and by adding new paragraphs (d) and (e) to read as follows:

* * * * *

**1804.671–6 Special procurement placement codes (PPC) for certain procurements under $25,000 (no NASA Form 507 required.**

* * * * *

(d) All procurement awards over $25,000 and the Accounting copies on procurement actions under $25,000 (no NASA Form 507 required) placed through the Small Business Administration to a disadvantaged business firm under Section 8(a) of the Small Business Act shall be coded with PPC *PS*. (See PPC matrix.)

(e) All procurement awards funded through the Small Business Innovation Research (SBIR) program shall be coded with PPC *HS*. (See PPC matrix.)

11. Section 1804.677 is added to read as follows:

**1804.677 Reporting requirements under Public Law 98–72.**

(a) NASA is required annually to report to the Congress with respect to negotiations for award of each applicable sole source contract (see 1815.105–2 (c) and (d) and each contract resulting from an unsolicited proposal (see 1815.507(c)) if the head of the procuring activity or his deputy did not approve the authority to enter into such contract.

(b) NASA contracting offices shall record the number of such negotiations and annually submit it to Assistant Administrator for Procurement (Attn: Code HM).

## PART 1805—PUBLICIZING CONTRACT ACTIONS

12. Section 1805.303–70 is amended by revising pagagraph (a)(1)(iii) to read as follows:

**1805.303–70 Furnishing additional procurement information to the public.**

(a) *Policy.* (1) * * *

(iii) After the date established for receipt of bids or proposals, the names of firms which submitted bids or proposals; and

* * * * *

## PART 1807—ACQUISITION PLANNING

13. In section 1807.7102, paragraphs (a), introductory text, (a)(2), and (d)(2) are revised, and paragraph (d)(3) is added to read as follows:

**1807.7102 Applicability.**

(a) The Master Buy Plan Procedure is applicable to each negotiated procurement, when the expected dollar value of that procurement, or aggregate amount of follow-up procurements (see 1807.103(b)(2)), is expected to equal or exceed the dollar value in paragraph (c) below, for the installation making the award. This procedure is also applicable to the following special procurements which are less than the paragraph (c) amounts—

* * * * *

(2) Procurement of architect-engineer services for $1,000,000 or more including those services described at 1815.903–70.

* * * * *

(d) * * *

(1) * * *

(2) A supplemental agreement (except one that provides only for the addition or deletion of funds for incremental funding purposes) that contains either new work, a debit change order, or a credit change order (or any combination/consolidation thereof) where any one of which (new work or an individual change order) equals or exceeds the dollar value in paragraph (c) above for the installation making the award.

(3) A supplemental agreement that contains one or more elements (new work and/or individual change orders) of a sensitive nature which, in the judgment of the installation or Headquarters, warrants Headquarters consideration under the Master Buy Plan Procedure, notwithstanding the fact that the monetary amount under consideration does not equal or exceed the installation's limitation in paragraph (c) above.

* * * * *

14. In section 1807.7104 the existing paragraph is designated as (a) and paragraph (b) is added to read as follows:

**1807.7104 Procedures for procurements selected for Headquarters review and approval.**

* * * * *

(b) When selecting procurements from field installation Master Buy Plans, responsible Headquarters Officials will decide whether to also require a Headquarters review of the associated request for proposals. Where responsibility for review of a request for proposals is delegated to the field installation, it may subsequently be rescinded if a Headquarters review is deemed more appropriate. Headquarters reviews will normally be conducted by the Assistant Administrator for Procurement with the Attendance of the cognizant Program Associate Administrator or Deputy Associate Administrator, the Assistant General Counsel for Procurement Matters, and the NASA Chief Engineer. The following procedure shall apply:

(1) Appropriate personnel in the Program Operations Division, Code HS, shall establish an acceptable schedule for conducting the review upon notification by the field installation that the draft request for proposals is near completion.

(2) Ten working days prior to the scheduled review, field installations shall submit to the Assistant Administrator for Procurement (Code HS) ten copies of the following documents:

(i) The draft request for proposals containing, as a minimum, the Statement of Work, evaluation factors and criteria, as appropriate (including order of relative importance), the proposed sample contract, and any other data having an impact on proposal evaluation.

(ii) Any special or unusual provisions to be included in the request for proposals or negotiated into any resultant contract, such as ceilings on rates, change control procedures reporting requirements, type of contract.

(iii) The Source Evaluation Board evaluation methodology, including the rationale for the selection of the Mission Suitability Factors and their associated evaluation criteria, the expected significant discriminators that should result, and the proposed method to be used in developing the Source Evaluation Board probable-cost comparison. Any other significant cost or other factors that are expected to have a bearing on the evaluation should be discussed. Numerical weightings to be employed in the evaluation process shall not be disclosed in the request for proposals.

(3) After a preliminary review of the documentation submitted under paragraph (b)(2) above and coordination with cognizant Headquarters offices, a determination will be made, in consultation with the field installation involved, as to the need for either a meeting in Headquarters or a telephone conference to discuss the request for proposals. If either should be required, participation should be limited to officials-in-charge of cognizant Headquarters offices or their designees.

Field installation attendees should be limited to those determined by the Procurement Officer to be necessary for the review. The Assistant Administrator for Procurement, with the concurrence of the Program Associate Administrator or Deputy Associate Administrator, will have the results of the request for proposals review documented and forwarded to the Procurement Officer of the involved field installation for implementation.

**1807.7105 [Amended]**

15. Section 1807.7105(a) is amended by revising the words "paragraph 403 of that manual," to read "paragraph 403 of NHB 5103.6A, as amended."

16. Section 1807.7106 is amended by revising the introductory text and notes (2) and (6) and the parenthetical material at the end of the section. Also notes (7), (8), and (9) are added.

**1807.7106 Format of Master Buy Plan**

In accordance with the requirements of 1807.7103–1 and 1807.7103–2, Master Buy Plans and amendents to Master Buy Plans will be prepared in the following format:

* * * * *

(2) Include N to indicate new or FO to indicate follow-on procurement.

* * * * *

(6) List procurements from prior fiscal year(s) Master Buy Plans and amendments to Master Buy Plans that have not been completed (1807.7103–1).

(7) Name and FTS number of cognizant installations procurement person under Remarks.

(8) List one procurement per page and number sequentially.

(9) Number each page.

(Form should be prepared on 8½ x 11 size paper. Use separate sheets as necessary.

## PART 1808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

17. In section 1808.002–74, the last sentence in paragraph (f)(1) is revised and paragraph (f)(3) is added as follows:

**1808.002–74 Acquisition of propellants.**

* * * * *

(f) *Reporting requirements.* (1) * * * Reports shall be submitted in duplicate on AF Form 858, Forecast of Propellant Requirements.

* * * * *

(3) Estimated requirements and other pertinent data required from contractors shall be obtained on Air Force Form 858, and OMB Approval Number 0701–0013 shall be cited.

* * * * *

**1808.002–75 [Amended]**

18. Section 1808–002–75 is amended by revising the second word in paragraph (b)(1) to read "for" in place of "from."

## PART 1809—CONTRACTOR QUALIFICATIONS

19. Sections 1809.104 and 1809.104–1 are added to read as follows:

**1809.104 Standards.**

**1809.104–1 General standards.**

FAR 9.104–1(d) provides that a prospective contractor, to be determined responsible, must have a satisfactory record of integrity. Prior to rejecting an offer based on a determination that the offeror is nonresponsible because of a lack of integrity, the contracting officer shall promptly furnish the offeror notice of the specific reasons for the determination and establish a reasonable time for the offeror to respond. A formal hearing is not required.

## PART 1813—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

20. Section 1813.302 is added to read as follows:

**1813.302 Conditions for use.**

Pursuant to FAR 13.302(a), the dollar limitation for NASA is hereby established as the small purchase ceiling for defense agencies.

**1813.403–70 [Amended]**

21. Section 1813.403–70 is amended as follows:

a. Paragraph (a) is amended by removing "Financial Management Manual paragraphs 9650–2 through 9650–15" and inserting in its place "Financial Management Manual 9650".

b. Paragraph (c)(1) is amended by removing "Financial Management Manual paragraph 9650–5" and inserting in its place "Financial Management Manual 9650".

c. Paragraph (c)(2)(ii) is amended by removing "Financial Management Manual paragraph 9650–10(c)." and inserting in its place "Financial Management Manual paragraph 9650."

**1813.405 [Amended]**

22. Section 1813.405(f)(1) is amended by removing "Financial Management Manual paragraph 9650–9" and inserting in its place "Financial Management Manual 9650".

## PART 1815—CONTRACTING BY NEGOTIATION

**1815.105 [Amended]**

23. Section 1815.105–70 is amended in paragraph (d), introductory text, by removing "The original and 10 copies" and inserting in its place "The original and 2 copies (or other quantities required for installation purposes)". Paragraph (d)(1) is amended by removing "For purchases of $1,000 or less" and inserting in its place "For small purchases over $1,000".

24. Section 1815.303 is added to read as follows:

**1815.303 Class D&F's.**

The effective period specified in each class D&F shall not ordinarily exceed one year except when used in conjunction with a definitive Phased Procurement Plan such as those based upon NMI 7121.1B, dated July 1, 1972, entitled "Planning and Approval of Major Research and Development Projects," in which case the period shall not normally exceed three years. When periods longer than the foregoing are considered appropriate and necessary, they should be stated with the reasons therefor.

25. Section 1815.307–71 is amended by redesignating paragraph (a) to read (a)(1) paragraphs (1), (2) and (3) to read (i), (ii), and (iii) paragraph (b) to read (2). Newly redesignated paragraph (a)(2) is further amended by changing "Code HS–1" to read "Code HS." New paragraph (b) is added to read as follows:

**1815.307–71 Determinations and findings below the Administrator level.**

* * * * *

(b) D&F's under the authority of 10 U.S.C. 2304(a) (2), (7), (8), or (10) may be executed by the contracting officer for individual purchases and contracts.

**1815.371–3 [Amended]**

26. Section 1815.371–3 is amended by revising the parenthetical reference in the last sentence of paragraph (b) to read "(see 1815.303)" in place of "see paragraph (c) below."

27. In section 1815.413, a new sentence is added to the end of the paragraph to read as follows:

**1815.413 Disclosure and use of information before award.**

* * * (See 1805.303–70(a)(1)(iii) regarding release of the names of firms which submitted bids or proposals.)

28. In section 1815.805–5, paragraph (e) is added to read as follows:

**1815.805–5 Field pricing support.**

* * * * *

(e) When the threshold at 1815.805–5 (a) is met and the cost proposal is for a product of a follow-on nature, notwithstanding any other provision of this 1815.805–5, a complete field pricing report shall be requested from the cognizant contract administration office. The field pricing report shall include, but not be limited to, actuals incurred under the previous contract, learning experience, technical and production analysis, and subcontract proposal analysis.

29. In section 1815.807–70(c), the existing paragraph immediately after the italicized heading is designated (1) and paragraph (2) is added as follows:

**1815.807–70 Content of the Prenegotiation Position Memorandum.**

(c) *Cost and profit/fee analysis.*

* * * * *

(2) Include particulars of the disposition of audit recommendations here. Resolution shall be considered accomplished when negotiation approval is granted. If, for some reason, they cannot be included in the Prenegotiation Position Memorandum, the disposition of the audit recommendations must be documented in the price negotiation memorandum (see FAR 15.808) or in other relevant file memoranda.

**1815.871 [Amended]**

30. Section 1815.871 is amended by removing paragraph (c).

31. Section 1815.872 is added to read as follows:

**1815.872 Tracking and resolution of expenditure and system audit findings.**

(a) This section is NASA's implementation of OMB Circular A–50. Expenditure and system audit recommendations shall be resolved by formal review and approval procedures analogous to those at 1815.807–71 and 1815.807–72.

(b) On expenditure or system audits where a major disagreement exists between the contracting officer and auditor and that disagreement, in the opinion of the Procurement Officer, produces a significant impact on the action involved, the planned resolution will be coordinated with NASA Headquarters, Code HC, prior to final action.

(c) The contract audit follow-up system will track all audit recommendations arising out of expenditure and system type audits where NASA has cognizant determination authority. Included will be audits involving actions such as contract incurred costs, indirect cost settlements, termination settlements, defective pricings, final pricings or contract closings, estimating systems surveys, accounting systems and internal control reviews, CAS non-compliance reports, and operations audits. The objective of the tracking system is to insure that resolutions of audit recommendations will occur as expeditiously as possible, but at a maximum, within six months of the date of the audit report. All audit recommendations involving questioned cost in the aforementioned covered categories shall be tracked. (Audit recommendations involving the placement of contracts shall *not* be included in the tracking system.)

(d) The identification and tracking of expenditure and system audits under NASA cognizance will be accomplished in cooperation with DCAA by means of a form called the "Contract Audit Followup Summary Sheet." The original form will be attached to the original audit report and sent to the contracting officer having negotiation or resolution responsibility. The second, and only other copy, will be sent to the NASA Headquarters focal point (Code HC). The summary sheet will identify the total costs questioned or considered avoidable and whether the audit recommendations, in the opinion of the auditor, are considered significant. The form also identifies the responsible contracting officer and provides a space to be completed by the contracting officer upon resolution of the matter with a statement describing how the audit recommendation was resolved including, where appropriate, dollar values.

(e) Documentation in support of the contractor's procedures shall be made available to authorized Government personnel.

32. Section 1815.903–70 is added to read as follows:

**1815.903–70 Contracting officer authority for negotiating architect-engineer fees.**

It is NASA policy that if a contract, regardless of type, covers any type services other than the production and delivery of designs, plans, drawings, and specifications, that part of the contract price for such other services shall not be subject to the 6 percent fee limitation.

## PART 1816—TYPES OF CONTRACTS

33. In section 1816.301–3, the existing paragraph is designated as (a) and paragraph (b) is added to read as follows:

**1816.301–3 Limitations.**

* * * * *

(b) Set forth below is a format for the D&F's to be made by the contracting officer with respect to the use of a cost, cost-plus-fixed-fee, cost-plus-award fee, or incentive type contract, as required by 10 U.S.C. 2306(c) (see FAR 16.301–3(c)). The format may be modified as appropriate.

**National Aeronautics and Space Administration**

**Determination and Findings**

*Authority To Use a (1) Contract*

Upon the basis of the following findings and determination which I hereby make pursuant to the authority of 10 U.S.C. 2306(c), the proposed contract described below may be entered into on a ...(1)... basis.

*Findings*

1. The ...(2)... proposes to enter into a ...(1)... contract for the procurement of ...(3)... at an estimated cost of $...(4)....

2. The work to be performed is ...(5)....

*Determination*

1. It is impracticable to secure services of the kind or quality required without the use of the proposed type of contract. (6)

[Alt: The use of the proposed type of contract is likely to be less costly than other methods.] (6)

[Alt: It is impracticable to secure services of the kind or quality required without the use of the proposed type of contract and the use of such type of contract is likely to be less costly than any other method.] (6)

2. the estimated cost of the proposed contract is $...(4)...(7)

Date ————.

**Notes:**

(1) Enter type of contract to be used, *i.e.*, fixed-price incentive, cost-plus-incentive-fee, cost, cost-plus-fixed-fee, or cost-plus-award fee.

(2) Installation.

(3) Brief description of supplies or services.

(4) Enter amount to nearest thousand.

(5) Describe the nature of the work to be performed and set forth the facts (for the type of contract proposed, see the pertinent paragraphs of FAR Part 16, that show why it is impracticable to secure supplies or services of the kind or quality required without the use of such type of contract, or that such method of contracting is likely to be less costly than other methods. The supporting facts should be confined to those pertinent to the specific determination being made. However where the facts adequately support alternative determinations, they should be set forth conjunctively when conjunctive determinations are to be used.

(6) Use the determination responsive to the findings. See Note (5) above.

(7) Determination to be made when a cost-plus-fixed fee contract is proposed.

## PART 1817—SPECIAL CONTRACTING METHODS

34. Section 1817.207–70 is added to read as follows:

**1817.207-70 Exercise of options for extensions to service contracts.**

(a) Where the proposed extension requires negotiation to firm up the contractual arrangements, the option provision is considered merely an agreement to agree. In such cases, the following documentation is required in the contract file:

(1) A new determination and finding (D&F) authorizing negotiation.

(2) A new method of contracting D&F.

(3) A Justification for Noncompetitive Procurement (JNCP) is *not* required to negotiate with the incumbent contractor for the proposed extension period, provided the proposed extension period was included in the Source Selection Official's (SSO) selection statement and the applicable approved procurement plan. In such circumstance, a "Justification for Source Selection" signed by the Procurement Officer which clearly and convincingly demonstrates the advantages to the Government in contracting with the incumbent contractor for the proposed extension period must be prepared in lieu of the JNCP.

(4) A copy of the approved procurement plan and a copy of the SSO's selection statement.

(b) If the proposed extension can be effected without negotiation by the exercise of an existing firm priced option and the initial D&F authorizing negotiation included the option, no new D&F is required. The requirements of FAR Subpart 17.2 must be adhered to by the contracting officer.

## PART 1819—SMALL BUSINESS AND DISADVANTAGED BUSINESS CONCERNS

35. Section 1819.502–2 is added to read as follows:

**1819.502-2 Total set-asides**

(a) In making R&D small business set-asides, there must also be a reasonable expectation of obtaining from small business the best scientific and technological sources consistent with the demands of the proposed procurement for the best mix of cost, performance, and schedules.

(b) Every proposed procurement for construction, including maintenance and repairs, in excess of $25,000 and under $2 million (except dredging under $1 million) shall be considered individually, as though the small business specialist has initiated a set-aside request and the procedures of FAR 19.501(g) shall apply.

(c) Every proposed procurement of $2 million or more for construction or $1 million or more for dredging shall be considered on an individual procurement basis under FAR 19.502–2.

## PART 1823—ENVIRONMENT, CONSERVATION, AND OCCUPATIONAL SAFETY

36. Section 1823.303 and 1823.303–70 are added to read as follows:

**1823.303 Contract clause.**

**1823.303-70 NASA clause.**

Any solicitation involving the procurement of potentially hazardous items shall contain as a line item, and the resulting contract shall contain as a line item of the Schedule, a requirement for the contractor or subcontractor to furnish complete design information and drawings showing all details of construction, including materials, for those items or components which are designated as potentially hazardous. In addition, the contracting officer shall include the clause at 1852.223–72, potentially Hazardous Items, in all solicitations and contracts for potentially hazardous items.

## PART 1825—FOREIGN ACQUISITION

37. Section 1825.103 is amended by removing the word "or" at the end of paragraph (b)(1), inserting the word "or" after paragraph (b)(2), and adding new paragraph (b)(3) to read as follows:

**1825.103 Agreements with certain foreign governments.**

* * * * *

(b) * * *

(3) Contracts for basic and applied research in Canada. (See NMI 1362.1.)

## PART 1828—BONDS AND INSURANCE

38. Section 1828.371 is added to read as follows:

**1828.371 Clause for inter-party waiver of liability during STS Operations.**

Contracting officers shall insert the clause at 1852.228–72, Inter-Party Waiver of Liability During STS Operations, in all NASA prime contracts, new work modifications or extensions to existing contracts, and solicitations of $100,000 or more where the work is to be performed in support of STS Operations (as defined in paragraph (d) of the clause). In addition, the contracting officer shall insert the clause in all contracts containing either of the indemnification under Public Law 85–804 clauses prescribed at 1850.403–3. At the discretion of the contracting officer, this clause may be used in contracts, new work modifications or extensions to existing contracts, and solicitations under $100,000 in appropriate circumstances such as when the value of contractor property on a Government installation used in the performance of the contract is significant.

## PART 1830—COST ACCOUNTING STANDARDS

39. Section 1830.304 is revised to read as follows:

**1830.304 Waiver.**

All requests for waiver of CAS requirements shall be forwarded through the Procurement Officer to NASA Headquarters, Code HC, for review and submitted to the Assistant Administrator for Procurement for authorization of contract award after the contracting officer has made the determination required by FAR 30.304(a).

## PART 1832—CONTRACT FINANCING

40. Section 1832.406–70 is revised to read as follows:

**1832.406-70 Federal Cash Transaction Report.**

The report required by paragraph (m) of the clause at FAR 52.232–12, Advance Payments, shall be submitted on Standard Form 272, Federal Cash Transaction Report, and if appropriate, Standard Form 272A, Federal Transition Report Continuation.

41. Section 1832.470 is revised to read as follows:

**1832.470 Reporting of installation advance payment approvals.**

Each Installation procurement office shall report to Headquarters no later than 30 days after the end of each fiscal year, Attention: Code HS, a listing of Advance Payment amounts and recipients approved at the Installation during the prior fiscal year.

## PART 1836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

42. Section 1836.601–1 is amended by adding paragraph (c) to read as follows:

**1836.602-1 Selection criteria.**

* * * * *

(c) NASA will consider the immediate past 10 years as the period of time for evaluation under FAR 36.601–1 (a)(2) and (4).

## PART 1842—CONTRACT ADMINISTRATION

43. Subpart 1842.3, consisting of 1842.302 and 1842.302–70, is added to read as follows:

### Subpart 1842.3—Contract Administration Office Functions

#### 1842.302 Contract administration functions.

#### 1842.302-70 Modified functions.

In connection with the functions listed at FAR 42.302(a)(11)(ii) and (iii) the following exception applies: for those contractors with whom advance agreements are negotiated of the type discussed under FAR 31.205-18, the Government contracting officer responsible for such agreements shall have full authority for determinations related to CAS 420.

## PART 1843—CONTRACT MODIFICATIONS

44. Subpart 1843.3, consisting of 1843.301, is added to read as follows:

### Subpart 1843.3—Forms

#### 1843.301 Use of forms.

(a) FAR 43.301(a)(1)(iv) requires the use of Standard Form 30 for administrative changes such as changes in accounting and appropriation data. However, contract modifications need only include fund citations (i.e., accounting and appropriations data) applicable to the particular modification. The cumulative inception-to-date listing of funding citations for previous modifications is discouraged unless there is a contractual requirement which requires such a listing. Modifications should include the prior total, the change taking place, and a new total value as a minimum.

(b) When an internal administrative transfer of funding citations on a contract is required, the official determining the need for such action shall initiate, acquire approvals, and forward documentation to the financial management officer and the contracting officer to facilitate the change. An administrative modification of the contract will not be required, in most cases, unless it affects the billing or reporting requirements placed upon the contractor.

(c) These procedures in no way reduce the contracting officer's responsibility for ensuring that obligations are made only on the basis of duly appropriated funds.

## PART 1845—GOVERNMENT PROPERTY

#### 1845.104 [Amended]

45. Section 1845.104 is amended by removing existing paragraph (a) and redesignating existing paragraph (b) as paragraph (a) and existing paragraph (c) as paragraph (b). At the end of newly redesignated paragraph (a), remove the words "Supplement 3" and insert "1845.72" in its place.

46. Section 1845.104-70 is revised to read as follows:

#### 1845.104-70 Contract property administration by the Government.

Contract property administration by the Government shall be conducted by DOD or NASA in accordance with 1845.72.

47. In section 1845.106-70, paragraph (a) is amended by changing the words "for preparing DD Form 1419)." to read "on preparing DD Form 1419)." The introductory text of paragraph (b) is amended by changing the colon at the end to a period and adding two sentences, paragraph (b)(1) is revised, paragraphs (b)(2) and (b)(3) are redesignated as (b)(3) and (b)(4) and new paragraph (b)(2) is added to read as follows:

#### 1845.106-70 NASA contract clauses.

* * * * *

(b) * * * The nature and extent of such property shall be identified in the Schedule of the contract and the property made available to the contractor on a no-charge-for-use basis by the installation supply and equipment management officer. The applicable installation property management directives shall also be listed in the contract.

(1) The clause may also be used when Government property is provided to off-site local support service contractors. In the latter case, the concurrence of the installation supply and equipment management officer must be obtained and indicated in the procurement request.

(2) To preclude diluting contractor responsibilities when they include separate procurement authority and responsibility, such contractors may be precluded from utilizing the installation's central receiving facility for receiving contractor-acquired property. When it is desired to accomplish this, the clause shall be used with its Alternate 1. The contracting officer should then review the acquisitions reported by the contractor for their appropriateness, and the supply and equipment management officer should ensure the items are placed on records as materials inventory or controlled equipment, as appropriate.

* * * * *

48. Section 1845.301 is revised to read as follows:

#### 1845.301 Definitions.

"Provide," as used in this Subpart, as used in the context of such phrases as "Government property provided to the contractor" and "Government-provided property," means either to furnish, as in "Government-furnished property," or to acquire, as in "contractor-acquired property."

"Space property," (see 1645.501).

49. Sections 1845.302-2 and 1845.302-270 are added to read as follows:

#### 1845.302-2 Facilities contracts.

#### 1845.302-270 Extension and termination.

A facilities contract shall be terminated when the Government production and research property covered thereby is no longer required for the performance of Government contracts or subcontracts, unless such termination is detrimental to the Government's interests. The contractor shall not be granted the unilateral right, at its election, to extend the time during which it is entitled to use the property provided under the facilities contract.

50. Section 1845.302-70 is added to read as follows:

#### 1845.302-70 Securing approval of facilities projects.

(a) If a facilities project involves construction, expansion, modification, rehabilitation, repair, or replacement of real property, facility project approval pursuant to NASA Management Delegation A730.1B dated December 13, 1974 shall be secured prior to providing or authorizing use of Government-owned facilities.

(b) The scope of any project shall not be changed, and the estimated cost of any facility project shall not be exceeded, unless approved in writing by the approving authority.

51. Subpart 1845.6, consisting of sections 1845.604 through 1845.615, are added to read as follows:

### Subpart 1845.6—Reporting, Redistribution, and Disposal of Contractor Inventory

Sec.

Sec.
1845.610-4 Contractor inventory in foreign countries.
1845.613 Property disposal determinations.
1845.615 Accounting for contractor inventory.

**Subpart 1845.6—Reporting, Redistribution, and Disposal of Contractor Inventory**

**1845.604 Restrictions on purchase or retention of contractor inventory.**

**1845.604-70 Other restrictions.**

(a) A contractor, when authorized to sell contractor inventory, shall not sell such inventory to persons known by it to be NASA employees or civilian or military personnel of the Department of Defense who were or are engaged in the administration or termination of NASA contracts.

(b)(1) The authority of a contractor to approve a sale, purchase, or retention at less than cost, by a subcontractor, and the authority of a subcontractor to sell, purchase, or retain at less than cost, contractor inventory with the approval of the next higher-tier contractor does not include authority to approve—

(i) A sale by a subcontractor to the next higher-tier contractor or to an affiliate of such contractor or of the subcontractor; or

(ii) A sale, purchase, or retention at less than cost, by a subcontractor affiliated with the next higher-tier contractor.

(2) Each excluded sale, purchase, or retention requires the written approval of the plant clearance officer.

**1845.606 Inventory schedules.**

**1845.606-1 Submission of inventory schedules.**

See 1845.505-6 for special instructions on intra-agency screening of Centrally Reportable Equipment.

**1845.607 Scrap.**

**1845.607-70 [Reserved]**

**1845.607-71 [Reserved]**

**1845.607-72 Contractor's approved scrap procedure.**

(a) When a contractor has an approved scrap procedure, certain property may be routinely disposed of in accordance with that procedure and not processed under this Part. Production scrap and production spoilage may be disposed of through the contractor's approved scrap procedure.

(b) A plant clearance case shall not be established for property that is disposed of through the contractor's approved scrap procedure.

(c) The contractor's scrap and salvage procedure, particularly the sales aspects thereof, shall be reviewed by the plant clearance officer prior to its approval by the property administrator. The plant clearance officer shall assure that the procedure contains adequate requirements for inspection and examination of items to be disposed as scrap. When the contractor's approved scrap procedure does not require physical segregation and disposition of Government-owned from contractor-owned scrap, care shall be exercised to assure that a contract change that generates a large quantity of property, does not result in an inequitable return to the Government. In these cases, a determination shall be made as to whether separate disposition of Government scrap would be appropriate.

(d) Scrap, other than that disposed of through the contractor's approved scrap procedure, shall be reported on appropriate inventory schedules for disposition in accordance with the provisions of FAR Part 45 and this NASA FAR Supplement.

(e) Silver, gold, platinum, palladium, rhodium, iridium, osmium and ruthenium; scrap bearing such metals; and items containing recoverable quantities thereof will be reported to the Defense Property Disposal Service, DPDS-R, Federal Center, Battle Creek, Michigan 49016, for disposition instructions.

**1845.608 Screening of contractor inventory.**

**1845.608-1 General.**

In addition to the screening instructions described in FAR 45.608, EVS Coordinators are the focal points at NASA installations for intra-agency screening of Centrally Reportable Equipment (see 1845.505-6). Property Disposal Officers (PDO's) are the focal points at NASA installations for intra-agency screening of all other contractor inventory. EVS Coordinators/PDO's shall acknowledge receipt of inventory schedules within 30 days of receipt and, at the same time, provide the plant clearance officer a NASA screening completion/release date. Screening shall be accomplished in accordance with NHB 4200.1 and NHB 4300.1.

**1845.608-6 Waiver of screening requirements.**

The Chief of Supply and Equipment Management (Code NIE) has been designated to authorize exceptions to screening requirements.

**1845.610 Sale of surplus contractor inventory.**

**1845.610-2 Exemptions from sale by GSA.**

Letters seeking exemptions from GSA conducted sales shall be directed to the Chief of Supply and Equipment Management, Code NIE.

**1845.610-3 Proceeds of sale.**

When payments are due the contractor under the applicable contract, and unless otherwise provided in the contract, the Government Property clause provides that the proceeds of any sale, purchase, or retention shall be credited to the Government as part of the settlement agreement, or otherwise credited to the price or cost of the work covered by the contract, or applied in the manner directed by the contracting officer. The plant clearance officer will maintain an open suspense record until he or she has verified that credit has in fact been applied unless another Government representative has specifically assumed this responsibility.

**1845.610-4 Contractor inventory in foreign countries.**

Foreign disposal shall comply with NHB 4300.1.

**1845.613 Property disposal determinations.**

Determinations to abandon or destroy NASA contractor inventory shall be referred to the installation PDO for subsequent review by the Property Disposal Review Board under NHB 4300.1.

**1845.615 Accounting for contractor inventory.**

In addition to the distribution requirements for SF 1424, Inventory Disposal Report, a copy of the form shall be provided to the NASA installation Industrial Property Officer or Property Disposal Officer.

52. Subpart 1845.72, consisting of sections 1845.7201 through 1845.7212-13, is added to read as follows:

**Subpart 1845.72—Contract Property Management**

Sec.
1845.7201 Definitions.
1845.7272 General.
1845.7203 Delegations of property administration and plant clearance.
1845.7204 Retention of property administration and plant clearance.
1845.7205 Functional oversight of property administration and plant clearance.
1845.7206 Responsibilities of property administrators and plant clearance officers.
1845.7206-1 Property administrators.
1845.7206-2 Plant clearance officers.

Sec.


## Subpart 1845.72—Contract Property Management

### 1845.7201 Definitions.

"Category," as used in this subpart, means a major segment of a contractor's property control system (*e.g.*, acquisition, receiving, records, storage and movement, consumption, utilization, maintenance, physical inventories, subcontractor control, and disposition).

"Characteristic," as used in this subpart, means a segment of a functional area subject to analysis or review. Characteristics are classified as Class I, which is subject to statistical sampling, and Class II, which is subject to judgment or observation techniques.

"Lot," as used in this subpart, means an aggregation of documents, records, articles, or actions selected for review due to common characteristics. For evaluation of the lot all characteristics for which a lot is tested must be common to all units within the lot.

"Supporting responsibility," as used in this subpart, relates to the assignment of a subcontract, or a portion of a prime contract being performed at a secondary location of the prime contractor, to a property administrator other than the individual assigned to the prime location.

"Property control system," as used in this subpart, identifies a contractor's internal management program encompassing the protection, preservation, accounting for, and control of property from its acquisition through disposition.

### 1845.7202 General.

This subpart describes three major elements of the NASA Contract Property Management Program. It provides guidance to NASA installation personnel responsible for NASA contract property (NASA personal property in the possession of contractors and grantees). It applies to all NASA installation personnel charged with such responsibility, including Industrial Property Officers and Specialists, Property Administrators, and Plant Clearance Officers. It also provides detailed procedures for the performance of property administration. The NASA Contract Property Management Program includes the following major elements:

(a) Performance of property administration and plant clearance by DOD under delegations from NASA, pursuant to 1842.101.

(b) Performance of property administration and plant clearance by NASA under certain situations, pursuant to 1842.203.

(c) Maintenance of property administration and plant clearance functional oversight, regardless of delegations, pursuant to 1842.175.

### 1845.7203 Delegations of property administration and plant clearance.

When delegated to DOD, property administration and plant clearance is performed in accordance with DOD's applicable regulations and procedures, as amended by the NASA Letter of Contract Administration Delegation, Special Instructions on Property Administration and Plant Clearance. These Special Instructions are developed by NASA Headquarters, Supply and Equipment Management Branch, Code NIE, and are available from that office upon request. NASA installations shall issue the Special Instructions with delegations whenever Government property will be involved. Additional or more tailored property instructions are not proscribed but must be coordinated with Code NIE before issuance.

### 1845.7204 Retention of property administration and plant clearance.

NASA may occasionally retain the property administration and plant clearance function, such as for contract work performed on the installation awarding the contract and not subject to the clause in 1852.245–71, Installation-Provided Government Property. In these cases, property administration will be performed in accordance with Subparts 2 through 7 of this Supplement; plant clearance will be performed in accordance with FAR 45.6 and 1845.6. (Under the provisions of the clause at 1852.245–71, property administration and plant clearance are neither delegated nor retained; they are simply not required because the property is treated as installation property rather than contract property.)

### 1845.7205 Functional oversight of property administration and plant clearance.

NASA contracting officers retain functional management responsibility for their contracts. Utilization of the contract administration services of another Government agency in no way relieves NASA contracting officers of their ultimate responsibility for the proper and effective management of contracts. The functional management responsibility for contract property is outlined below. Beyond individual contracting officers, each NASA installation has designated an Industrial Property Officer to manage and coordinate property matters among the various contracting officers, technical officials, contractor officials, and delegated property administrators and plant clearance officers. Generally, that individual is responsible for the entire Contract Property Management function outlined below; the installation is responsible for the entire function regardless of how it is organized and distributed. The responsibilities are as follows:

(a) Provide a focal point for all contract property management matters. This includes Government property (Government-furnished and contractor-acquired) provided to universities as well as to industry, and to grantees as well as to contractors.

(b) Provide guidance to contracting, grant, and other personnel on the NASA FAR Supplement and Grant Handbook property provisions.

(c) To the extent feasible, review property provisions of procurement plans, contracts, and modifications for potential problems. Propose changes as necessary.

(d) To the extent feasible, participate in pre-award surveys/post-award orientations when significant amounts of Government property will be involved.

(e) Ensure vesting-of-title determinations are made and documented pursuant to FAR 35.014(b).

(f) Maintain effective communications with delegated property administrators and plant clearance officers to keep fully informed about contractor performance and progress on any property control problems.

(1) Obtain and review property control system survey summaries which disclose any unsatisfactory conditions. Advise Headquarters Code NIE of any severe or continuing problems.

(2) Provide property administrators copies of all pertinent contract property documentation.

(g) Work with the Equipment Visibility System (EVS) Coordinator and contracting officers to ensure contractor reporting to and screening of the EVS.

(1) Monitor contractor's performance in submitting DD Form 1419's before acquiring Centrally Reportable Equipment (CRE) and in submitting DD Form 1342's after receiving CRE.

(2) Ensure an annual EVS verification is performed in accordance with 1845.505–670(c) and NHB 4200.1B, paragraph 5.406b.

(h) Review and analyze NASA Form 1018's, Reports of Government-Owned/Contractor-Held Property.

(1) Ensure an annual comparison of 1018's with EVS is made in accordance with NHB 4200.1B, paragraph 5.406c, to detect possible over/under reporting to EVS and possible failure to screen EVS.

(2) Check new disparities disclosed by paragraph (h)(1) above with the appropriate property administrator and document the results.

(i) Negotiate, or ensure the negotiation of, Facilities contracts when required by FAR 45.302 and 18–45.302. Advise Headquarters Code NIE annually of new and completed Facilities contracts.

(j) Review property administrator's approvals of relief of responsibility for lost, damaged, and destroyed property and question any excessive or repetitive approvals.

(k) Make recommendations to source evaluation boards and performance evaluation boards regarding property management, when appropriate, also, make recommendations on award fee criteria and evaluation regarding property management, when appropriate.

(l) Monitor plant clearance status to preclude delays in contract closeout.

(m) Maintain contract property files for all transactions and correspondence associated with each contract/grant. Upon receipt of Standard Form 1424, Inventory Disposal Report, and DD Form 1593, Contract Administration Completion Record, or equivalents, merge all property records for the contract/grant and forward for inclusion with the official completed file.

(n) Perform on-site property administration and plant clearance when not delegated to DOD and the property is not subject to the clause in 1852.245–71. (The remainder of this Subpart provides detailed guidance on such property administration).

### 1845.7206 Responsibilities of property administrators and plant clearance officers.

#### 1845.7206–1 Property administrators.

(a) The property administrator shall evaluate the contractor's management and control of Government property and ascertain whether the contractor is effectively complying with the contract provisions. These responsibilities include—

(1) Developing and applying a system survey program for each contractor under the property administrator's cognizance;

(2) Evaluating the contractor's property control system and approving or recommending disapproval of the system;

(3) Advising the contracting officer of the contractor's noncompliance with approved procedures and other significant problem areas which the property administrator cannot resolve, whether this information is obtained through a formal system survey or through other means, and recommending appropriate action, which may include disapproval;

(4) Resolution of property administration matters as necessary with the contractor's management, personnel from Government procurement and logistics activities, and representatives of the NASA Office of the Inspector General, Defense Contract Audit Agency (DCAA) and of other Government agencies; and

(5) Recognition of the functions of other Government personnel having cognizance of Government property, and obtaining their assistance when required. (These functions include, but are not limited to, contract audit, quality assurance, engineering, pricing, and other technical areas. Assistance and advice on matters involving analyses of the contractor's books and accounting records and on any other audit matters deemed appropriate shall be obtained from the cognizant auditor.)

(b) Property administrators' (or other Government industrial property personnel) participation in pre-award surveys/post-award orientations is required whenever significant amounts of Government property will be involved in order to reveal and resolve property management problems early in the procurement cycle.

#### 1845.7206–2 Plant clearance officers.

When not delegated to DOD, NASA plant clearance officers shall be responsible for—

(a) Providing the contractor with instructions and advice regarding the proper preparation of inventory schedules:

(b) Accepting or rejecting inventory schedules and DD Form 1342;

(c) Conducting or arranging for inventory verification;

(d) Initiating prescribed screening and effecting resulting actions;

(e) Final plant clearance of contractor inventory;

(f) Pre-inventory scrap determinations, as appropriate;

(g) Evaluating the adequacy of the contractor's procedures for effecting property disposal actions;

(h) Determining method of disposal;

(i) Surveillance of any contractor-conducted sales;

(j) Accounting for all contractor inventory reported by the contractor;

(k) Advising and assisting, as appropriate, the contractor, Supply and Equipment Management Officer, other federal agencies, or higher headquarters in all actions relating to the proper and timely disposal of contractor inventory;

(l) Approving method of sale, evaluating bids, and approving sale prices for any contractor-conducted sales;

(m) Recommending the reasonableness of selling expenses on any contractor-conducted sales;

(n) Securing antitrust clearance, as required; and

(o) Advising the contracting officer on all property disposal matters.

### 1845.7207 Initiation of property administration.

#### 1845.7207–1 Control of assignments.

(a) The Procurement Officer or designee shall establish and maintain a Contract Assignment Control Register for each contractor, showing—

(1) The contractor's name and address;

(2) Contract number;

(3) Type of contract;
(4) Date of assignment of the property administrator and his or her name; and
(5) Date of completion or rescission of the contract, or transfer of the property administrator.
(b) Property reported to have been received at a contractor's plant without contractual coverage shall be carried in a suspense file, pending investigation and resolution by the property administrator.

**1845.7207-2 Analysis of contract and establishment of contract property control data files.**

(a) The property administrator shall analyze each contract providing for Government property to estimate the property administration effort which must be applied. The analysis shall be sufficient to establish the management controls necessary for assuring compliance with contract requirements and the development of a suitable system survey program.
(b) A Property Summary Data Record shall be established by the property administrator containing—
(1) Contractor's name and address, and the contract number;
(2) Type of contract, modifications (including change orders), and special or nonstandard clauses pertaining to Government property;
(3) Date of final review and date of execution and transmittal of the DD Form 1593 or equivalent;
(4) Supporting property administration assignments; and
(5) Name(s) of the property administrator(s) and date(s) of tenure.
(c)(1) The property administrator shall establish a Contract Property Control Data File which shall include as a minimum—
(i) Property Summary Data Record;
(ii) Copy of the contract or extract of provisions thereof pertinent to property administration, and comparable data regarding any subcontracts involving Government property;
(iii) Record of initial review, evaluation, and approval of the contractor's property control system; and, if applicable, record of withdrawal of approval and basis therefor, reinstatement of approval, and deviations granted;
(iv) Record of visits, property system surveys performed including appropriate work papers, deficiencies disclosed and corrective actions taken;
(v) Contractor's receipts for Government property, when required;
(vi) Record of final review and execution of property administrator's statement of closure of the contract property account;
(vii) Other pertinent correspondence and documents, including as applicable, inventory adjustments, investigations, recommendations, and determinations;
(viii) Records concerning supporting property administration delegations; assist actions involving special reviews; and other applicable reviews at subcontractor's plants;
(ix) Records of inspection and audits performed by other activities; and
(x) Reports relating to Government property prepared by the contractor pursuant to the contracts.
(2) When more than one contract is involved at the same contractor's location, records relating to more than one contract shall be transferred to a contractor's General File and the Property Summary Data Record shall be so annotated.

**1845.7208 Initial evaluation and approval of contractor's property control system.**

**1845.7208-1 General.**

Normally, the initial contact by the Contract Administration Office with a contractor is through a post-award orientation conference or post-award letter. When a conference is held, the property administrator shall assure suitable discussion of property administration requirements and responsibilities. When a conference is not held, the property administrator, upon assignment of a contract, shall forward a letter to the contractor—
(a) Inviting attention to the contractor's responsibilities regarding Government property under the contract, including any specialized controls, and the extent of the contractor's liability for loss, damage or destruction of Government property during any period in which the contractor's property control system does not have the written approval of the property administrator;
(b) Requesting the name of the contractor's representatives to contact for review and discussion of the proposed property control system; and
(c) Requesting that policies, instructions and procedures necessary to fully implement the property control system be available for evaluation.

**1845.7208-2 Review of procedures.**

(a) Following assignment of an initial contract, the property administrator shall review the contractor's property control system to determine—
(1) Inadequate or questionable areas in the proposed procedures for compliance with NASA contract requirements;
(2) Essential controls not provided by the proposed procedures;
(3) Areas in the proposed procedures requiring physical observation or verification; and
(4) Subcontractors, or secondary locations of prime contract performance, and the need for physical observation or verification of property controls at those locations.
(b) It is normal industry practice to provide for the control of property by means of written procedures that communicate company standards, techniques, and instructions to operational personnel for uniform application. However, a contractor with few employees may not have a need for written procedures for effective management of Government property. In such cases, the property administrator shall evaluate the adequacy of the contractor's system on the basis of the contractor's explanation of its controls and observation of the application thereof, and shall prepare a brief description of the applicable procedures for inclusion in the Contract Property Control Data File. In the latter instance, the contractor's signature shall be obtained signifying its concurrence with the property administrator's written description.
(c) The contractor's plant will be visited to determine that its operation of the system provides adequate controls for the Government property to be furnished or acquired.
(d) The choice of the methods to be used to obtain the information necessary for approval of the contractor's property control system is a matter of judgment by the property administrator. Test examinations and verification in specific categories may be necessary to assure the reliability of the final evaluation and conclusions as to the acceptability of controls for all categories and the system as a whole.
(e) The property administrator shall examine the contractor's procedures to be used to determine the extent to which they meet the criteria for property control required by the contract requirements, as appropriate. He or she shall make necessary tests of the contractor's system, and as each portion is analyzed, the acceptability of the procedures shall be appropriately noted or commented upon as the basis for preparation of the record of system evaluation (see 1845.7208-4).
(f) When the contractor's property control system has previously been approved and a new contract requires the expansion of existing or the establishment of additional controls, the review should normally be limited to the new requirements. If the system is adequate, the property administrator

shall record this fact on the Property Summary Data Record for the contract. Notification to the contractor is not required. However, if the property administrator determines that the contractor's property control system does not adequately meet the new contract requirements, the Property Summary Data Record for the contract involved shall be appropriately annotated and the contractor shall be notified in writing of the required changes.

(g) In the review of the contractor's property control system, the property administrator shall consider the provisions of 1845.505.14 and shall assure that the contractor's system provides for maintenance of financial data and the furnishing of required reports within the time limits specified.

**1845.7208-3 Exit interview with the contractor.**

Upon completion of the property administrator's review, he or she shall hold an exit interview with the contractor to discuss any category in which the controls or procedures were found to be inadequate and will advise where corrective action is required before an approval of the system can be granted. When the contractor is willing to correct a deficiency or questionable practice immediately, the documentation supporting the property administrator's findings and conclusions shall include a statement to this effect. The contracting officer responsible for the predominant value of NASA property at the facility shall also attend the exit interview with the contractor when major deficiencies exist in the property control system, past deficiencies remain uncorrected, or the dollar value of the personal property involved is in excess of $1,000,000.

**1845.7208-4 Record of system evaluation.**

Upon completing the evaluation of the contractor's system, the property administrator shall prepare a written summary of findings to support approval of the system or requirement for corrective action prior to such approval. A report of visit or other documentation may be utilized if the participating contractor and Government personnel are listed, actions taken are adequately described, and the property administrator's determination is clearly stated.

**1845.7208-5 Notification of deficiencies.**

The property administrator shall prepare a letter to the contractor for signature by the contracting officer who attended the exit interview, listing the deficiencies found during the evaluation of the contractor's property control system and noting any agreement by the contractor to correct deficiencies. The contractor shall be requested to respond within 30 days and to provide the precise action to be taken and the time required to correct each deficiency.

**1845.7208-6 Resolution of differences.**

When the contractor's response to the contracting officer's letter is unsatisfactory, the contracting officer, along with the property administrator, shall meet with the contractor in an effort to arrive at a corrective program that is mutually satisfactory. The contractor will be requested to confirm in writing any new commitments arising out of these discussions. In the event the contractor fails to correct deficiencies in its property control system within a reasonable period, the contracting officer will refer the matter by memorandum to appropriate levels of management within the NASA installation and Headquarters staff offices, depending on the criticality of the problem involved. The memorandum shall include—

(a) A specific, concise, and documented statement of the problem;

(b) A statement of the contractor's position; and

(c) The recommended action.

**1845.7208-7 Letter of approval.**

(a) The approval of a contractor's property control system by the property administrator shall be conditioned upon a joint determination by the property administrator and the contracting officer who attended the exit interview, that no deficiencies exist in the property control system or that where minor deficiencies exist the contractor has agreed to take satisfactory corrective action.

(b) When the contractor's property control system is acceptable, the property administrator shall advise the contractor in writing. However, when the approval has been preceded by an exchange of correspondence between the contracting officer and the contractor (1845.7208-5 and 6), the property administrator will make reference to the correspondence in the approval and advise the contractor that the corrective action taken or planned is acceptable. A copy of the letter of approval shall be sent to the contracting officer who attended the exit interview.

(c) When the contract involves Government property at subcontractor plants or prime contractor secondary locations, or both, and the controls for the property at such locations have been determined to be adequate, the approval shall be expanded to include the procedures governing Government property at such locations.

**1845.7209 Property administration during contractor performance.**

**1845.7209-1 Property administration plan.**

(a) A property administration plan shall be developed for each contractor's plant covering the property control system utilized in connection with Government contracts. The plan shall provide for surveys and shall be augmented to cover responsibilities imposed by new contracts, changing conditions, or marginal performance. In the event approval of the contractor's system is unduly delayed at inception of the contract due to failure of the contractor to provide an acceptable system, or is withdrawn due to unsatisfactory conditions disclosed after approval, the property administration plan shall be expanded to the degree necessary to reasonably assure that loss, damage, or destruction of Government property is disclosed in a timely manner. Further, special attention shall be given to reasonably assuring that any loss, damage, or destruction occurring during a period when a contractor's system is not approved is identified prior to approval or reapproval.

(b) The property administrator must exercise judgment in developing the plan and in determining what categories (see Annex I to this subpart) of the contractor's property control system warrant examination. Limited dollar amounts and activity, types of property, complexity of the contractor's system, risk to the Government, and previous experience regarding the adequacy of contractor controls are factors determining the extent and scope of the system survey plan.

**1845.7209-2 System surveys: surveillance.**

A complete system survey shall be conducted at least once each calendar year to obtain thorough knowledge of the contractor's system of property control and the contractor's efficiency. Completion of a system survey, involving complex property control systems, may require detailed tests and evaluations over an extended period of time. If deficiencies in physical control or records are disclosed, corrective action must be secured, and the effectiveness of such correction evaluated. In such instances, test and evaluation of any one category shall be completed as expeditiously as possible, and the working papers and analysis retained for consideration and incorporation into the summary and survey case file.

**1845.7209-3 System surveys: scheduling and planning.**

(a) At the beginning of each calendar year, the property administrator shall prepare a schedule showing the names of the contractors and the projected dates on which each system survey shall be initiated and completed.

(b) Prior to initiation of any system survey, the property administrator shall establish a survey plan which shall provide, as a minimum—

(1) Identification and listing of the categories, functional areas and characteristics to be evaluated (see Annex I);

(2) Evaluation of approved property control procedures applicable to the categories to be examined, and noting of any portions thereof that should be reviewed with operating personnel for possible updating (if any functional area of the property control system is not covered by procedures, no attempt should be made to survey that area at that time, but that portion of the system should be recorded as unsatisfactory and action taken to correct the condition); and

(3) Preparation of work papers necessary to document the file.

**1845.7209-4 Testing the system.**

In conducting tests of the contractor's property control system, the following factors should be considered to assure adequate coverage of requirements peculiar to particular classes of property and functional areas:

(a) *Materials.* Materials should be considered as bulk quantities, as contrasted to individual items. Examinations should be directed to—

(1) Tracing inbound transportation units from (i) bills of lading or other transportation documents to receiving reports, in order to determine that the receiving reports are accurately prepared and that proper action is taken on shortages, damages, or other discrepancies, and (ii) stock records to assure that the receipts were accurately posted;

(2) Abstracting nomenclature and balance data from stock records and making physical counts to determine accuracy of the stock records;

(3) Tracing posting of credits to (i) stock records (by date, reference number, and quantity) and (ii) issue documents, in order to assure accuracy of the postings and validity of the documents (signature by authorized individual and indication of reasons for issue or point of delivery, or both, to indicate proper contract use); and

(4) Determining to what extent practicable at the point of receipt and use, whether undue quantities are issued, charged to cost, and held on plant floor rather than being held under better security in stores.

(b) *Custodial items.* Issues shall be traced from store's records to tool cribs, office stock rooms, uniform rooms, and the like, to determine that they are taken into account as part of a sound control system. It should be determined that issues to contractor personnel are covered by tool chits, uniform slips, or other mechanisms designed to assure return, or ability to locate items which are to be returned, assuring that new items are not issued without return of worn-out items or that suitable explanation is provided.

(c) *End items.* General techniques for survey of materials are applicable to end items placed in storage pending shipment. Examination shall include tracing from Government acceptance records of the contractor's claims for reimbursement to physical quantities on hand and quantities on validated shipping documents.

(d) *Plant equipment costing less than $5,000.* In the event summary record accounting is utilized for this class of property, examination using the "bulk quantities" approach in paragraph (a) above is applicable but shall also cover—

(1) Identification is required pursuant to FAR 45.505–5; any identification numbers shall be physically verified; and

(2) Location as prescribed in FAR 45.505(g), creating need for physical verification of presence or absence of the property in the location shown by the location record.

(e) *Plant equipment costing $5,000 or more.* Testing on an item-by-item basis is usually required to achieve desired results. Determinations demanding special attention include whether—

(1) Government screening and approval requirements are observed;

(2) Classification of property is accurate, both at time of requisition or purchase and at time of receipt through the use of Cataloging Handbooks H2–1, H2–2, and H2–3;

(3) An item is actually applied to the requirement for which acquired, and, if deviation is made, that necessary notice and Government approval (when applicable) have been obtained;

(4) Receiving documentation is complete and accurate, indicating assignment of identification number, treatment of accessory and auxiliary equipment as required and the DD Form 1342 (DOD Property Record) is prepared and processed when required by 1845.505–670;

(5) From physical inspection of the property, the equipment records are accurate, including location and classification as to use (examination shall be conducted from property to records and from records to property); and

(6) Disposition action is initiated as required when a piece of equipment is no longer required at the plant (examination shall include adequacy of procedure for the preparation and submission of DD Form 1342 (Property Record) where specified, propriety of authority for shipment, and proper accounting for accessory and auxiliary equipment).

(f) *Special test equipment.* The examination of special test equipment shall be essentially the same as for plant equipment costing $5,000 or more except for recognizing the greater complexity of assemblies classified as single items and the possible need for assistance and advice of engineering personnel. Examinations shall include tracing of individual components into the assembly to assure a clear trail, particularly with respect to general purpose test equipment components, and propriety of disposition of components upon disassembly.

(g) *Special tooling.* Testing for plant equipment, as in paragraphs (d) and (e) above, may be used as a guide to establishment of the method and sampling to be utilized for special tooling. When option as to title to special tooling is involved under terms of the contract (see the clause at FAR 52.245–17, Special Tooling), examination need only be sufficient to comply with the request of the contracting officer.

(h) *Real property.* After initial turnover of real property to a contractor, tests and examinations normally shall be directed to work orders of the contractor and documentation from Government sources as to additions and other capital improvements or disposals or capital decreases.

(i) *Scrap and salvage.* Tests relating to scrap and salvage may be similar to those for materials as outlined in paragraph (a) above. However, special attention should be given to—

(1) Tracing from credit entries on materials records (showing turn-in to scrap) to corresponding debits to scrap records;

(2) Determining from analysis of consumption of materials over a given period of time that the quantities indicated as being scrapped or spoiled are matched with comparable receipts in the scrap and salvage accounts; and

(3) Determining that when conversions of units of property to pounds of scrap or from estimated to scale weights or to other units of

measure are made, the formula for the conversion is shown on the document affected, or is readily available in the approved contractor procedure.

(j) *Analyzing consumption of materials.* It shall be determined by both physical examination and analysis of records that quantities consumed are for proper purposes and in reasonable amounts. In analyzing consumption of component parts or other production materials, unit allowance (equalling amount required per end-item plus normal spoilage) for each line item of materials may be available in the contract, bill of materials, blueprints, or shop drawing of items fabricated, or in cost computations supporting the end-item price. If such unit allowance information is not available, technical personnel may be consulted as to whether quantities consumed are within accepted standards of the industry.

(k) *Testing of physical inventories.* The property administrator has the option of conducting tests of the contractor's physical inventories either during the performance of the inventory or subsequent to its completion. In either event, tests shall evidence physical counts of selected items without knowledge of record balances, verification of the entries on count slips, comparisons with records, preparation of documents necessary to any adjustments required, approval of adjustments, and the referral of lists of adjustments to the property administrator pursuant to FAR 45.508–2.

(l) *Examination of maintenance program.* The actions scheduled shall be traced to determine that they are or have been performed and that the actions stated by the contractor's procedures have been included. Also, the records of the maintenance or repair shop or the contractor's purchase orders shall be examined as to causes of breakdowns of equipment to determine whether they were the result of inadequate preventive or routine maintenance.

**1845.7209–5 Performing the system survey.**

(a) In performing the survey, the property administrator shall follow the procedures in paragraphs (b) through (e) below.

(b)(1) The lot size shall be estimated. Insofar as possible, lots selected shall consist of all the following current operations of the contractor:

(i) Those transactions (excepting disposition transactions) which have occurred during the last 90 days immediately preceding the date of sampling and the documents recording those actions. (If no transactions have taken place during the last 90 days, samples will be taken from transactions going back to the last system survey.) The lot should encompass the maximum number of units possible within a functional area. For example, transactions pertaining to special tooling, special test equipment, and plant equipment may be combined into a single lot and sampled for their common characteristics. Characteristics that are not common to units sampled shall be extracted for evaluation as a part of a separate lot. Sample sizes shall be selected from the attached table (Annex II to this Subpart).

(ii) Articles in the possession or control of the contractor at that time.

(iii) Disposition actions occurring since the last survey was made.

(2) The lot should encompass the maximum number of units possible within a functional area. For example, transactions pertaining to special tooling, special test equipment, and plant equipment may be combined into a single lot and sampled for their common characteristics. Characteristics that are *not* common to units sampled shall be extracted for evaluation as a part of a separate lot. Sample sizes shall be selected from the attached table (Annex II to this Subpart).

(c) After the examinations are performed and the findings recorded, the findings shall be analyzed and the conclusions and recommendations recorded. Decisions as to satisfactory or unsatisfactory conditions shall be made for each lot at the functional area level.

(d) When any category is found to be unsatisfactory during a survey, the property administrator shall determine the effects upon the complete system. All other applicable categories shall be subjected to survey actions in order to ascertain the existence of other defective areas and the full scope of defectiveness in the overall system.

(e) Problems disclosed during the survey shall be discussed with the contractor's personnel as they are noted, or during the exit interviews. Every effort shall be made to resolve differences on an informal basis. Resolved problem areas shall be reported in the record of system evaluation with the notation that they were corrected.

**1845.7209–6 System survey summary.**

(a) A formal record shall be prepared by the property administrator at the conclusion of each system survey in the format set forth below:

(1) *Introduction:* contractor's name and address, period of survey, and types of property involved.

(2) *Method used:* explain method of performing the survey.

(3) *Conclusions:* state conclusions reached (In event of finding of unsatisfactory categories, functional areas, or characteristics, identify the defects found).

(4) *Action required:* state actions, if any, necessary to correct unsatisfactory conditions.

(b) A summary of the system survey shall be forwarded to the contractor. The contractor shall be advised of any unsatisfactory conditions and requested to correct them within the time limitations agreed to during the exit interview. The contractor shall also be advised by letter that failure to correct the unsatisfactory conditions may result in disapproval of its property control system. A copy of the summary shall also be retained in a survey case file, and whenever unsatisfactory conditions have been disclosed, a copy of the summary shall be provided to the administrative contracting officer. When conditions dictate, *i.e.*, indication of significant noncompliance with contract requirements or other continued failures jeopardizing the interest of the Government, the purchasing office and the pre-award survey monitor shall also be advised in writing.

**1845.7209–7 Correction of unsatisfactory conditions.**

In the case of disclosure of unsatisfactory conditions, the property administrator shall maintain follow-up to ascertain that corrective action is taken. In the event the contractor fails to take corrective action or to respond to the letter forwarded as prescribed in 1845.7209–6 above, the property administrator shall proceed in accordance with 1845.7208–6 and FAR 45.104(c).

**1845.7209–8 Survey case file.**

A case file shall be established for each system survey performed, containing the survey plan, work papers, and the summary. The case file shall be maintained in the Contract Property Control Data File or the Contractor's General File.

**1845.7209–9 Statistical sampling.**

(a) *General.* Statistical sampling is a tool to support the property administrator's judgment; it does not supplant his judgment. Statistical sampling is accomplished by examination of characteristics, as to defects, in order to evaluate and determine the performance level for each functional area and category within each property control system.

The lot should encompass the maximum possible number of line items of property, records and documents. Care should be exercised, however, to assure that the items in the lot have common characteristics and that the same control elements of the property control system apply; otherwise, more than one lot will be necessary. Items selected for sampling may be used to examine characteristics of more than one category (*i.e.*, items selected under records may be used to examine characteristics of acquisition, stock control, storage and movement, maintenance, physical inventory, utilization, and consumption).

(b) *Use of statistical sampling plants.* The Government's risk shall not exceed 10% (a 90% confidence level) excepting any slight variations due to changes in lot sizes. Annex II contains sampling plans for use in achieving a confidence level of 90 percent. A table of random numbers which may be used is available from the NASA Headquarters Supply and Equipment Management Branch. The number of samples examined shall be equal to the sample sizes given in the tables. Either table, however, may be used.

(c) *Random number table.* (1) The following information is a guide which may be used in drawing a sample with a table of random numbers. Other randomization techniques may be applied *provided* they are defined beforehand in the property administration survey plan and exhibit clear protection against bias. Care must be exercised to assure that the number of items in the lot is not overestimated so as to avoid selection of random numbers greater than the lot. For example, if the lot is 9,000, only numbers lower than 9,001 shall be selected. Using a random table to draw a random sample requires the following four steps:

(i) *First step:* A pattern must be established between the numbers in the table and items in the lot to be sampled. It is possible to use the whole random number or any portion thereof. For instance, the number 18,967 may appear in the table. If the lot size is more than 99 but less than 1,000, a three digit number is required and either the first three digits (189) or the last three (967) may be used. If the lot size is more than 999 but less than 10,000, a four digit number is required and either the first four digits (1,896) or the last four (8,967) may be used. Once this pattern has been established, it must be consistently used throughout the sample selection process.

(ii) *Second step:* A procedure for selecting the numbers from the table must be selected. Any systematic path for going through the table, if the path is clear and does not cross over or re-use any number previously used, is acceptable. It is possible to proceed across rows, down columns, diagonally, clockwise, counter-clockwise, or in some combinations of these methods; however, it is usually desirable to choose a simple pattern and go down columns or across rows.

(iii) *Third step:* The starting point in the table shall be selected at random. The most used method is to open the table of random numbers to any page and to use the number upon which the pencil point falls as the starting point.

(iv) *Fourth step:* Beginning at the starting point and proceeding through the table as planned in the second step, record the numbers found in succession in the table, using all or part of the number as planned in the first step. Duplicate numbers shall be skipped. The selection process shall be continued until the required sample size is drawn.

(2) Numbers taken from the the random table shall be arranged and recorded in numerical order. If the units of the lot to be examined are already consecutively numbered, the units having the numbers corresponding to those taken from the random table become the sample units. Otherwise, the sample units shall be found by counting to the numbers taken from the random table.

### 1845.7209-10 Additional administrative responsibilities.

The initial review, evaluation, and subsequent visits should provide the property administrator with a reasonable indication of future workload with each contractor. Loss, damage, destruction, or excessive consumption of Government property are areas which demand significant and prompt attention by the property administrator. This is particularly important in the case of a contractor whose system is in an unapproved status.

### 1845.7209-11 Declaration of excess property.

A problem area often disclosed by systems surveys is the failure of a contractor to report Government property which is not needed (is excess) in performance of the contract. The property administrator shall fully document and report any such finding to the administrative contracting officer. After a report of excess received from a contractor has been referred to the plant clearance officer for screening and ultimate disposition, the property administrator shall maintain followup to assure prompt disposition action. For centrally reportable plant equipment, the property administrator shall—

(a) Assure the preparation and submission of individual reports (DD Form 1342 or equivalent) required of the contractor;

(b) Accomplish such verifications as necessary to permit certifications required by the forms; and

(c) Transmit the report to the NASA Industrial Property Officer.

## 1845.7210 Closure of contracts.

### 1845.7210-1 Completion or termination.

Upon completion or termination of a contract, the property administrator shall—

(a) Monitor the actions of the contractor in returning excess Government property not referred to the plant clearance officer; and

(b) Advise the cognizant plant clearance officer as to the existence at a contractor's plant of residual property requiring disposal.

### 1845.7210-2 Final review and closing of contracts.

(a) When informed that disposition of Government property under a contract has been completed, the property administration shall perform a final review which shall include a signed determination that—

(1) Disposition of Government property has been properly accomplished and documented;

(2) Adjustment documents, including request of the contractor for relief from responsibility, have been processed to completion;

(3) Proceeds from disposals or other property transactions, including adjustments, have been properly credited to the contract or paid to the Government as directed by the contracting officer;

(4) All questions as to title to property fabricated or acquired under the contract have been resolved and appropriately documented; and

(5) The Contract Property Control Record File is complete and ready for retirement.

(b) When final review pursuant to paragraph (a) above reveals that such action is proper, the property administrator shall accomplish and sign a DD Form 1593, *Contract Administration Completion Record*, or equivalent.

(c) The executed DD Form 1593 shall be forwarded to the contracting officer and the Property Summary Data Record shall be so annotated, and shall be retired with the contract file.

**1845.7211 Special subjects.**

**1845.7211-1 Government property at alternate locations of the prime contractor and subcontractor plants.**

(a) Government property provided to a prime contractor may be located at other plants of the prime contractor or at subcontractor locations. The prime contractor is accountable and responsible to the Government for such property.

(b) A Government property administrator cognizant of the location where the property is situated shall normally be designated to perform required surveys of the property control system and exercise surveillance over such property as a supporting responsibility.

(c) When the property administrator determines that supporting property administration is required, he or she shall direct a written request to the cognizant contract administration office asking that a property administrator be assigned. The request for supporting property administration shall include—

(1) The name and address of the prime contractor;

(2) The prime contract number;

(3) The name and address of the alternate location of the prime contractor, or of the subcontractor where the property is to be located;

(4) A listing of the property to be furnished, or, if property is to be acquired locally, a statement to this effect; and

(5) A copy of the subcontract or other document under which the property is to be furnished or acquired.

(d) Concurrent with the action cited in paragraph (c) above, the property administrator shall ascertain whether the prime contractor will perform the necessary reviews and surveillance with the contractor's own personnel, or elect to rely upon the system approval and continuing surveillance by a supporting property administrator of the property control system at the alternate location or subcontractor plant. If the prime contractor indicates that it will accept the findings of a supporting property administrator, a statement in writing to that effect shall be obtained. If the prime contractor does not so elect, it shall be required to perform the requisite reviews and surveillance and document its actions and findings.

(e) If a single item or limited quantities of property will be so located, the property administrator may determine that supporting property administration is unnecessary, provided—

(1) That the prime contractor's records shall adequately reflect the location and use being made of such property;

(2) The nature of the property is such that the possibility of its use for unauthorized purposes is unlikely; and

(3) The nature of the property is such that a program of preventive maintenance is not required.

(f) When supporting property administration will not be requested, the services of a property administrator in the contract administration office cognizant of the site where the property is located may be requested on an occasional basis to perform special reviews or such other support as may be necessary. Repeated requests for such assistance indicate a requirement for requesting supporting property administration.

**1845.7211-2 Loss, damage, or destruction of Government property.**

(a) Normally, contract provisions provided for assumption of risk of loss, damage, or destruction of Government property as described below:

(1) Advertised and certain negotiated fixed-price contracts provide that the contractor assumes the risk for all Government property provided thereunder (see the clause at FAR 52.245-2, Government Property (Fixed-Price Contracts)).

(2) Other negotiated fixed-price contracts provide that the contractor assumes the risk for all Government property provided thereunder, with the exceptions set forth in the clause at FAR 52.245-2, Alternate I and Alternate II.

(3) Cost-reimbursement contracts (see the clause at FAR 52.245-5, Government Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour Contracts)) provide that the Government assume the risk for all Government property provided thereunder when there is no willful misconduct or lack of good faith of any of the contractor's managerial personnel as defined in the terms of the contract.

(4) There are certain events for which the Government does not assume the risk of loss, damage, or destruction of Government property, such as risks which the contract expressly requires the contractor to insure against. Therefore, contract clauses should be thoroughly reviewed and understood before a conclusion is reached by the property administrator or a determination made by the contracting officer. Advice shall be obtained from appropriate legal counsel on questions of legal meaning or intent.

(5) "Willful misconduct" may involve any intentional or deliberate act or failure to act which causes, or results in, the loss, damage, or destruction of Government property.

(6) "Lack of good faith" may involve gross neglect or disregard of the terms of the contract or of appropriate directions of the contracting officer or his authorized representatives. Examples of lack of good faith may be demonstrated by the failure of the contractor's managerial personnel to establish and maintain proper training and supervision of employees and proper application of controls in compliance with instructions issued by authorized Government personnel.

(b) In the event any portion of the contractor's system is found to be unsatisfactory, increased surveillance of the deficient portion will be instituted to prevent, to the extent possible, any loss, damage or destruction of Government property. Further, special attention shall be given to reasonably assuring that any loss, damage or destruction occurring during a period when a contractor's system is not approved is identified prior to approval or reinstatment of approval.

**1845.7211-3 Loss, damage, or destruction of Government property while in contractor's possession or control.**

(a) The property administrator shall require the contractor to report to him or her all cases of loss, damage, or destruction of Government property in its possession or control (including such property in the possession or control of its subcontractors) as soon as such fact becomes known.

(b) When physical inventories, consumption analyses, or other actions disclose (1) consumption of Government property that is considered unreasonable by the property administrator, or (2) loss, damage, or destruction of Government property that has not been reported by the contractor, the property administrator shall prepare a statement of the items and amount of loss involved. This statement shall be furnished to the contractor for investigation and submission of a written statement to the property administrator relative to the incidents reported.

(c) The contractor's report and statement referenced in paragraphs (a) and (b) above shall contain factual data as to the circumstances surrounding the loss, damage, destruction, or excessive consumption, including—

(1) the contractor's name and the contract number;

(2) A description of items lost, damaged, destroyed, or unreasonably consumed;

(3) The cost of property lost, damaged destroyed, or unreasonably consumed and cost or repairs in instances of damages (in event actual cost is not known, use reasonable estimate);

(4) The date, time (if pertinent) and cause or origin of the loss, damage, destruction, or consumption;

(5) Known interests in any commingled property of which the Government property lost, damaged, destroyed, or unreasonably consumed is (or was) a part;

(6) Insurance, if any, covering the Government property or any part of interest in any commingled property;

(7) Actions taken by the contractor to prevent further loss, damage, destruction, or unreasonable consumption and to prevent repetition of similar incidents; and

(8) Other facts or circumstances relevant to determination of liability and responsibility for repair or replacement.

(d) The property administrator shall investigate the incident to the degree required to reach a valid and supportable conclusion as to (1) liability of the contractor for the loss, damage, destruction, or unreasonable consumption under the terms of the contract, and (2) the course of action required to conclude the adjustment action. When required, the assistance of the quality assurance representative, the industrial specialist, the insurance officer, legal counsel, or other technician will be secured. When the contractor acknowledges liability, the property administrator shall forward a copy of the credit memorandum or other adjusting document to the administrative contracting officer and auditor, if appropriate, to assure proper credit. In the event analysis of contact provisions and circumstances establishes that the loss, damage, destruction, or consumption constitutes risks assumed by the Government, the property administrator shall so advise the contract in writing, thereby relieving the contractor of responsibility for the property. A copy of the documentation and notification to the contractor shall be retained in the Contract Property Control Data File for the contract.

(e)(1) If the property administrator concludes that the contractor should be liable for the loss, damage, destruction, or unreasonable consumption of Government property, the administrator shall forward the complete file with his or her conclusion and recommendations to the contracting officer for review and determination. The file shall contain—

(i) A statement of facts as supported by investigation;

(ii) Recommendations as to contractor's liability, and the amount thereof;

(iii) Recommendations as to action to be taken with regard to third party liability, if appropriate;

(iv) Requirements for disposition, repair, or replacement of the damaged property; and

(v) Other pertinent comments.

(2) A copy of the determination shall be furnished to the contractor and to the property administrator, and a copy shall be retained in the files of the contracting officer. The property administrator's copy shall be filed in the Contract Property Control Data Files for the contract when all pertinent actions, such as compensation to the Government or repair or replacement of the property, have been completed.

#### 1845.7211-4 Financial reports.

The property administrator is responsible for obtaining financial reports as prescribed in 1845.505-14 for all contracts assigned to him or her. Reports shall be accumulated, reviewed and distributed as required. Contractors are required to submit separate reports on each contract that contains the property reporting clause (1852.245-73) except as noted in 1845.7101, paragraph 4(c).

### 1845.7212 Contractor utilization of Government property.

#### 1845.7212-1 Utilization surveys.

(a) Responsibility for assuring that the contractor has effective procedures to evaluate Government property utilization rests with the property administrator. However, when necessary, the contract administration office shall provide specialists qualified to perform the technical portion of utilization surveys to assist the property administrator in determining the adequacy of the contractor's utilization procedures.

(b) Upon assignment of an initial contract under which Government-owned plant equipment in particular is to be provided to a contractor, the property administrator shall require the contractor to establish procedures and techniques for controlling the utilization of Government-owned plant equipment. The property administrator, with the assistance of technical specialists, if necessary, shall evaluate the procedures established by the contractor for effective utilization of plant equipment. A record of the evaluation shall be prepared and become a part of the property administration file. If the procedures are determined inadequate, the record shall identify the deficiencies and the corrective actions necessary. In the event the deficiencies are not corrected by the contractor, the property administrator shall promptly refer the matter to the contracting officer.

(c) Follow-up surveys of the contractor's utilization procedures related to Government-owned equipment shall be performed at least annually. At contractor facilities having a substantial quantity of plant equipment items, the surveys should normally be conducted on a continual basis, reviewing equipment utilization records and physically observing a group of preselected items during each portion of the survey. Such follow-up surveys shall be conducted to the degree determined necessary considering the findings of prior surveys and the contractor's performance history in identifying and declaring equipment excess to authorized requirements. The contractor shall be required to support the retention of all Government-owned plant equipment by data keyed to specific Government programs. Maximum use will be made of contractor's machine loading data, order boards, production planning records, and machine time records and other production methods.

(d) Special surveys shall be conducted when a significant change occurs in the contractor's production schedules. Examples of such changes are terminations, completion of contracts or major adjustments in programs. Special surveys may be limited to a given department, activity, or division of a contractor's operation.

(e) In the absence of adequate justification for retention, Government-owned plant equipment will be identified and reported in accordance with FAR 45.502(g) and FAR 45.509-2(b)(4). Items which are part of approved inactive package plants or standby lines are exempted from utilization surveys. The contract administration office shall ascertain periodically whether existing authorizations for standby or lay-away requirements are current.

#### 1845.7212-2 Records of surveys.

The property administrator shall prepare a record incorporating written findings, conclusions and recommendations at the conclusion of each survey. Where appropriate, the record of the property administrator may be limited to a statement expressing concurrence with the reports of other specialists. One copy of each record shall be retained in the property administration file. Additional copies shall be prepared and distributed as

findings and conclusions may necessitate.

**1845.7212-3 Scope of survey.**

The following matters are among those which shall be considered and used to the extent applicable in preparing for, conducting, and recording the results of the plant equipment utilization surveys:

(a) Identification of contracts under which plant equipment was furnished or acquired.

(b) Number and dollar value of plant equipment items in contractor's possession.

(c) Adequacy of equipment usage records.

(d) Identification of contracts for which use of plant equipment is authorized.

(e) Other authorized use (Government or commercial) of the plant equipment, whether required approvals have been obtained, and whether rental payment is required.

(f) Planned machine loadings (including performance of a physical review of selected plant equipment items).

(g) Whether contractor-owned equipment of like function is loaded prior to loading Government-owned plant equipment.

(h) Items reported by quality assurance representatives or other personnel to be in a questionable use and utilization status.

(i) Items of plant equipment that may be made available for other use by combining work of two or more machines on a single machine with low utilization rate. In such case the survey record should indicate the date the DD Form 1342, DoD Property Record or equivalent, was forwarded to the NASA contracting officer.

**Annex I to Subpart 1845.72**

*Categories, Functional Areas, Characteristics*

(This is not an exclusive list and may be modified as necessary.)

Category 1

*Acquisition.* The process of acquiring Government property either through requisition or transfer from Government sources or through purchase, including those made from contractors stores.

a. Functional Area: Government-furnished property.

*Class and Characteristic*

I—(1) Item is contractually authorized.
I—(2) Requesting document is properly prepared and processed.
I—(3) Quantity requested is reasonable but not available in existing stocks at the plant site for use of the requiring contract.
I—(4) Requests are controlled until items are received or requirement cancelled. Status file is maintained.
II—(5) Requests are submitted in a timely manner to minimize use of emergency priorities.

b. Functional Area: Contractor-acquired property.

I—(1) Item is contractually authorized.
I—(2) Quantity ordered is reasonably required but not available in existing stocks at the plant site for use on requiring contract.
I—(3) Distribution, cancellation, and change of purchase orders is properly controlled.
I—(4) Item description, contract number, price, are reflected in purchase order.
I—(5) Consent or approval by the contracting officer as required.

Category 2

*Receiving.* The process of Government property initially entering into a contractor's custody.

Functional Area: Receiving process.

*Class and Characteristic*

I—(1) Receiving report adequately describes item and shows count and condition. Where quantity, condition, or description differs from that shown on inbound shipping document, proper adjustment document is prepared and property administrator notified.
I—(2) Receiving report is promptly and properly prepared and controlled, and distribution includes copy to property accounting organization.
I—(3) Item received is properly classified (e.g., special tooling).
I—(4) Item is properly identified and marked during the receiving process.
II—(5) Returnable and reusable containers are properly controlled and accounted for.
II—(6) Misdirected shipments are adequately controlled pending receipt of disposition instructions.

Category 3

*Records.* The official accounting and subsidiary records maintained by a contractor to show status and to control all Government property furnished to it or otherwise acquired by it.

a. Functional Area: Inventory control (real and personal property).

*Class and Characteristic*

I—(1) Accounting record conforms to FAR and NASA FAR Supplement requirements and is accurate.
I—(2) Documentation in support of accounting entries is sufficient.
I—(3) Accounting entries are made without undue delay.
I—(4) Stock levels and reorder points are reflected on record, are reasonably sound, and are consistent with contract provisions.
I—(5) Accounting records are closed by means of proper accounting entry, adequately supported by documentation.
I—(6) Locator system is adequate and accurate.

b. Functional Area: Fabrication records.

I—(1) Records of items fabricated conform to FAR requirements and are accurate.
I—(2) Documentation in support of accounting entries is sufficient.

c. Functional Area: Receipt and issue file.

I—Records of items conform to FAR and NASA FAR Supplement requirements and are accurate.

d. Functional Area: Custodial records.

I—(1) Custodial record is adequate and accurate.
I—(2) Records are properly closed.

e. Functional Area: Scrap and salvage records.

I—(1) Scrap and savage records are adequate and accurate.
I—(2) Items reclaimed during salvage operations are properly classified.
I—(3) Documentation in support of record is adequate.
I—(4) Records are properly closed.

f. Functional Area: Multicontract cost and material control system.

I—(1) Records conform to FAR requirements and are accurate.
I—(2) Documentation in support of record is adequate.
I—(3) Accounting entries are made promptly.
I—(4) Records are properly closed.

Category 4

*Storage and movement.* The process of storing and moving all types of Government property includes movement from one point to another, for any purpose, and protection during movement and storage.

a. Functional Area: Warehousing.

*Class and Characteristic*

II—(1) Housekeeping is adequate.
II—(2) Government property is segregated from contractor property.
II—(3) Adequate protection of Government property is provided including hazardous material, precious metals, sensitive items, etc.
II—(4) Adequate measures for corrosion prevention, age control, etc.

b. Functional Area: Internal and external movements.

II—(1) Item is moved under proper authority, supported by issue slip, shipping ticket, location change order, etc.
II—(2) Adequate protection is provided during movement, such as packing, covering, skidding, proper handling equipment and techniques, and safety precautions.
II—(3) Loss or damage occurring during movement is reported to the property administrator.

Category 5

*Consumption.* The process of incorporating Government-owned property into an end item or otherwise consuming it in performance of a contract.

a. Functional Area: Reasonableness of consumption.

*Class and Characteristic*

I—(1) Quantities consumed are reasonable when compared to bill of material, material requirement lists, established scrap rates, etc.

II—(2) Serially numbered or selectively matched items are incorporated in appropriate end item.

b. Functional Area: Conservation.

II—(1) Excesses are promptly returned to stores and recorded.

II—(2) Where appropriate, maximum use is made of repair and salvage procedures in lieu of using new items.

II—(3) Where appropriate, a first-in first-out (FIFO) system is employed with respect to "dated" items.

Category 6

*Utilization.* The process of utilizing plant equipment, special tooling, special test equipment, material, and space property for the purpose for which furnished or acquired.

a. Functional Area: Plant equipment, special tooling, special test equipment.

*Class and Characteristic*

I—(1) Item is being used for purpose authorized by contract (not diverted to other use).

I—(2) Degree of utilization justifies retention.

b. Functional Area: Material and space property.

I—(1) Item is used for purpose for which authorized (not diverted to other use).

I—(2) Degree of utilization justifies retention of stock on hand.

Category 7

*Maintenance.* The process of providing the amount of care necessary to obtain a high quality of production and the most useful life of Government property.

a. Functional Area: Preventive and corrective maintenance.

*Class and Characteristic*

I—(1) Item is scheduled for periodic maintenance (including technical order compliance).

I—(2) Maintenance is performed according to schedule.

I—(3) Records of normal maintenance and corrective actions are adequate and accurate.

b. Functional Area: Capital-type rehabilitation (includes real property).

I—(1) Inspection is scheduled to determine need for major repair, replacement, or other rehabilitation.

II—(2) Inspection is performed as scheduled and results are reported.

II—(3) Rehabilitation is accomplished when authorized.

II—(4) Records of major repair, replacement, or other rehabilitation, including cost, are adequate and accurate.

Category 8

*Physical inventories.* The process of physically inventorying Government property and comparing it to records of such property includes locating and counting, tagging or marking, describing, recording, and reporting results to the property administrator.

a. Functional Area: Performance.

*Class and Characteristic*

II—(1) Periodic physical inventories are performed.

II—(2) Physical inventories are performed upon termination or completion of contract unless waived by property administrator.

I—(3) Inventoried property is appropriately tagged/marked.

I—(4) Inventory count is accurate.

II—(5) Inventory procedures provide that personnel who perform inventory are not those who maintain the property records or have custody of the property unless the size of the contractor's operation is so small as to make this impracticable.

II—(6) Results of inventories are reported to property administrator within 30 days.

b. Functional Area: Reconciliation and adjustment.

II—(1) Each instance of loss and discovery of unrecorded property is investigated.

II—(2) Causes are determined for above discrepancies.

II—(3) Actions necessary to prevent recurrence are determined and taken for above discrepancies.

II—(4) Adjustments to records (other than for property losses) are made within 30 days.

II—(5) Adjustments to records for property losses are made within 30 days of contracting officer's or property administrator's notification of relief of responsibility or other determination.

Category 9

*Subcontract control.* The process of prime contractor control over subcontractor with respect to Government property.

a. Functional Area: Prime contractor controls.

*Class and Characteristic*

I—(1) Subcontract reflects adequate instructions with respect to subcontractor responsibilities.

I—(2) Records of Government property in possession of subcontractor conform to FAR and NASA FAR Supplement requirements.

I—(3) Adequate documentation supports accounting entries.

I—(4) Prime contractor surveillance over Government property in possession of subcontractors is adequate.

b. Functional Area: Subcontractor control.

If the prime contractor has designated records and controls of a subcontractor as the official contract records and controls of Government property in the possession of the subcontractor or if adequacy of controls cannot be determined by review of the prime contractor's control, the subcontractor's property control system will be evaluated in the same manner as that of a prime contractor, in accordance with procedures and criteria set forth in this Subpart 18-45.72.

Category 10

*Disposition.* The process of requesting disposition instructions and effecting disposal of Government property.

a. Functional Area: Disclosure of excess.

*Class and Characteristic*

I—(1) Excess items are screened against need on other contracts prior to declaration as excess.

I—(2) Items determined excess are promptly reported.

I—(3) Declaration as excess is complete and accurate.

I—(4) Item was allocable to contract from which declared excess.

b. Functional Area: Disposal.

I—(1) There is proper authority for disposition.

I—(2) Item was disposed of within a reasonable time period after disposal authority was received.

I—(3) Identification tag is removed from item prior to disposal when appropriate.

I—(4) Documentation of disposition is complete and reflects authority, disposal action, and date of disposal and is posted to record.

I—(5) When appropriate, proceeds have been credited to the Government.

**Annex II to Subpart 1845.72**

SINGLE SAMPLING PLAN

[90 pct. confidence of rejecting lots having 10 pct. or more defectives]

| Lot size | Sample size | Limits | |
|---|---|---|---|
| | | Satisfactory | Unsatisfactory |
| 1 to 17 | All | 0 | 1 |
| 18–50 | 17 | 0 | 1 |
| 51–90 | 31 | 1 | 2 |
| 91–150 | 44 | 2 | 3 |
| Over 150 | 65 | 3 | 4 |

DOUBLE SAMPLING PLAN

[90 pct. confidence of rejecting lots having 10 pct. or more defectives]

| Lot range | Sample size 1 | Accept if defects in sample 1 are | Reject if defects in sample 1 are | Continue with sample 2 if defects in sample 1 are | Sample size 2 | Accept if sum of defects in samples 1 and 2 equals or is less than | Reject if sum of defects in samples 1 and 2 equals or exceeds |
|---|---|---|---|---|---|---|---|
| 1 to 18 | All | 0 | 1 | | | | |
| 19 to 50 | 18 | 0 | | 1 | | | |
| 51 to 90 | 21 | 0 | 2 | 1 | 21 | 1 | 2 |
| 91 to 150 | 25 | 0 | 3 | 1 or 2 | 25 | 2 | 3 |
| 151 to 400 | 32 | 0 | 4 | 1, 2 or 3 | 32 | 3 | 4 |
| 401 to 10,000 | 34 | 0 | 4 | 1, 2 or 3 | 34 | 3 | 4 |
| 10,001 to 35,000 | 40 | 0 | 5 | 1, 2, 3, or 4 | 40 | 4 | 5 |
| 35,000 to 100,000 | 46 | 0 | 6 | 1, 2, 3, 4, or 5 | 46 | 5 | 6 |
| 100,000 plus | 52 | 0 | 7 | 1, 2, 3, 4, 5, or 6 | 52 | 6 | 7 |

## PART 1846—QUALITY ASSURANCE

53. Subpart 1846.7, consisting of sections 1846.703 through 1984.770, is added to read as follows:

### Subpart 1846.7—Warranties

Sec.
1846.703 Criteria for use of warranties.
1846.703–70 Additional criteria.
1846.704 Authority for use of warranties.
1846.709 Warranties of commercial items.
1846.709–70 Limitation.
1846.770 Administration.

### Subpart 1846.7—Warranties

#### 1846.703 Criteria for use of warranties.

#### 1846.703–70 Additional criteria.

In deciding whether to use a warranty clause, at least the following factors shall be considered in addition to those at FAR 46.703:

(a) cost of correction or replacement, either by the contractor of another source, in the absence of a warranty.

(b) operation of the warranty as a deterrent against furnishing of defective or nonconforming supplies.

(c) whether the contractor's present quality program is reliable enough to provide adequate protection without a warranty, or, if not, whether a warranty would cause the contractor to institute an effective and reliable quality program.

(d) reliance on "brand-name" integrity.

(e) whether a warranty is regularly given for a commercial component of a more complex end item.

#### 1846.704 Authority for use of warranties.

(a) A warranty clause shall be used when it is found to be in the best interests of the Government, after an analysis of the factors listed in 1846.703 and FAR 46.703.

(b) Except for the warranty clause for commercial items covered in FAR 46.709 and FAR 46.710(a)(2), and warranties contained in federal, military, or construction specifications, the decision to use a warranty clause or to include a warranty provision in a specification other than a federal, military, or construction specification shall be made only upon the written authorization of the Procurement Officer or his designee. This decision may be made either for individual procurements or for classes of procurements.

(c) Warranties required by applicable architect-engineer specifications shall be included in advertised or negotiated construction contracts.

#### 1846.709 Warranties of commercial items.

#### 1846.709–70 Limitation.

In either formally advertised or negotiated procurements involving a commercial supply or service or construction, the contracting officer may include in the solicitation a warranty clause which is standard or customary in the trade, or one which is substantially similar to and not in excess of a standard or customary trade warranty—*provided* in either case the contracting officer, after reviewing the factors listed in 1846.703 and FAR 46.703, decides that inclusion of such a clause is in the best interests of the Government.

#### 1846.770 Administration.

When the contracting officer is notified of a defect in warranted items, he should ascertain whether the warranty is currently in effect and assure that proper and timely notice of the defect is given to the contractor.

## PART 1850—EXTRAORDINARY CONTRACTUAL ACTIONS

54. Subpart 1850.4, consisting of sections 1850.402 through 1850.470, is amended to read as follows:

### Subpart 1850.4—Residual Powers

Sec.
1850.402 General.
1850.403 Special procedures for unusually hazardous or nuclear risks.
1850.403–1 Indemnification requests.
1850.403–2 Action on indemnification requests.
1850.403–3 Contract clause.
1850.403–70 Reporting and records requirements.
1850.470 Lead NASA Center.

### Subpart 1850.4—Residual Powers

#### 1850.402 General.

All proposals for the exercise of indemnification authority shall be forwarded to the Assistant Administrator for Procurement (Code HS), who will review and forward the Contractor requests for indemnification through channels to the Administrator for approval. If the Administrator approves the use of indemnification authority, the Administrator shall sign a Memorandum Decision.

#### 1850.403 Special procedures for unusually hazardous or nuclear risks.

#### 1850.403–1 Indemnification requests.

(a) In addition to the information required at FAR 50.403–1(a), the contractor's request for indemnification shall also include a copy of the relevant third-party comprehensive liability policies and products liability policies or the equivalent.

#### 1850.403–2 Action on indemnification requests.

(b) In accordance with FAR 50.403–2, the contracting officer shall forward contractors' requests for indemnification for which the contracting officer recommends approval to the Assistant Administrator for Procurement (Code HS) for final processing to the Administrator.

#### 1850.403–3 Contract clause.

(a) In lieu of the claus or the clause with its Alternate I prescribed at FAR 50.403.3, the following clauses shall be used:

(1) To indemnify the contractor against unusually hazardous or nuclear risks in fixed-price contracts when approved in accordance with FAR Subpart 50.4 and this Subpart 1850.4, the contracting officer shall insert the clause at 1852.250–70, Indemnification Under Public Law 85–804—Fixed-Price Contracts (OCTOBER 1984).

(2) To indemnify the contractor against unusually hazardous or nuclear risks in cost-reimbursement contracts when approved in accordance with FAR Subpart 50.4 and this Subpart 1850.4, the contracting officer shall insert the clause at 1852.250–71, Indemnification Under Public Law 85–804—Cost-Reimbursement Contracts (OCTOBER 1984).

(b) The contracting officer shall insert the clause at 1852.250–72, Space Activity—Unusually Hazardous Risks (OCTOBER 1984), in all contracts containing either of the indemnification under Public Law 85–804 clauses prescribed at 1850.403–3(a) above, unless the Administrator approves a different definition of unusually hazardous risks to be used in a particular contract.

#### 1850.403–70 Reporting and records requirements.

(a) Concurrent with including indemnification provisions in any NASA prime contract pursuant to the authority of an indemnification Memorandum Decision by the Administrator, the congnizant contracting officer shall submit a report directly to the Contract Adjustment Board which—

(1) References and provides two copies of the Administrator's Memorandum Decision;

(2) Provides two copies of any clause which deviates from the clauses prescribed at 1850.403–3;

(3) Complies with the reporting requirements of Pub. L. 85–804, 50 U.S.C.

1434, and Executive Order 10789, which currently states—

With respect to actions which involve actual or potential cost to the United States in excess of $50,000 the report shall * * *

(1) Name the contractor;

(2) State the actual cost or estimated potential cost involved;

(3) Describe the property or service involved; and

(4) State further the circumstances justifying the action taken.

(4) Provides the contract number and date of award.

(5) If applicable, provides the contract modification number and date.

(b) The Contract Adjustment Board shall be responsible for maintaining two copies of each Memorandum Decision required by FAR 50.403–2(b) and, for such duration deemed appropriate by the Board, one copy of each report submitted by cognizant contracting officers.

**1850.470 Lead NASA Center.**

(a) Contractors applying for indemnification shall be responsible for initially determining which NASA Center has the most significant amount of the contractor's procurement contracts, measured by either dollars or numbers, which are related to NASA space activities rather than total NASA business. The request for indemnification would be submitted to the Procurement Officer for that Center, who will then designate a cognizant contracting officer. This determination should be done at the highest entity of the firm possible to prevent duplicate requests from associate divisions, subsidiaries, or central offices of the Contractor. NASA reserves the right to reassign a lead Center for purposes of the processing indemnification requests made under this regulation.

(b) Relying on the Contractor's submission, the receiving contracting officer will process the request using the procedures at FAR Subpart 50.4 and this Subpart 1850.4. The receiving Center will become the lead Center and will remain so indefinitely. Lead Center designation may change to another Center if the losing and gaining Procurement Officers agree to the change. For example, a new award may so substantially alter the focus of a contractor's procurement contracts related to space activities toward a different Center that a change may be appropriate. Should a change occur in the lead Center, all records related to indemnification of that contractor shall be transferred to the gaining Center.

## PART 1851—USE OF GOVERNMENT SOURCES BY CONTRACTORS

**1851.102 [Amended]**

55. Section 1851.102(c) paragraph (1)(i) in the format is amended by inserting in the first line after "property" the phrase "and/or services."

## PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

**1852.203–70 [Amended]**

56. Section 1852.203–70 is amended by adding at the end of the introductory sentence the words "except IFB's".

**1852.215–10 [Amended]**

57. Section 1852.215–10 is amended by revising the introductory text after the word "paragraphs" to read "(a), (b), (c) of FAR 52.215–10 in NASA solicitations." The clause is amended as follows:

**NASA Alternate I (October 1984)**

a. The date in the heading is revised to read "OCTOBER 1984" in place of "(APRIL 1984)."

b. In the introductory text of paragraph (a) after the word "award", remove "is made."

c. In paragaph (a)(1) remove the word "mailed" and insert the word "postmarked."

d. In paragraph (b) after "award" remove "is made."

e. In paragraph (c), in the last sentence, after the word "award" remove "is made."

58. 1852.215–70 is amended by revising the provision to read as follows:

**1852.215–70 Increases in estimated costs.**

* * * * *

**Increases in Estimated Cost (October 1984)**

Once the apparent successful offeror has been selected, that offeror may not unilaterally increase the estimated costs submitted with its proposal except for:

(a) Changes resulting from updating of the certified cost or pricing data submitted with its proposal;

(b) Costs resulting from the Government's directed correction of identified weaknesses in the offeror's proposal which must be corrected as a condition of contracting; or

(c) Minor changes in the requirements of the requests for proposals. In such cases, the Government will consider only those increases arising from those requirements that are actually affected by the changes (irrespective of whether the changes result in an increase or decrease in the requirements or are initiated by the Government or the Offeror) and then only to the extent such changes are identified and justified.

(End of provision)

59. Section 1852.223–3 and 1852.223–370 are added to read as follows:

**1852.223–3 Hazardous Material Identification and Material Safety Data.**

**1852.223–370 NASA Deviation.**

When the clause at FAR 52.223–3 is included in a solicitation or contract, modify subparagraph (e)(5) thereof to delete the reference to the FAR clause at 52.227–18, Rights in Data, and substitute a reference to the NASA FAR Supplement clause at 1852.227–74, Rights in Data—General.

60. Section 1852.223–72 is added to read as follows:

**1852.223–72 Potentially Hazardous Items.**

As prescribed in 1823.303–70, insert the following clause:

**Potentially Hazardous Items (October 1984)**

(a) The Contractor agrees to furnish complete design information and drawings showing all details of construction, including materials, for the items or components which are designated in the Schedule of this contract as potentially hazardous to employees and subcontractors who are to perform any work in connection with installing such items or components in combination with other equipment, or in testing such items or components either alone or in combination with other components, items or equipment, or in handling such items or components; and to inform such employees or subcontractors of the potentially hazardous nature of such items or components; before requesting or directing the performance of such work.

(b) The requirement herein for delivery of data supersedes any terms of this contract permitting withholding of data.

(c) The Contractor shall include this clause including this paragraph (c) in each subcontract at any tier awarded under the contract that calls for the manufacture or handling of the items or components designated in paragraph (a) as potentially hazardous.

(End of clause)

61. Section 1852.228–72 is added to read as follows:

**1852.228–72 Inter-Party Waiver of Liability During STS Operations.**

Insert the following clause as prescribed at 1828.371.

**Inter-Party Waiver of Liability During STS Operations (October 1984)**

(a) The contractor undertakes the obligations of, agrees to be bound by, and shall receive the protection and benefits of a NASA contractor under the no-fault, no-subrogation inter-party waiver of liability provision with users for Space Shuttle services to the extent provided for and reprinted in paragraph (d) below.

(b) This inter-party waiver of liability shall not apply to damage caused by NASA to the contractor's employees or property nor shall it apply to damage caused by the contractor to NASA's employees or property.

(c) This clause, including this paragraph (c) shall be included in all subcontracts hereunder where the work is to be performed in support of STS Operations.

(d) The applicable definitions and the no-fault, no-subrogation inter-party waiver of liability provision which is contained in NASA agreements with users for Space Shuttle services provides in relevant part:

1. *General.*

a. [Paragraph a. of the Shuttle Launch Agreement has been intentionally omitted since it is not relevant.]

b. For purpose of this [Shuttle Launch] Agreement, the following definitions shall be applicable:

(1) "Liability" shall include payments made pursuant to United States' treaty, any judgment by a court of competent jurisdiction, administrative and litigation costs, and, after consultation with the User, settlement payments.

(2) "Damage" shall mean bodily injury to or death of any person, damage to or loss of any property, and loss of revenue or profits or other direct, indirect or consequential damages arising therefrom.

2. [Paragraph 2 of the Shuttle Launch Agreement has been intentionally omitted since it is not relevant.]

3. *Damage to Persons or Property Involved in STS Operations.*

a. For purposes of this Paragraph 3., the following definitions shall be applicable:

(1) "STS Operations" shall mean:

(a) All Space Transportation System activity:

(b) All Payload activity:

(c) All tangible personal property (including ground support, test, training and simulation equipment) related to (a) and (b) above;

(d) Research, design, development, test, manufacture, assembly, integration, transportation, or use of any materials related to (a), (b) or (c) above.

(e) Performance of any services related to (a) through (d) above.

(2) "Protected STS Operations" shall mean a period of time during which STS Operations are being performed as follows:

(a) Beginning with the signature of an Agreement or Arrangement with NASA for Space Transportation System services and (i) when any employee, Payload or property arrives at a United States Government Installation, or (ii) during transportation of such to the installation by a United States Government conveyance or (iii) at ingress of such into an Orbiter, for the purpose of fulfilling such Agreement or Arrangement, whichever occurs first.

(b) Ending with regard to any employee when (i) the employee departs a United States Government Installation, or (ii) the Orbiter if it lands at other than such Installation, or (iii) a United States Government conveyance which transports the employee from such Installation or Orbiter, whichever occurs last.

(c) Ending with regard to a Payload or property, not Jettisoned or Deployed, under the same conditions as set forth in Subparagraph 3.a.(2)(b) above.

(d) Ending with whichever occurs last with regard to a Deployed or Jettisoned payload or property (i) after such impacts the earth; or (ii) if retrieved by the Orbiter, under the same conditions set forth in Subparagraph 3.a.(2)(b) above.

b. NASA and the User (the parties) will respectively utilize their property and employees in STS Operations in close proximity to one another and to others. Furthermore, the parties recognize that all participants in STS Operations are engaged in the common goal of meaningful exploration, exploitation and uses of outer space. In furtherance of this goal, the parties hereto agree to a no-fault, no-subrogation, inter-party waiver of liability pursuant to which each party agrees not to bring a claim against or sue the other party or other users and agrees to absorb the financial and any other consequences for Damage it incurs to its own property and employees as a result of participation in STS Operations during Protected STS Operations, irrespective of whether such Damage is caused by NASA, the User, or other users participating in STS Operations, and regardless of whether such Damage arises through negligence or otherwise. Thus, the parties, by absorbing the consequences of damage to their property and employees without recourse against each other or other users participating in STS Operations during Protected STS Operations, jointly contribute to the common goal of meaningful exploration of outer space.

c. The parties agree that this common goal will also be advanced through extension of the inter-party waiver of liability to other participants in STS Operations. Accordingly, the parties agree to extend the waiver as set forth in Subparagraph 3.b. above to contractors and subcontractors at every tier of the parties and other users, as third party beneficiaries, whether or not such contractors or subcontractors causing damage bring property or employees to a United States Government Installation or retain title to or other interest in property provided by them to be used, or otherwise involved, in STS Operations. Specifically, the parties intend to protect these contractors and subcontractors from claims, including "products liability" claims, which might otherwise be pursued by the parties, or the contractors or subcontractors of the parties, or other users or the contractors or subcontractors of other users. Moreover, it is the intent of the parties that each will take all necessary and reasonable steps in accordance with Subparagraph 3.e. below to foreclose claims for Damage by any participant in STS Operations during Protected STS Operations, under the same conditions and to the same extent as set forth in Subparagraph 3.b. above, except for claims between the User and its contractors or subcontractors and claims between the United States Government and its contractors and subcontractors.

d. The parties intend that the inter-party waiver of liability set forth in Subparagraphs 3.b. and 3.c. above be broadly construed to achieve the intended objectives.

e. NASA will require all Space Transportation system users entering into Launch and Associated Services Agreements with NASA after December 1, 1982, to agree to the inter-party waiver of liability as set forth in Subparagraphs 3.b. and 3.c. above. The User, and each other user, will require the following to agree to the waiver of liability set forth in Subparagraph 3.c. above: (i) all persons and entities to whom it assigns all or part of its right to Launch and Associated Services; (ii) any person or entity to whom it has sold or leased or otherwise agreed to provide all or any portion of its Payload or Payload services prior to the completion of NASA's launch services for a particular Payload; (iii) all its prime contractors; and (iv) all its subcontractors who will have persons or property involved in STS Operations during Protected STS Operations. NASA will require all the following to agree to the waiver of liability set forth in Subparagraph 3.c. above: (i) all its prime contractors; and (ii) all its subcontractors who will have persons or property involved in STS operations during Protected STS Operations. Furthermore, NASA has required all STS users entering into Launch and Associated Services Agreements prior to December 1, 1982, to agree to a more limited waiver of liability, a copy of which is available from NASA upon request. Failure of any party to obtain a waiver agreement required above shall not affect such party's right to the protections otherwise provided by this Paragraph 3.

(End of clause)

**1852.243–70 [Amended]**

62. Section 1852.243–70 is amended by changing clause date to read "August 1984" in place of "April 1984," and the citation in paragraphs (a) and (b) of the clause to read "DOD–STD–480A" in place of "MIL–STD–480."

**1852.245–70 [Amended]**

63. Section 1852.245–70 is amended by revising the clause date to read "May 1984" in place of "April 1984," by designating the first paragraph in the clause as (a) and the second paragraph as (b). In paragraph (a), internal designations are revised to read "(1)," "(2)," and "(3)" in place of "(a)," "(b)," and "(c)." In paragraph (b) of the clause, the parenthetical statement in the first sentence is revised to read "unless for incorporation into flight qualified or flight monitoring deliverable end items)."

64. Section 1852.245–71 is amended by adding after the clause "Alternate I" as follows:

**1852.245–71 Installation-provided government property.**

* * * * *

*Alternate I (OCTOBER 1984).*

If the contract includes procurement authority for property, separate from the installation procurement process, and it is desired to preclude the Contractor from utilizing the installation's central receiving facility, the following shall be added to paragraph (b) of the clause:

The contractor shall not utilize the installation's central receiving facility for receipt of Contractor-acquired property. However, the Contractor shall provide listings suitable for establishing accountable records of all such property received, on a quarterly basis, to the Contracting Officer and the Supply and Equipment Management Officer.

65. Section 1852.245–570 is added to read as follows:

**1852.245–570 NASA Deviation.**

When using the clause at FAR 52.245–5 with its Alternate I, make the following changes in subparagraph (c)(4) of Alternate I: in the first line change "equipment" to "equipment (and other tangible personal property)." In the first and second sentence change $1,000 to $5,000.

**1852.250–1 [Removed]**

66. Section 1852.250–1, Indemnification under Pub. L. 85–804, is removed.

67. Sections 1852.250–70, 1852.250–71, and 1852.250–72 are added to read as follows:

**1852.250–70 Indemnification Under Public Law 85–804—Fixed-Price Contracts.**

Insert the following clause as prescribed in 1850.403–3(a)(1):

**Indemnification Under Public Law 85–804—Fixed-Price Contracts (October 1984)**

(a) Pursuant to Public Law 85–804 (50 U.S.C. 1431–1435) and Executive Order 10789, as amended, and notwithstanding any other provision of this contract, but subject to the following paragraphs of this clause, the Government shall hold harmless and indemnify the Contractor against:

(1) Claims (including reasonable expenses of litigation or settlement) by third persons (including employees of the Contractor) for death, personal injury, or loss of, damage to, or loss of use of property;

(2) Loss of or damage to property of the Contractor, and loss of use of such property but excluding loss of profit; and

(3) Loss of, damage to, or loss of use of property of the Government but excluding loss of profit; to the extent that such a claim, loss or damage (i) arises out of or results from a risk defined in this contract to be unusually hazardous in nature and (ii) is not compensated by insurance or otherwise. Any such claim, loss or damage within deductible amounts of Contractor's insurance shall not be covered under this clause.

(b)(1) The Government shall not be liable for:

(i) Claims by the United States (other than those arising through subrogation) against the Contractor;

(ii) Losses affecting the property of such Contractor; when the claim, loss or damage was caused by the willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or principal officials. (For purposes of this clause, the term "principal officials" means any of the Contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of:

(A) All or substantially all of the Contractor's business, or

(B) All or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or

(C) A separate and complete major industrial operation in connection with the performance of this contract.); or

(iii) Loss of, damage to, or loss of use of property of the Contractor unless the total amount for such loss, damage and loss of use, excluding loss of profit, is in excess of the Contractor's insurance or $500,000,000. Specifically, the Government shall only be liable for such loss, damage and loss of use in excess of the Contractor's insurance or $500,000,000 whichever is the larger amount.

(2) The Contractor shall not be indemnified under this clause for liability assumed under any contract or agreement unless such assumption of liability has been specifically authorized by the Administrator and approved by the Contracting Officer. When the Government has assumed liability for subcontracts, the term "Contractor" in this paragraph (b) shall include subcontractors.

(c) No payment shall be made by the Government under this clause unless the amount thereof shall first have been certified to be just and reasonable by the Administrator or his representative designated for such purpose. The rights and obligations of the parties under this clause shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this paragraph by making payments to the Contractor or directly to parties to whom the Contractor may be liable.

(d) With the prior written approval of the Contracting Officer, the Contractor may include in any subcontract under this contract, the same provisions as those in this clause, whereby the Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the Contractor and the subcontractor as are established by this clause. The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontracts providing for indemnification within the purview of this clause shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this clause, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the Contractor with respect to this obligation to subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this paragraph by making payments directly to subcontractors or to parties to whom the subcontractor may be liable.

(e) If insurance coverage or other financial protection program approved by the Administrator is reduced, the liability of the Government under this clause shall not be increased by reason of such reduction.

(f) The Contractor shall (1) promptly notify the Contracting Officer of any claim or action against, or of any loss by, the Contractor or any subcontractor which reasonably may be expected to involve indemnification under this clause, (2) furnish evidence or proof of any claim, loss or damage covered by this clause in the manner and form required by the Government, and (3) immediately furnish to the Government copies of all pertinent papers received by the Contractor. The Government may direct, control or assist in the settlement or defense of any such claim or action. The Contractor shall comply with the Government's directions, and execute any authorizations required in regard to such settlement or defense.

(End of clause)

**1852.250–71 Indemnification Under Public Law 85–804—Cost-Reimbursement Contracts.**

Insert the following clause as prescribed in 1850.403–3.

**Indemnification Under Pubic Law 85–804—Cost-Reimbursement Contract (October 1984)**

(a) Pursuant to Public Law 85–804 (50 U.S.C. 1431–1435) and Executive Order 10789, as amended, and notwithstanding any other provision of this contract, but subject to the following paragraphs of this clause, the Government shall hold harmless and indemnify the Contractor against:

(i) Claims (including reasonable expenses of litigation or settlement) by third persons (including employees of the Contractor) for death, personal injury, or loss of, damage to, or loss of use of property;

(ii) Loss of or damage to property of the Contractor, and loss of use of such property but excluding loss of profit; and

(iii) Loss of, damage to, or loss of use of property of the Government but excluding loss of profit; to the extent that such a claim, loss or damage (A) arises out of or results from a risk defined in this contract to be unusually hazardous in nature and (B) is not compensated by insurance or otherwise. Any such claim, loss or damage within deductible amounts of Contractor's insurance shall not be covered under this clause.

(b)(1) The Government shall not be liable for:

(i) Claims by the United States (other than those arising through subrogation) against the Contractor;

(ii) Losses affecting the property of such Contractor when the claim, loss or damage was caused by the willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or principal officials. (For purposes of this clause, the term "principal officials" means any of the Contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of:

(A) All or substantially all of the Contractor's business, or

(B) All or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or

(C) A separate and complete major industrial operation in connection with the performance of this contract.); or

(iii) Loss of, damage to, or loss of use of property of the Contractor unless the total amount for such loss, damage and loss of use, excluding loss of profit, is in excess of the Contractor's insurance or $500,000,000. Specifically, the Government shall only be liable for such loss, damage and loss of use in excess of the Contractor's insurance or $500,000,000, whichever is the larger amount.

(2) The Contractor shall not be indemnified under this clause for liability assumed under any contract or agreement unless such assumption of liability has been specifically authorized by the Administrator and approved by the Contracting Officer. When the Government has assumed liability for subcontracts, the term "Contractor" in this paragraph (b) shall include subcontractors.

(c) No payment shall be made by the Government under this clause unless the amount thereof shall first have been certified to be just and reasonable by the Administrator or his representative designated for such purpose. The rights and obligations of the parties under this clause shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this paragraph by making payments to the Contractor or directly to parties to whom the Contractor may be liable.

(d) With the prior written approval of the Contracting Officer, the Contractor may include in any subcontract under this contract, the same provisions as those in this clause, whereby the Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the Contractor and the subcontractor as are established by this clause. The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontractors providing for indemnification within the purview of this clause shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this clause, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the Contractor with respect to his obligations to subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this paragraph by making payments directly to subcontractors or to parties to whom the subcontractors may be liable.

(e) If insurance coverage or other financial protection program approved by the Administrator is reduced, the liability of the Government under this clause shall not be increased by reason of such reduction.

(f) In addition to the Contractor's responsibilities under the "Insurance—Liability to Third Persons" clause of this contract, which are hereby made applicable to claims under this clause, the Contractor shall (i) promptly notify the Contracting Officer of any claim or action against, or of any loss by, the Contractor or any subcontractor which reasonably may be expected to involve indemnification under this clause, (ii) furnish evidence or proof of any claim, loss or damage covered by this clause in the manner and form required by the Government, and (iii) to the extent required by the Government, permit and authorize the Government to direct, control or assist in the settlement or defense of any such claim or action. The cost of insurance (including self-insurance), covering a risk defined in this contract as unusually hazardous shall not be reimbursed either as a direct or indirect cost except to the extent that such insurance has been required or approved under the "Insurance—Liability to Third Persons" clause hereof.

(g) "Limitation of Cost" and "Limitation of Government's Obligation" clauses of this contract do not apply to the Government's obligations under this clause. Such obligations shall be excepted from the release required under the "Allowable Cost" clause of this contract.

(End of clause)

**1852.250-72 Space Activity—Unusually Hazardous Risks.**

Insert the following clause as prescribed at 1850.403-3(b).

**Space Activity—Unusually Hazardous Risks (October 1984)**

The risks for which indemnification is authorized are solely those risks resulting from or arising out of the use or performance of the following products or services in NASA's space activities. For this purpose, the use or performance of such products or services in NASA's space activities begins only when such products or services are provided to the U.S. Government at a U.S. Government installation for one or more Shuttle launches and are actually used or performed in NASA's space activities:

(a) Provision of Space Transportation System and cargo flight elements or components thereof.

(b) Provision of Space Transportation System and cargo ground support equipment of components thereof.

(c) Provision of Space Transportation System and cargo ground control facilities and services for their operation.

(d) Repair, modification overhaul support and services, and other support and services directly relating to the Space Transportation System, its cargo, and other elements used in NASA's space activities.

(End of clause)

## PART 1853—FORMS

68. Section 1853.107 is revised to read as follows:

**1853.107 Obtaining forms.**

NASA installations and offices may obtain forms prescribed in the FAR or in this Part from Goddard Space Flight Center, Code 853.9. Orders should be placed on a NASA Form 2.

69. Section 1853.208-70 is amended by revising the section title and paragraph (b) to read as follows:

**1853.208-70 Other Government sources (SF 1080, AF 858, DOE EV 375, NRC 3131).**

* * * * *

(b) *Air Force Form 858, Forecast of Propellant Requirements.* AF 858, prescribed at 1808.002-74(f), shall be used to report periodic estimated requirements for missile propellants and related items to the Department of the Air Force.

* * * * *

70. Section 1853.232 is revised to read as follows:

**1853.232 Contract financing (SF 272, 272A).**

(a) *Standard Form 272, Federal Cash Transaction Report* prescribed at 1832.406-70, will be submitted by non-profit organizations that receive advance funding.

(b) *Standard Form 272A, Federal Cash Transaction Report* Continuation, prescribed at 1853.406-70, is used in conjunction with SF-272 when reporting, more than one contract.

**1853.303 [Amended]**

71. Section 1853.303 is amended by removing 1853.303-558, NASA Form 558, and by adding 1853.303-AF-858, Air Force Form 858, Forecast of Propellant Requirements.

BILLING CODE 7510-01-M

1853.303-AF-858

| FORECAST OF REQUIREMENTS *(Missile Propellants and Pressurants)* | DATE OF PREFARATION *(YYMMDD)* | REPORT CONTROL SYMBOL | *OMB APPROVAL NO. 0701—0013* |
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| REPORTING ACTIVITY *(Name and address as listed in DOD Activity Address Directory)* | REPORTING PERIOD *(YYMMDD)* | |
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| | FROM | TO |
| SHIP TO *(Name and address of activity where forecasted product will be delivered and used)* | METHOD OF SHIPMENT *(Check applicable boxes)* ☐ TANK CAR ☐ CYL/DRUM ☐ TRUCK TRAILER | |

MARK FOR *(As required)*

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METHOD OF COMPUTATION AND REMARKS *(Explain new or unusual requirement)*

REPORTING ACTIVITY

| PREPARED BY *(Signature)* | DATE *(YYMMDD)* | APPROVED BY *(Signature)* | DATE *(YYMMDD)* |
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APPROVING ACTIVITY
*(Major Command or Funds Management Office Controlling Funding for Propellant and Pressurant Requirements being forecast)*

| APPROVED BY *(Signature)* | DATE *(YYMMDD)* | APPROVED BY *(Signature)* | DATE *(YYMMDD)* |
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AF FORM JUN 82 858 PREVIOUS EDITION IS OBSOLETE

[FR Doc. 84-27603 Filed 10-18-84; 8:45 am]
BILLING CODE 7510-01-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 40800-4100]

## Reef Fish Fishery of the Gulf of Mexico

*Correction*

In FR Doc. 84-26494 beginning on page 39548 in the issue of Tuesday, October 9, 1984, make the following correction:

§ 641.8 [Corrected]

On page 39556, in § 641.8(d)(2), third column, in the first line the Morse Code should have read as follows:

"(.-. -.-- -.-. -.--)"

BILLING CODE 1505-01-M

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50 CFR Part 655

## Civil Procedures; Permit Sanctions and Denials; Correction

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Interim rule; correction.

**SUMMARY:** This document corrects a typographical error contained in an interim rule consolidating NOAA's procedural regulations for sanctioning permits issued under many of the statutes for which it has enforcement responsibility. The rule was published in the **Federal Register** of Friday, January 6, 1984 (49 FR 1037).

**FOR FURTHER INFORMATION CONTACT:** Linda Marks, (202) 254-8350, NOAA Office of General Counsel, Room 533, Page 2 Building, 3300 Whitehaven Street NW., Washington, D.C. 20235.

Dated: October 16, 1983.

Joseph W. Angelovic,

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

The following correction is made in FR Doc. 84-14 appearing on page 1037 in the issue of January 6, 1984:

1. On page 1043, column three, item 30, "(e)" is corrected to read "(c)"; "(g)" is corrected to read "(e)"; and "(l)" is corrected to read "(j)".

[FR Doc. 84-27667 Filed 10-18-84; 8:45 am]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register
Vol. 49, No. 204
Friday, October 19, 1984

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

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

### 7 CFR Part 443

**[Amdt. Docket No. 1238S]**

### Hybrid Seed Corp Insurance Regulations

**AGENCY:** Federal Corp Insurance Corporation, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Corp Insurance Corporation (FCIC) proposed to amend the Hybrid Seed Corp Insurance Regulations (7 CFR Part 443), effective for the 1985 and succeeding crop years, by making several changes in the policy for insuring hybrid seed grown under contract relative to changing the dates found in the policy; providing for a germination test when necessary; clarifying production to count; prohibiting of overinsuring; adding definitions of certain terms; deleting Appendix A; and other minor changes in language and format. The intended effect of this rule is to clarify and improve several sections of the policy for insuring hybrid seed. The authority for the promulgative of this rule is contained in the Federal Crop Insurance Act, as amended.

**DATE:** Comment date: Written comments, data, and opinions on this proposed rule must be submitted not later than November 19, 1984, to be sure of consideration.

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

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

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1 (December 15, 1983). This action constitutes a review as the the need, currency, clarity, and effectiveness of these regulations under these procedures. The sunset review date established for these regulations is December 1, 1989.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not result in : (a) An annual effect on the economy of $100 million or more; (b) major incureases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a georgraphical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

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

This progam is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR 3015, Subpart V, Published at 48 FR 29115 (June 24, 1983).

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

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

Other than minor changes to language and format, the principal changes are contained in the policy for insuring hybrid seed are:

1. *Section 1.a.*—Add the failure of irrigation water supply because of unavoidable cause as an insurable cause of loss. This was added to clarify intent since it appears as an implied cause of loss in Section 2.e.(2).

2. *Section 1.b.(5) and 7.d*—Delete the present date of October 20 and provide for placing the date in the Actuarial Table. This will allow FCIC to set dates according to area.

3. *Section 1.b.*—Add a provision requiring a germination test, before insuring against inadequate germination.

4. *Section 4.b.*—Change to allow a determination of yield in the event of a loss. The producer usually does not know what yield can be expected from the pedigree of the corn. At the time of application the producer elects a coverage level and dollar amount of insurance per acre. Yield usually cannot be determined before harvest.

5. *Section 5.a.*—Remove the Premium Adjustment Table. The crop will be insured on an average yield basis for the type and variety. Coverages will therefore reflect the actual production history of the crop. Insureds with good loss experience who are now receiving a premium discount are protected since they may retain a discount under the present schedule through the 1989 crop year or until their loss experience causes them to lose the advantage, whichever is earlier.

6. *Section 5.c.*—Remove the provisions for transfers of insurance experience and for premium computation when insurance has not been continuous. Deletion of the Premium Adjustment Table eliminates the need for these sections.

7. *Section 8(2)*—Add a provision for FCIC to make an inspection and germination test when necessary.

8. *Section 9.c. and e.*—Specify that corn which tests 80 percent or more germination warm test will be considered as seed production to count in determining indemnity.

9. *Section 9.c.*—Change to clarify the use of use production and non-seed production in indemnity calculation.

10. *Section 9.d.*—Effective for the 1986 crop year allow the guarantee only on the acreage, share, or practice reported but credit production on the acreage, share, or practice actually planted if the acreage, share or practice reported results in a premium less than the acreage, share or practice actually planted. When acres are underreported, the production from acres will be applied against the reported acres in calculating indemnities. This change will reduce indemnities when acres are underreported and will reduce the complexity of calculations.

11. *Section 9.e.*—Change to clarify the use of seed production and non-seed production in determining production to count.

12. *Section 9.j.*—Expand the computation used to determine the indemnity when other fire insurance is obtained to include indemnities due when other insurance is obtained against other causes of loss. This change will reduce the possibility of fraud by eliminating the ability to over insure the value of the crop.

13. *Section 17.b, g, and l.*—Add definitions for "Commercial Seed," "Initially Planted," and "Seed Company."

14. In addition to the policy changes, FCIC also proposes to eliminate the codification of Appendix A. Federal crop insurance for hybrid seed has been expanded into almost all counties where hybrid seed is produced. FCIC service offices will be able to advise a producer if hybrid seed insurance is offered in a county.

Because of the number of changes and the necessity of renumbering sections, FCIC republishes the hybrid seed crop insurance policy in its entirety.

FCIC is soliciting comments on this proposed rule for 30 days after publication in the Federal Register. All written comments made pursuant to this action will be made available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., during regular business hours, Monday through Friday.

**List of Subjects in 7 CFR Part 443**

Crop insurance, Hybrid seed.

**PART 443—[AMENDED]**

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation herewith proposes to amend the Hybrid Seed Crop Insurance Regulations (7 CFR Part 443), effective for the 1985 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 443 is:

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

2. 7 CFR 443.1 is revised to read:

**§ 443.1 Availability of hybrid seed crop insurance.**

Insurance shall be offered under the provisions of this subpart on hybrid seed in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

3. 7 CFR 443.4 is revised to read:

**§ 443.4 Creditors.**

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

4. 7 CFR § 443.6 is revised as follows:

**§ 443.6 The contract.**

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the hybrid seed crop as provided in the policy. The contract shall consist of the application, the policy and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

**§ 443.7 [Amended]**

5. 7 CFR 443.7, paragraph (d) is revised to read:

* * * * *

(d) The application for the 1985 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Hybrid Seed Crop Insurance Policy for the 1985 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

**Federal Crop Insurance Corporation**

*Hybrid Seed—Crop Insurance Policy*

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake;
(7) Volcanic eruption; or
(8) Failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(5).

b. We will not insure against any loss of production due to:

(1) The use of unadapted, incompatible or other genetically deficient male or female seed;

(2) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants or employees;

(3) The failure to follow recognized good farming practices or the grower provisions of the seed contract;

(4) The impoundment of water by any governmental, public or private dam or reservoir project;

(5) Damage resulting from frost or freeze after the date designated on the actuarial table;

(6) Inadequate germination caused by an insured cause of loss unless inspected and accepted by us before harvest is completed;

(7) Failure or breakdown of irrigation equipment or facilities; or

(8) Any cause not specified in section 1a as an insured loss.

2. Crop, Acreage, and share insured.

a. The crop insured will be any type of female seed ("crop") you elect:

(1) Which is planted for harvest and the production is intended for the purpose of commercial seed to produce a type of the crop for grain or silage;

(2) Which is grown under contract executed with a seed company prior to planting;

(3) Which is grown on insured acreage; and

(4) For which an amount of insurance and premium rate are provided by the actuarial table.

b. An instrument in the form of a "lease" under which you retain control of the acreage on which the insured crop is grown and which provides for delivery of the crop under certain conditions and at a stipulated price(s) will be treated as a contract under which you have the share in the crop.

c. The acreage insured for each crop year will be the crop planted on insurable acreage as designated by the actuarial table.

d. The insured share will be your share as landlord, owner-operator, or tenant in the insured crop at the time of planting.

e. We do not insure any acreage:

(1) Which is destroyed, it is practical to replant the crop, and such acreage was not replanted;

(2) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(3) Which is irrigated and an irrigated practice is not provided by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(4) Initially planted after the final planting date contained in the actuarial table unless you agree in writing on our form to coverage reduction;

(5) Of a volunteer crop;

(6) Planted to a type of variety of the crop not established as adapted to the area or indicated as noninsurable by the actuarial table;

(7) Planted with another type of crop;

(8) Occupied by rows planted with a mixture of female and male seed;

(9) Planted and occupied by the male plants;

(10) Planted for experimental purposes;

(11) Planted for any purpose other than for commercial seed;

(12) When less than 75 percent of the male seed has not been planted by the final planting date, unless we agree in writing to insure such acreage; or

(13) Grown under a contract with any seed company, and that seed company refuses to provide us records required by us to determine the average yield.

f. If insurance is provided for an irrigated practice:

(1) You must report as irrigated only the acreage for which you have adequate facilities and water to carry out a good crop irrigation practice at time of planting; and

(2) Any loss of production caused by failure to carry out a good crop irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, will be considered as due to an uninsured cause.

g. We may limit the insured acreage to any acreage limitations established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, and practice.

You must report on our form

a. All the acreage of the crop planted in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any acreage of the insured crop in the county. This report must be submitted annually before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and amounts of insurance.

a. The amounts of insurance and coverage levels are in the actuarial table.

b. Your production guarantee per acre by type will be 50, 65, or 75 percent of the average yield per acre for each variety grown on the unit which will be determined in the event of a loss. The yields by each specific hybrid seed production variety for the 5-year period immediately preceding the current crop year as provided by the seed company for the county or local geographic area will be used. If less than 5 years of yield records are available for any variety, the average yield per acre will be established by us. Where more than one variety is grown on a unit, the unit guarantee will be the combination of the guarantees of each variety.

c. Coverage level 2 will apply if you have not elected a coverage level.

d. You may change the coverage level and the amount of insurance before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the amount of insurance, times the premium rate, times the insured acreage, times your share at the time of planting.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on ay unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on insuring experience through the 1983 crop year under the terms of the Experience Table contained in the hybrid seed crop policy for the 1984 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1989 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the 1984 policy;

(4) Once the loss ratio exceeds .80 no further premium reduction will be applicable; and

(5) Participation must be continuous.

6. Deductions for debt.

Any unpaid amount due as may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when both the male and female plant seed are planted and terminates at the earliest of:

(a) Total destruction of the crop;

(b) Combining; threshing, or picking;

(c) Final adjustment of a loss; or

(d) The calendar date established by the actuarial table.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice promptly if:

(a) During the period before harvest, the crop on any unit is damaged and you decide not to further care for or harvest any part of it;

(b) You want our consent to put the acreage to another use; or

(c) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the crop and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage has been put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate either a germination of less than 80 percent or a loss of any unit.

(3) If probable loss is later determined, immediate notice must be given. A representative sample of the unharvested crop (at least 10 feet wide and the entire length of the field) must remain unharvested for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the crop on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the crop which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the crop on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of insurance period.

b. We will not pay you any indemnity unless you:

(1) Establish the total production of the crop on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance per acre;

(2) Substracting from this product the sum of:

(a) The dollar amount obtained by multiplying seed production to count (see section 9e(1)(a)) by the price determined by dividing the amount of insurance per acre by the production guarantee per acre; plus,

(b) The dollar amount obtained by multiplying non-seed production to count (see section 9e(1)(b)) by the local market price of such production on the earlier of the date the loss is adjusted or the date such production is sold; and

(3) Multiplying this remainder by your share.

d. If the information reported by you under Section 3 of the policy:

(1) In the 1985 crop year results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

(2) in the 1986 and succeeding crop years results in a lower premium than the premium determined to be due, the guarantee on the unit will be computed on the information reported and not on the actual information determined. All production from insurable acreage, whether or not reported as insurable will count against the production guarantee.

e. The total production to be counted for a unit will include all harvested and appraised production.

(1) For crop type field corn:

(a) Total seed production to count will include:

(i) All corn delivered to and accepted by the seed company;

(ii) All corn delivered to but not accepted by the seed company unless the germination is less than 80 percent warm test as determined by a certified seed test conducted at the time of delivery; and

(iii) All harvested and appraised production which does not qualify under (i) and (ii) above because of uninsured causes.

(b) Total non-seed production to count will include all harvested and appraised production which does not qualify as seed production.

(c) For the purpose of determining the quantity of harvested production:

(i) Shelled corn will be reduced .12 percent for each .1 percentage point of moisture in excess of 15.5; and

(ii) Ear corn will be measured at 70 pounds of ear corn equaling 56 pounds (one bushel) of shell corn. The weight of ear corn required to equal one bushel of shell corn will be increased 2 pounds for each percentage point of moisture in excess of 14 percent.

(2) Appraised production to count as seed production will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good farming practices;

(b) Not less than your guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(c) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage and given written consent to be put to another use will be considered as seed production unless such acreage is:

(a) Not put to another use before harvest of the crop becomes general in the county;

(b) Harvested; or

(c) Further damaged by an insured cause before the acreage is put to another use.

(4) The amount of production of any unharvested acreage of the crop may be determined on the basis of field appraisals conducted after the end of the insurance period.

(5) When you have elected to exclude hail and fire as insured causes of loss and the crop is damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request To Exclude Hail And Fire".

(6) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You must not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We will pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no instance will we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the crop is planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other insurance against the perils insured under this contract, and damage as a result of those perils occurs during the insurance period, we will be liable for loss due to those perils only for the smaller of:

(i) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from those perils exceeds the indemnity paid or payable under such other insurance. For the purpose of this section, the amount of loss from those perils will be the difference between the fair market value of the production on the unit before the loss and after the loss.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due to us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance will be effective as of the beginning of the crop year.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvest, storage, shipment, sale or other disposition of all of the crop produced on each unit including separate records showing the same information for production for any uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any crop year by giving written notice to the other on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date for the policy on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by United States Department of Agriculture will be the date both such payment and set-off are approved.

d. The cancellation and termination dates are April 15.

e. If you die or are judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any of the terms and provisions of the contract form year to year. If your amount of insurance is no longer offered, the actuarial table will provide the amount of insurance which you are deemed to have elected. All contract changes will be available at your service office by December 31 preceding the cancellation date. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of hybrid seed crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the coverage levels, premium rates, amounts of insurance, practices, insurable and uninsurable acreage, and related information regarding hydrid seed insurance in the county.

b. "Commerical seed" means the offspring of two individual seeds of different genetic character produced as a result of crossing. A portion of this resultant offspring is the product intended for the purpose or use on a commerical basis by the agricultural producer (farmer) to produce the field crop type of grain or silage.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering

on the county, as shown by the actuarial table.

d. "Crop year" means the period within which the crop is normally grown and is designated by the calendar year in which the crop is normally harvested.

e. "Female plant" means the plants grown for the purpose of producing commercial seed.

f. "Harvest" means the completion of combining, threshing or picking of the crop on the unit.

g. "Initially planted" means the completion of planting of both the female and more than 74 percent of the male seed before the final planting date.

h. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

i. "Insured" means the person who submitted the application accepted by us.

j. "Male plant" means the plants grown for the purpose of shedding pollen on female plants.

k. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

l. "Seed company" means a company which contracts with a grower to produce or grow for the production of hybrid seed.

m. "Service office " means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

n. "Tenant" means a person who rents land from another person for a share of the crop or a share of the proceeds therefrom.

o. "Type" means the crop grown: i.e., corn, grain surghum, sunflower, popcorn, etc.

p. "Unit" means all insurable acreage of any one of the crop types in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between you and us. Units as herein defined will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

q. "Variety" means the seed produced from a pair of genetically identifiable parents.

18. Descriptive headings.

The descriptive heading of the various policy terms and conditions is formulated for convenience only and is not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Approved by the Board of Directors on August 16, 1984.

**Peter F. Cole,**

*Secretary, Federal Crop Insurance Corporation.*

Approved by:

**Michael Bronson,**

*Acting Manager.*

Dated: October 12, 1984.

[FR Doc. 84-27649 Filed 10-18-84; 8:45 am]

BILLING CODE 3410-08-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD

### 24 CFR Parts 207, 220, 221, and 231

**[Docket No. R-84-1196; FR-1872]**

### Insurance of Graduated Payment Mortgages for Multifamily Housing

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

**ACTION:** Proposed rule.

**SUMMARY:** The Housing and Urban-Rural Recovery Act of 1983, contains provisions authorizing the Department to insure alternative mortgage instruments that do not provide for a fixed interest rate with level payments. This proposed rule would implement the new legislation with respect to GPMs for certain multifamily projects. It would also provide for the insurance of graduated payment mortgage loans (GPMs). Use of such mortgage loans will be possible under the four FHA rental housing programs: (1) Multifamily housing projects under section 207 of the National Housing Act (NHA), (2) urban renewal projects under section 220 of the NHA, (3) moderate income projects under section 221 of the NHA, and (4) elderly housing projects under section 231 of the NHA.

A multifamily GPM is a mortgage loan that provides for varying rates of amortization corresponding to anticipated variations in project income. The owner's initial payments to principal and interest (debt service) are less than the payments which would be required on the same loan if it were being retired as a level annuity monthly payment (LAMP) loan. In subsequent years, the payments rise and eventually exceed the payments that would be due on a LAMP mortgage.

**DATES:** Comment due date: December 18, 1984.

**ADDRESS:** Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication will be available for public inspection during regular hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** James L. Hamernick, Director, Insured Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5720. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The Housing and Urban-Rural Recovery Act of 1983, Pub. L. No. 98-181, effective November 30, 1983 (1983 Act), contains provisions authorizing the Department to insure alternative mortgage instruments that do not provide for a fixed interest rate with level payments. This proposed rule would implement the new legislation with respect to GPMs for certain multifamily projects.

Section 442 of the 1983 Act amends section 245 of the National Housing Act (as amended in section 441) by providing that the Secretary may insure, under any provision of Title II relating to multifamily housing projects "mortgages and loans with provisions of varying rates of amortization corresponding to anticipated variations in project income". Such mortgages or loans must, as determined by the Secretary, meet the following requirements: "(A) Have promise for expanding housing opportunities or meet special needs; (B) can be developed to include any safeguards for mortgagors, tenants, or purchasers that may be necessary to offset special risks of such mortgages; and (C) have a potential for acceptance in the private market."

A review of the legislation history of Section 442 indicates Congressional

concern about the major obstacles inhibiting the production of multifamily rental housing such as high cost of financing and the reluctance of lenders to invest in traditional, fixed-rate mortgages with maturities of 30 to 40 years. GPMs represent alternative forms of mortgage loans which will satisfy lenders' concerns about exposure in an uncertain mortgage market and enable developers to secure more affordable financing terms. Use of this type of mortgage instrument should encourage the revitalization of a rental housing market.

### II. Features of the GPM program

GPMs would be insured under the department's multifamily insuring authority in sections 207, 220, 221 and 231 of the NHA. Therefore, any mortgagors or mortgagees eligible to participate in those insurance programs would be eligible under the GPM program. *Only* areas with properties and locations which have a favorable potential for increases in future market desirability will be eligible for GPM insurance. Additionally, the section 207 insurance program pursuant to section 223(f) is specifically excluded from the GPM program.

The proposed regulation addresses such matters as the permissible mortgage limits, permissible payment plans and the appropriate mortgage insurance premium for a GPM. The Department's overall concern in evaluating a GPM insurance application is that the project demonstrate potential to provide the mortgagor with adequate revenues so that the required mortgage payments under the financing plan can be made.

### III. Proposed limitations

Under this proposed rule, the sum of payments to principal and interest may increase annually for a period of five years at a rate not to exceed five percent. Any required increase in payments shall occur on the anniversary date of the beginning of amortization. Any such plan will result in negative amortization during the early years of the loan. Payment amounts will be level during each year and adjusted annually for the first five years. In the sixth year, the payments will be level for the remaining term of the mortgage.

The original maximum insurable mortgage amount of the GPM loan for the programs affected by this proposed rule will not exceed the lesser of (1) the limits prescribed by the particular program under which the GPM is insured, or (2) the maximum insurable mortgage amount based upon debt service calculated as follows: The lesser of (a) 90 percent of the Commissioner's estimate of the net income for the first year divided by the first year's effective debt service rate (the interest rate selected by the mortgagee for calculating the first year's level payment schedule, plus MIP, plus initial curtail, *i.e.*, the factor used to establish payments to principal for the initial year), or (b) 100 percent of the Commissioner's estimate of the net income for the first year divided by the permanent mortgage debt service rate (permanent mortgage interest rate, plus MIP, plus initial curtail, *i.e.*, the factor used to establish payments to principal for the initial year) as if the mortgage were to be amortized by level annuity monthly payments (LAMP) for the life of the mortgage.

The method for calculating the original maximum mortgage amount under (a) above, requires the application of a hypothetical initial curtail and interest rate. In fact, under a graduated payment mortgage, payments toward the reduction of the mortgage principal do not occur until after the payment schedule has been adjusted for the last time. Similarly, payments made during the initial years of the mortgage term are insufficient to cover the amount required under the actual mortgage interest rate. Thus, payments of the annual shortfalls are deferred to subsequent years in the mortgage term. This deferral of interest payments results in the mortgage's outstanding principal balance being increased during the first years of the mortgage term (*i.e.*, negative amortization). However, under the proposed rule, the outstanding principal of the mortgage may increase to an amount (including all deferred interest which is added to principal) not to exceed at any time 100 percent of the projected value of the property. Projected value will be calculated by increasing the appraised value of the property or its replacement cost (as appropriate) as of the date the mortgage is accepted for insurance, by no more than 2.5 percent per annum.

The Department is proposing to establish a one percent mortgage insurance premium (MIP) because the Department's exposure as insurer of a multifamily GPM loan is greater than for a fixed rate mortgage.

### IV. Coinsurance

The Department is now developing new requirements governing coinsurance in connection with the construction and substantial rehabilitation of multifamily projects, to be codified at 24 CFR Part 251. The Department anticipates that the final coinsurance rule will become effective during the pendency of this proposed rule making concerning GPMs. Comment is invited on whether the coinsurance procedures set out in Part 251, as amended, should be made applicable to GPMs.

### V. Findings

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

This rule does not constitute a major rule as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities because this rule merely expands the types of mortgages eligible for HUD insurance to include graduated payment mortgages. It will, even when final and effective, impose no involuntary economic benefits or burdens.

This proposed rule was listed as item number 76 in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902 at page 15925), under Executive Order 12291 and the Regulatory Flexibility Act.

Mortgage insurance programs for multifamily housing projects are listed in the Catalog of Federal Domestic Assistance, as program numbers 14.134, 14.135, 14.138 and 14.139.

### List of Subjects

*24 CFR Part 207*

Mortgage insurance, Rental housing, Mobile home parks.

*24 CFR Part 220*

Home improvement, Mortgage insurance, Urban renewal, Rental housing, Loan programs, Housing and community development, Projects.

*24 CFR Part 221*

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, cooperatives.

*24 CFR Part 231*

Aged, Mortgage insurance.

Accordingly the Department proposes to amend 24 CFR Parts 207, 220, 221, and 231 as follows:

## PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. By adding a new § 207.31e to read as follows:

**§ 207.31e Eligibility of graduated payment mortgages.**

A mortgage that contains provisions for varying rates of amortization shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(a) *Amortization provisions:* The mortgage shall contain complete amortization provisions satisfactory to the Secretary requiring monthly payments by the mortgagor not in excess of its reasonable ability to pay as determined by the Secretary. The sum of the payments by the mortgagor may increase annually for a period of five years at a rate not to exceed 5 percent. Any required increase in payments shall occur on the anniversary date of the beginning of amortization. On the termination of the period of annual increases of payments, at the end of five years, the sum of the payments to principal and interest shall be substantially the same for the remaining term of the mortgage. The mortgage may provide that any interest, which accrues and which is unpaid under a financing plan approved by the Secretary, shall be added to the principal obligation of the mortgage.

(b) *Interest rate:* The interest rate charged for a graduated payment mortgage shall be at a rate agreed upon by the mortgagee and the mortgagor.

(c) *Mortgage term:* The graduated payment mortgage shall have a term of up to 40 years.

(d) *Pre-loan disclosure:* The mortgagee shall fully explain to the mortgagor the nature of the obligation undertaken and the mortgagor shall certify that he or she fully understands the obligation.

(e) *Maximum mortgage amounts:* The original maximum insurable mortgage amount shall not exceed the lesser of (1) the limits prescribed in § 207.4, or maximum insurable mortgage amount based on debt service calculated as follows: The lesser of (a) 90 percent of the Commissioner's estimate of the net income for the first year divided by the first year's effective debt service rate (the interest rate selected by the mortgagee for calculating the first year's level payment schedule, plus MIP, plus initial curtail, *i.e.,* the facto used to establish payments to principal for the initial year) or (b) 100 percent of the Commissioner's estimate of the net income for the first year divided by the permanent mortgage debt service rate (permanent mortgage interest rate, plus MIP, plus initial curtail, *i.e.,* the factor used to establish payments to principal for the initial year) as if the mortgage were to be amortized by level annuity monthly payments (LAMP) for the life of the mortgage. Thereafter, the outstanding principal of the mortgage may increase to an amount (including all deferred interest which is added to principal) not to exceed at any time 100 percent of the projected value of the property. Projected value shall be calculated by increasing the appraised value of the property as of the date the mortgage is accepted for insurance, by no more than 2.5 percent per annum.

(f) *Eligibility of property:* The mortgage shall be on real estate located in an area where such real estate has a favorable potential for increases in future market desirability as determined by the Secretary. Marginally acceptable locations and properties shall not be eligible for insurance under this section.

(g) *Cross-reference:* Section 207.6 (payment requirements) shall not apply to this section. This section shall not apply to Section 207.32a (Eligibility of mortgages on existing projects). Section 207.13(a)(3) shall not apply during the period of annual increases in payments under the amortization schedule.

2. By adding a new § 207.252f as follows:

**§ 207.252f Premiums—graduated payment mortgages.**

All of the provisions of §§ 207.252 and 207.252a governing mortgage insurance premiums shall apply to graduated payment mortgages insured under this subpart, except that for graduated payment mortgages, the mortgage insurance premium due on such mortgages in accordance with §§ 207.252 and 207.252a shall be calculated on the basis of one percent.

## PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

3. By adding a new § 220.528 to read as follows:

**§ 220.528 Eligibility of graduated payment mortgages.**

A mortgage that contains provisions for varying rates of amortization shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(a) *Amortization provisions:* The mortgage shall contain complete amortization provisions satisfactory to the Secretary requiring monthly payments by the mortgagor not in excess of its reasonable ability to pay as determined by the Secretary. The sum of the payments by the mortgagor may increase annually for a period of five years at a rate not to exceed 5 percent. Any required increase in payments shall occur on the anniversary date of the beginning of amortization. On the termination of the period of annual increases of payments, at the end of five years, the sum of the payments to principal and interest shall be substantially the same for the remaining term of the mortgage. The mortgage may provide that any interest, which accrues and which is unpaid under a financing plan approved by the Secretary, shall be added to the principal obligation of the mortgage.

(b) *Interest rate:* The interest rate charged for a graduated payment mortgage shall be at a rate agreed upon by the mortgagee and the mortgagor.

(c) *Mortgage term:* The graduated payment mortgage shalll have a term of up to 40 years.

(d) *Pre-loan disclosure:* The mortgagee shall fully explain to the mortgagor the nature of the obligation undertaken and the mortgagor shall certify that he or she fully understands the obligation.

(e) *Maximum mortgage amounts:* The original maximum mortgage amount shall not exceed the lesser of (1) the limits prescribed in §§ 220.507, 220.508, and 220.509 or (2) the maximum insurable mortgage amount based on debt service calculated as follows: The lesser of (a) 90 percent of the Commissioner's estimate of the net income for the first year divided by the first year's effective debt service rate (the interest rate selected by the mortgagee for calculating the first year's level payment schedule, plus MIP, plus initial curtail, *i.e.,* the factor used to establish payments to principal for the initial year) or (b) 100 percent of the

Commissioner's estimate of the net income for the first year divided by the permanent mortgage debt service rate (permanent mortgage interest rate, plus MIP, plus initial curtail, *i.e.*, the factor used to establish payments to principal for the initial year) as if the mortgage were to be amortized by level annuity monthly payments (LAMP) for the life of the mortgage. Thereafter, the outstanding principal of the mortgage may increase to an amount (including all deferred interest which is added to principal) not to exceed at any time 100 percent of the projected value of the property. Projected value shall be calculated by increasing the replacement cost of the property as of the date the mortgage is accepted for insurance, by no more than 2.5 percent per annum.

(f) *Eligibility of property:* The mortgage shall be on real estate located in an area where such real estate has a favorable potential for increases in future market desirability as determined by the Secretary. Marginally acceptable locations and properties shall not be eligible for insurance under this section.

(g) *Cross-reference:* Section 207.6 (payment requirements) shall not apply to this section. Section 207.13(a)(3) shall not apply during the period of annual increases in payments under the amortization schedule.

## PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

4. By adding a new § 221.560d to read as follows:

### § 221.560d Eligibility of graduated payment mortgages.

A mortgage that contains provisions for varying rates of amortization shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this

(a) *Amortization provisions:* The mortgage shall contain complete amortization provisions satisfactory to the Secretary requiring monthly payments by the mortgagor not in excess of its reasonable ability to pay as determined by the Secretary. The sum of the payments by the mortgagor may increase annually for a period of five years at a rate not to exceed 5 percent. Any required increase in payments shall occur on the anniversary date of the beginning of amortization. On the termination of the period of annual increases of payments at the end of five years, substantially the same for the remaining term of the mortgage. The mortgage may provide that any interest, which accrues and which is unpaid under a financing plan approved by the Secretary, shall be added to the principal obligation of the mortgage.

(b) *Interest rate:* The interest rate charged for a graduated payment mortgage shall be at a rate agreed upon by the mortgagee and the mortgagor.

(c) *Mortgage term:* The graduated payment mortgage shall have a term of up to 40 years.

(d) *Pre-loan disclosure*: The mortgagee shall fully explain to the mortgagor the nature of the obligation undertaken and the mortgagor shall certify that he or she fully understands the obligation.

(e) *Maximum mortgage amounts:* The original maximum mortgage amount shall not exceed the lesser of (1) the limits prescribed in §§ 221.514 and 221.515, or (2) the maximum insurable mortgage amount based on debt service calculated as follows: The lesser of (a) 90 percent of the Commissioner's estimate of the net income for the first year divided by the first year's effective debt service rate (the interest rate selected by the mortgagee for calculating the first year's level payment schedule, plus MIP, plus initial curtail, *i.e.*, the factor used to establish payments to principal for the initial year) or (b) 100 percent of the Commissioner's estimate of the net income for the first year divided by the permanent mortgage debt service rate (permanent mortgage interest rate, plus MIP, plus initial curtail, *i.e.*, the factor used to establish payments to principal for the initial year) as if the mortgage were to be amortized by level annuity monthly payments (LAMP) for the life of the mortgage. Thereafter, the outstanding principal of the mortgage may increase to an amount (including all deferred interest which is added to principal) not to exceed at any time 100 percent of the projected value of the property. Projected value shall be calculated by increasing the replacement cost of the property as of the date the mortgage is accepted for insurance, by no more than 2.5 percent per annum.

(f) *Eligibility of property:* The mortgage shall be on real estate located in an area where such real estate has a favorable potential for increases in future market desirability as determined by the Secretary. Marginally acceptable locations and properties shall not be eligible for insurance under this section.

(g) *Cross-reference:* Section 207.6 (payment requirements) shall not apply to this section. This section shall not apply to Section 207.32a (Eligibility of mortgages on existing projects). Section 207.13(a)(3) shall not apply during the period of annual increases in payments under the amortization schedule.

5. By revising § 221.755 to read as follows:

### § 221.755 Premiums first, second, third and operating loss loans.

All of the provisions of §§ 207.252 and 207.252a of this chapter, relating to mortgage insurance premiums, apply to mortgages insured under this subpart that provide for interest at the market rate prescribed in § 221.518(a) except that as to mortgages insured under this subpart pursuant to section 238(c) of the Act, or mortgages that provide for varying rates of amortization of the original loan balance of the mortgage terms, all mortgage insurance premiums due in accordance with §§ 207.52 and 207.252a shall be calculated on the basis of one percent. The provisions of §207.252 shall not apply to:

(a) Mortgages that provide for interest during the construction period at the market rate and for interest subsequent to final endorsement at the below market rate prescribed in § 221.518(b); or

(b) Mortgages encumbering a project in which all units are covered by an annual contributions contract issued pursuant to section 10(c) of the Housing Act of 1937.

## PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

6. By adding a new § 231.17 to read as follows:

### § 231.17 Eligibility of graduated payment mortgages.

A mortgage that contains provisions for varying rates of amortization shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(a) *Amortization provisions:* The mortgage shall contain complete amortization provisions satisfactory to the Secretary requiring monthly payments by the mortgagor not in excess of its reasonable ability to pay as determined by the Secretary. The sum of the payments by the mortgagor may increase annually for a period of five years at a rate not to exceed 5 percent. Any required increase in payments shall occur on the anniversary date of the beginning of amortization. On the termination of the period of annual increases of payments at the end of five years, the sum of the payments to principal and interest shall be substantially the same for the remaining term of the mortgage. The mortgage may provide that any interest, which accrues and which is unpaid under to a

financing plan approved by the Secretary, shall be added to the principal obligation of the mortgage.

(b) *Interest rate:* The interest rate charged for a graduated payment mortgage shall be at a rate agreed upon by the mortgagee and mortgagor.

(c) *Mortgage term:* The graduated payment mortgage shall have a term of up to 40 years.

(d) *Pre-loan disclosure:* The mortgagee shall fully explain to the mortgagor the nature of the obligation undertaken and the mortgagor shall certify that he or she fully understands the obligation.

(e) *Maximum mortgage amounts:* The original maximum mortgage amount shall not exceed the lesser of (1) the limits prescribed in §§ 231.3, 231.5, and 231.6, or (2) the maximum insurable mortgage amount based on debt service calculated as follows: The lesser of (a) 90 percent of the Commissioner's estimate of the net income for the first year divided by the first year's effective debt service rate (the interest rate selected by the mortgagee for calculating the first year's level payment schedule, plus MIP, plus initial curtail, *i.e.*, the factor used to establish payments to principal for the initial year) or (b) 100 percent of the Commissioner's estimate of the net income for the first year divided by the permanent mortgage debt service rate (permanent mortgage interest rate, plus MIP, plus initial curtail, *i.e.*, the factor used to establish payments to principal for the initial year) as if the mortgage were to be amortized by level annuity monthly payments (LAMP) for the life of the mortgage. Thereafter, the outstanding principal of the mortgage may increase to an amount (including all deferred interest which is added to principal) not to exceed at any time 100 percent of the projected value of the property. Projected shall be calculated by increasing the replacement cost of the property as of the date the mortgage is accepted for insurance, by no more then 2.5 percent per annum.

(f) *Eligibility of property:* The mortgage shall be on real estate located in an area where such real estate has a favorable potential for increases in future market desirability as determined by the Secretary. Marginally acceptable locations and properties shall not be eligible for insurance under this section.

(g) *Cross-reference:* Section 207.6 (payment requirements) shall not apply to this section. Section 207.13(a)(3) shall not apply during the period of annual increases in payments under the amortization schedule.

## PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

7. Section 236.1 of Subpart A, by inserting in the cross-reference table after "221.560 Eligibility of refinanced mortgages" and before "221.575 Protection of work in process" the following:

221.560 Eligibility of graduated payment mortgages.

## PART 241—SUPPLEMENTARY FINANCING FOR INSURED MORTGAGES

8. By adding a new § 241.5 in Subpart A to read as follows:

### § 241.5 Graduated payment mortgages.

A project improvement loan cannot be eligible for insurance under this subpart if the project is covered by an insured mortgage that is a graduated payment mortgage.

9. By revising § 241.55 in Subpart A to read as follows:

### § 241.55 Method of loan payment.

The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with the amortization plan as agreed upon by the borrower, the lender, and the Commissioner. The loan may not provide for amortization of the loan amount based on a schedule of graduated payments.

10. By revising § 241.540(a) in Subpart C to read as follows:

### § 241.540 Method of loan payment and amortization period.

(a) *Monthly payments.* The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payment in accordance with the amortization plan as agreed upon by the borrower, the lender and the Commissioner. The loan may not provide for amortization of the loan based on a schedule of graduated payments.

**Authority:** Sections 207, 220, 221, 231, 236 and 241 of the National Housing Act (12 U.S.C. 1713, 1715k, 1715l, 1715v, 1715z–1 and 1715z–6); Sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).

Dated: September 13, 1984.

**Maurice L. Barksdale,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 84–27647 Filed 10–18–84; 8:45 am]

BILLING CODE 4210–27–M

## 24 CFR Part 882

[Docket No. R–84–1209; FR–1800]

## Section 8 Housing Assistance Payments Program—Portability of Existing Housing Certificates

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

**ACTION:** Proposed rule.

**SUMMARY:** Section 8 of the United States Housing Act of 1937 authorizes programs of housing assistance payments to aid lower income persons in renting decent, safe and sanitary housing. The Section 8 Certificate Program (also called the Section 8 Existing Housing Program) implements this statutory authorization by providing assistance to Families through public housing agencies (PHAs) across the United States. This proposed rule would amend the Department's regulations for the Certificate Program to establish basic procedures to allow Section 8 Certificate holders to move freely from one jurisdiction to another, by requiring that one PHA accept a Family from another PHA, under certain stated conditions.

**DATES:** Comment due date: December 18, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Madeline Hastings, Office of Elderly and Assisted Housing, Room 6124, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755–6887. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

### Background

Section 8 of the United States Housing Act of 1937 (the Act) authorizes programs of housing assistance

payments to aid lower income persons in renting decent, safe, and sanitary housing. Two such programs are the Section 8 Certificate Program (also called the Section 8 Existing Housing Program) and the new Housing Voucher Demonstration Program, established by section 207 of the Housing and Urban-Rural Recovery Act of 1983. Pub. L. 98-181, approved November 30, 1983. (See Notice announcing the Voucher program in the July 12, 1984 edition of the Federal Register, 49 FR 28458.)

Current HUD regulations implementing the Section 8 Certificate program are contained in 24 CFR Part 882, Subparts A and B, and Parts 812, 813, and 888. Section 882.103 of the current regulations encourages public housing agencies (PHAs) to promote greater choice of housing opportunities for eligible Families with Certificates by (1) seeking participation of owners within the PHA's jurisdiction, (2) advising Families of their opportunities to lease housing throughout the PHA's area of operation, (3) cooperating with other PHAs issuing Certificates by issuing Certificates to Families already receiving the benefit of Section 8 housing assistance payments who wish to move from the operating area of one PHA to another, and (4) entering into administrative arrangements with other PHAs in order to permit Certificate holders to seek housing in the broadest range of areas. Section 882.209(m)(2) provides that if a participant moves out of the PHA jurisdiction, the Family may obtain continued housing assistance only if the Family is admitted to participation in the Section 8 program of the PHA operating in the area to which the Family moves. The new PHA is not required to admit the Family to its program.

The proposed rule is patterned substantially on a successfully operating mobility program devised by PHAs from the Section 8 Administrator's Association in the State of Massachusetts.

As proposed, a Certificate holder or Section 8 Existing participant could move to any jurisdiction in the country that has a Section 8 Certificate program by requiring a PHA in the new jurisdiction to issue a certificate to the Family, subject to existing program regulations and requirements.

### The Proposed Rule

This proposed rule would amend Part 882 by adding new provisions to provide for a system of permitting national mobility of Certificate holders and participants in the Program. As proposed, there would be no limit on the numbers of Families that could take advantage of the opportunity for portability of assistance. Any Certificate holder or participant in the Section 8 Certificate Program would be permitted to take advantage of this opportunity.

Funds for assistance to the Family are provided by the Initial PHA. For this reason, the Initial PHA must have sufficient funding for continued assistance on behalf of the Family. Since amounts needed to cover housing assistance payments and administrative costs are paid by the Initial PHA to the Receiving PHA, the new PHA's waiting list is not affected by the entry of the new Family.

A Family applies for Section 8 assistance to the Initial PHA. The Initial PHA makes a determination that the applicant qualifies as a Family and is income-eligible, under applicable HUD regulations. When the PHA determines that a Certificate is available it issues a Certificate to the Family.

The Family may elect to use the Certificate within the jurisdiction of the Initial PHA or notify the Initial PHA that the Family wants to move, and request that the Initial PHA issue a "Portability Statement" to the Family. (The Family may request a Portability Statement if it lives in the Initial PHA's jurisdiction and holds a current Certificate, or if it is already a participant (see 24 CFR 882.209) in the Initial PHA's Section 8 program.) The Initial PHA issues to the Family a Portability Statement and other necessary information.

The Initial PHA must issue a Portability Statement at the request of the Certificate holder or participant unless (1) the Initial PHA determines that it does not have sufficient funds for continued assistance for the Family under the Certificate Program or (2) the Initial PHA determines that grounds exist for denying or terminating assistance under § 882.210. If the Initial PHA decides to deny issuance of a Portability Statement to a Certificate holder or participant, the PHA shall give the Family the opportunity for an informal hearing.

The expiration date is stated on the Portability Statement. For a Family who is a current participant in the Initial PHA's program, the Portability Statement expires 120 days from the issuance of the Portability Statement. For a Certificate holder who is not yet a participant, the Portability Statement expires 120 days from the original issuance of the Certificate. These dates may not be extended.

When the Family arrives in the new area, it presents the Portability Statement to the Receiving PHA.

The Receiving PHA must reexamine Family income and composition in accordance with HUD procedures to determine the appropriate unit size and initial Tenant Rent. The Receiving PHA then issues the Family a Certificate, unless it has grounds for denying a Certificate as specified in § 882.210. The term of the Certificate expires upon expiration of the term of the Portability Statement. The Family must submit a Request for Lease Approval before the expiration of the Certificate. If the Receiving PHA determines that the unit is in Decent, Safe and Sanitary condition and that it meets all other program requirements, the Receiving PHA will approve the lease and will enter into an assistance contract with the Owner based on the FMR in effect in the Receiving PHA's area and will make assistance payments to the Owner on behalf of the Family.

The Receiving PHA must provide notice to the Initial PHA if the following situations arise:

The Family submits a Request for Lease Approval before the expiration date of the Portability Statement. The Receiving PHA must so notify the Initial PHA no later than 10 days after the expiration date; or

The Family ceases to be a current paticipant in the Receiving PHA's Certificate Program.

The Department is considering additional notices which may be required in the final rule.

The Initial PHA may assume that the Certificate has expired (and that it is free to issue the Certificate to another Family) if it has not received notice from another PHA within 10 days if the expiration period of the Portability Statement and is not responsible for reimbursing the Receiving PHA for housing assistance payments or administrative fees on behalf of the Family.

The Receiving PHA is responsible for payments to the Owner in the new jurisdiction. To accomplish this, the Receiving PHA bills the Initial PHA for the amount of the Housing Assistance Payments. The Initial PhA is reimbursed for this Housing Assistance Payment amount as part of its regular Quarterly Requisition of funds under the ACC.

If Families move to areas with lower rents, subsidy outlays by the Initial PHA may be reduced. This savings could offset any increases in outlays for Families that move to areas with higher rents. Where PHA experiences a net increase in subsidy outlays (for housing assistance payments and administrative fees), portability of Certificates may become an additional factor leading to the need for contract amendments at some future date. Subject to availability

of funds as appropriated by Congress and as determined by the Secretary, such amendments will continue to be made according to established procedures.

In addition to billing for the assistance payment, the Receiving PHA may also bill the Initial PHA for a portion of the administrative fee, as determined by HUD. The fee for preliminary costs will always go to the Initial PHA. Currently, the Department intends that the Initial PHA will retain an amount between 1½% and 2½% of the FMR, and the Receiving PHA will receive an amount between 6% and 7% of the FMR.

If the portability Family leaves the Section 8 Certificate program, the Initial PHA is free to use the funding previously needed to support payment of subsidy for the Family, for use in the Certificate Program of the Initial PHA.

**Special Circumstances**

In general, the regular Section 8 Certificate regulations will apply to assistance on behalf of a Family that moves from the jurisdiction of one PHA to the jurisdiction of another. The only changes to existing regulations will be to ensure the workability of the portability element of a Certificate. There are, however, two specific circumstances the Department believes it is appropriate to point out in this proposed rule:

Existing regulations (see 24 CFR 882.209(a)(4)) state that "Applicants who are working or who have been notified that they are hired to work in the jurisdiction shall be treated as residents of the jurisdiction." However, proposed § 882.218(b)(1) states that a Certificate holder who notifies the Initial PHA that it wishes to receive a Portability Statement must actually reside in the Initial PHA's jurisdiction. This provision should limit the possibility of "jurisdiction shopping" by a Family, and limit portability to Families who reside in one area but, for whatever reason, feel the need to relocate.

The Receiving PHA does not redetermine income eligibility of a Family presenting a Portability Statement from an Initial PHA (absent a defect in the eligibility determination by the Initial PHA). The Receiving PHA must reexamine Family income or composition in accordance with HUD procedures to determine Tenant Rent and the appropriate unit size.

The proposed rule also contains several conforming amendments to current Subparts A and B of Part 882, to recognize the existence of portability feature of the Section 8 Existing program. It also includes some technical amendments not related directly to the portability of Section 8 Certificates.

**Request for Comments**

The Department seeks comments on this proposed rule as well as another portability plan explained in the Voucher program notice. In that Notice (49 FR 28458, July 12, 1984), we announced the establishment of a national pool of 200 Certificates to promote opportunities for Families (other than those whose heads, spouses or sole members are at least 62 years old) to move to a different state in another PHA's jurisdiction for employment purposes without interrupting housing assistance. We also stated our intention to expand the portability feature to the Certificate program and to make it available for interjurisdictional as well as interstate moves. Comment was invited on both the Voucher portability system and options for expanding portability.

The Department has decided to depart from the system described in the Voucher notice for purposes of this proposal. The proposal explained in this document relies more on local initiative and provides a broader range of opportunities for Families, because it does not limit the geographic area or age of the mover and because it does not make portability contingent on the availability of a limited number of Certificates designated for that purpose.

**Other Matters**

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since the Section 8 Existing Housing program is categorically excluded under HUD regulations at 24 CFR 50.20(d).

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because there is no effect on the program composition of a particular PHA, as reflected in its Annual Contributions Contract.

This rule was listed as item 121 under the Office of Housing in the Department's Semiannual Agenda of Regulation published on April 19, 1984 (49 FR 15902, 15933) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14156—Lower-Income Housing Assistance Program (Section 8).

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

**List of Subjects in 24 CFR Part 882**

Grant programs: Housing and community development, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

## PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Accordingly, the Department proposes to amend 24 CFR Part 882 as follows:

1. Section 882.101 is proposed to be amended by removing paragraph (b), making paragraph (a) an undesignated paragraph, and by revising the section heading to read as follows:

**§ 882.101 Applicability.**

2. Section 882.102 is proposed to be amended by revising the definition of "Existing Housing" as set forth below and by adding the other following definitions in alphabetical order:

**§ 882.102 Definitions.**

* * * * *

*Certificate Program* (or *Section 8 Certificate Program*). See definition of "Existing Housing Program" in this section.

* * * * *

*Existing Housing.* See § 882.110(a)(2).

*Existing Housing Program* (or *Section 8 Existing Housing Program*). The program under this Part (except Subparts D and E of this Part).

* * * * *

*Initial PHA.* A PHA that issues a Portability Statement to a Family.

*Jurisdiction* (or *PHA Jurisdiction*). Areas in which a PHA is not legally barred from entering into Contracts.

* * * * *

*Portability Statement.* A statement issued by the Initial PHA to a Family who wants to move out of the jurisdiction of the Initial PHA. The Portability Statement enables the Family to receive assistance through the Receiving PHA under the Section 8 Certificate Program. The Family presents the Portability Statement to the Receiving PHA, and the Receiving PHA issues a Section 8 Certificate to the Family (see §882.218).

* * * * *

*Receiving PHA.* A PHA that administers a Section 8 Certificate Program in any area where a Family with a Portability Statement wants to live.

* * * * *

3. Section 882.110 is proposed to be amended by redesignating paragraph (a) as paragraph (a)(1), and by adding a new paragraph (a)(2) to read as follows:

**§ 882.110 Types of housing.**

(a)(1) * * *

(2) Existing Housing assisted under the Certificate Program may not include (i) A unit which is covered by an Agreement to Enter Into Housing Assistance Payments Contract or by a Housing Assistance payments Contract under any section 8 program other than the Certificate Program; (ii) a unit which is owned by the PHA administering the ACC for the Certificate Program; or (iii) housing assisted under the Act other than under section 8 or section 17.

* * * * *

4. Section 822.116 is proposed to be amended by revising paragraphs (d) and (k) to read as follows:

**§ 882.116 Responsibilities of the PHA.**

* * * * *

(d) Issuance of Certificates to Families, including the issuance of a Certificate to a Family presenting a Portability Statement issued by another PHA.

* * * * *

(k) Making of housing assistance payments, and payment to a Receiving PHA of amounts required for housing assistance payments and HUD-approved administrative fees, on behalf of a Family to whom the PHA issued a Portability Statement, and who was admitted to the section 8 Certificate Program of the Receiving PHA on the basis of such Portability Statement.

* * * * *

5. Section 882.118 is proposed to be amended by revising paragraph (b)(3) to read as follows:

**§ 882.118 Obligations of the Family.**

* * * * *

(b) * * *

(3) Receive assistance under the Certificate Program while occupying, or receiving duplicative assistance (as determined by HUD) for occupancy of, any other unit assisted under any Federal housing assistance program (including any section 8 program). In the case of a Family that is issued a Portability Statement (see § 882.218), the Family shall vacate any Federally assisted dwelling unit in the jurisdiction of the Initial PHA no later than the beginning of the term of the Assisted Lease under the Certificate Program of the Receiving PHA.

6. Section 882.119 is proposed to be amended by revising paragraph (a) to read as follows:

**§ 882.119 Single ACC.**

(a) All of the units adminstered by a PHA under the Certificate Program (except where the PHA jurisdiction is within the responsibility of more than one HUD Field Office) shall, unless otherwise determined by HUD, be covered by and administered under a single ACC.

* * * * *

7. Section 882.209 is proposed to be amended by revising paragraphs (a)(9), (b)(3) and (m)(2) and by adding new paragraphs (a)(12) and (d)(3), to read as follows:

**§ 882.209 Selection and participation.**

(a) * * *

(9)(i) Nothing in this Part is intended to confer on an applicant for participation any right to be listed on the PHA waiting list, to any particular position on the waiting list to receive a Certificate, or to participate in the PHA's Section 8 Program. The foregoing sentence shall not be deemed to affect or prejudice any judicially-recognized cause of action arising independent of this Part.

(ii) Notwithstanding the provisions of paragraph (a)(9)(i) of this section, the holder of a Portability Statement shall have the right to issuance of a Certificate by the Receiving PHA in accordance with this Part, and to participate in the Section 8 Program of the Receiving PHA. Such right shall be subject to satisfaction of applicable program requirements (including the requirements for PHA approval of a proposed Lease and dwelling unit), and the Receiving PHA may deny issuance of a Certificate to a holder of a Portability Statement in accordance with § 882.210.

* * * * *

(12) The following provisions of this section shall not be applicable when the holder of a Portability Statement from another PHA applies for admission to a Receiving PHA's Certificate Program under § 882.218: paragraphs (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8) and (b)(1).

(b) * * *

(3) The PHA shall maintain a system to assure that the PHA will be able to honor all outstanding Certificates and all amounts payable to Receiving PHAs on behalf of Families issued Portability Statements under § 882.218 with the funding committed by HUD under the PHA's ACC, plus where the PHA acts as a Receiving PHA for a Family under § 882.218, amounts to be paid by the Initial PHA on behalf of the Family.

* * * * *

(d) * * *

(3) With respect to the initial issuance of a Certificate by a Receiving PHA to the holder of a Portability Statement under § 882.218: (i) Paragraphs (d)(1) and (d)(2) of this section shall not apply (but shall be applicable to the subsequent issuance of another Certificate to the Family under § 882.209(m)(1)); and (ii) the Certificate shall expire upon expiration of the term of the Portability Statement issued by the Initial PHA (see § 882.218(c)) unless within that time the Family submits a Request for Lease Approval. Such term may not be extended.

* * * * *

(m) * * *

(2) If a current Certificate holder or Participant in the PHA's Certificate Program wants to move out of the PHA jurisdiction, the Family may ask the PHA to issue a Portability Statement under § 882.218, so that the Family can receive assistance under the Certificate Program of another PHA (with funding provided by the Initial PHA).

8. Section 882.210 is proposed to be amended by revising paragraph (a), and the introductory text of paragraph (b) to read as follows:

**§ 882.210 Grounds for denial or termination of assistance.**

(a) The section states the grounds for denial of assistance to an applicant for participation in the PHA's Certificate Programs, or for denial or termination of assistance to a participant in the program, because of action or inaction by the applicant or participant. (Such grounds shall apply to the denial of a Portability Statement to a Certificate holder or Participant, and to the refusal

to issue a Certificate to the holder of a Portability statement from another PHA, or to enter into a Contract or approve a Lease for such holder.)

(b) The PHA may deny an applicant (including the holder of a Portability Statement from another PHA) admission to participation in the PHA's Certificate Program, may deny issuance of another Certificate to a participant who wants to move to another dwelling unit in the PHA's jurisdiction (see § 882.209(m)(1)), may deny issuance of a Portability statement to a Certificate holder or participant who wants to move to the jurisdiction of another PHA (see § 882.218), and may decline to enter into a Contract, or to approve a Lease, if requested by a Participant, in the following cases:

* * * * *

8. Section 882.216 is proposed to be amended by revising the heading of paragraph (b) and by revising paragraph (b)(1) to read as follows:

**§ 882.216 Informal review or hearing.**

* * * * *

(b) *Informal Hearing on PHA Decision Affecting Participant Family and on PHA Decision Affecting Portability of Assistance.* (1)(i) The PHA shall give a participant in the PHA's Certificate Program an opportunity for an informal hearing in the following cases:

(A) A determination of the amount of the Total Tenant Payment or Tenant Rent (not including determination of the PHA's schedule of Utility Allowances for Families in the PHA's Certificate Program).

(B) A decision to deny or terminate assistance on behalf of the participant.

(C) A determination that a participant Family is residing in a unit with a larger number of bedrooms than appropriate under the PHA standards (see §§ 882.209(b)(2) and 882.213), and the PHA's determination to deny the Family's request for an exception from the standards.

(D) In the case of an assisted Family who wants to move to another dwelling unit with continued assistance in the PHA Certificate Program (see § 882.209(m)(1)), a determination of the number of bedrooms entered on the Certificate under the standards established by the PHA (see § 882.209(b)(2)).

(ii) The PHA shall give the opportunity for an informal hearing in the following cases:

(A) In the case of a Certificate holder or Participant who wants to move to the jurisdiction of another PHA, a decision by the Initial PHA to deny issuance of a Portability Statement (see § 882.218).

(B) In the case of a Family who presents a current Portability Statement issued by another PHA, and is seeking admission to the Receiving PHA's Certificate Program, a decision to deny the Family admission to participation in the Receiving PHA's Certificate Program.

(iii) The purpose of an informal hearing under paragraph (b) of this section shall be to consider whether PHA decisions relating to the individual circumstances of the Family are in accordance with law, HUD regulations and PHA rules.

* * * * *

9. Part 882 is proposed to be amended by adding a new § 882.218, to read as follows:

**§ 882.218 Family Decision to move from PHA Jurisdiction—Portability of Assistance Under Certificate Program.**

(a) *Purpose.* This section establishes a procedure for continued assistance under the national Section 8 Certificate Program to a Certificate holder or Participant Family who wants to move out of the jurisdiction of the original PHA (Initial PHA) and to receive assistance under the Certificate Program of another PHA (Receiving PHA). The Initial PHA issues a document (Portability Statement) to a Certificate holder or Participant Family who qualifies for continuing assistance. The Family presents the Portability Statement to the PHA administering the Certificate Program in the jurisdiction where the Family wants to live. The Receiving PHA then issues a Certificate to the Family.

(b) *Families qualified.* At the request of the Family, an Initial PHA shall issue a Portability Statement to either:

(1) A Family (other than a current participant in the Certificate Program of the Initial PHA) who, at the time of such request, is living in the jurisdiction of the Initial PHA and is the holder of a current Certificate of Family Participation.

(2) A Family who is a current participant in the Certificate Program of the Initial PHA.

(c) *Term of Portability Statement.* The term of the Portability Statement shall begin upon issuance by the Initial PHA, and shall expire as follows:

(1) In the case of a Family described in paragraph (b)(1) of this section, the term of the Portability Statement shall expire 120 days from the date of originial issuance of a Certificate to the applicant by the Initial PHA (without regard to any extension of such Certificate granted by the Initial PHA under § 882.209(d)(2)).

(2) In the case of a Family described in paragraph (b)(2) of this section, the term of the Portability Statement shall expire 120 days from the date of issuance of the Portability Statement by the Initial PHA.

(d) *Issuance of Portability Statement.* (1) The Initial PHA shall issue a Portability Statement at the request of the Family unless (i) the PHA determines (in accordance with HUD requirements and procedures) that it does not have sufficient funding for continued assistance for the Family under the Certificate Program, or (ii) the PHA denies issuance of a Portability Statement in accordance with § 882.210.

(2) A Portability Statement shall be in the form prescribed by HUD, and shall specify the date on which the term of the Portability Statement expires (as determined consistent with paragraph (c) of this section).

(e) *Presentation of Portability Statement to Receiving PHA.* (1) The Family shall present the Portability Statement to a PHA administering the Section 8 Certificate Program in the area where the Family wants to live, and shall request the issuance of a Certificate.

(2) The Receiving PHA shall not deny issuance of a Certificate on the ground that the Family income is above limits for Certificate Program participation in that jurisdiction. The Receiving PHA shall, however, be responsible for reexamination of Family income and composition in accordance with HUD requirements (see §§ 813.109 and 882.212) for the purpose of determining the amount of housing assistance and rent under Part 813, and of determining the appropriate unit size under the PHA standards (see § 882.209(b)(2)).

(3) The Receiving PHA shall issue a Certificate to the Family unless the PHA denies issuance of a Certificate in accordance with § 882.210.

(f) *Notices from Receiving PHA to Initial PHA.* (1) If the Family submits a Request for Lease Approval to the PHA before expiration of the term of the Portability Statement, the Receiving PHA shall notify the Initial PHA of this fact (in accordance with notice procedures prescribed by HUD) no later than 10 days after the expiration of the term. Unless the Initial PHA receives such notice within such period, the Initial PHA shall not be responsible for reimbursing the Receiving PHA (in accordance with paragraph (g) of this section) for housing assistance payments or administrative fees on behalf of the Family, and the Receiving PHA shall be required to cover amounts for housing assistance payments to the

Family within the funding provided under the ACC of the Receiving PHA.

(2) The Receiving PHA shall promptly notify the Initial PHA if the Family ceases to be a current participant in the Certificate Program of the Receiving PHA.

(g) *Reimbursement to Receiving PHA.* (1) The Initial PHA shall pay the Receiving PHA the full amount of housing assistance payments incurred by the Receiving PHA of behalf of the Family. The Initial PHA shall also be required to pay a portion of the administrative costs of the Receiving PHA, in amounts as determined by HUD.

(2) The scheduling of billings by the Receiving PHA to the Initial PHA for amounts payable in accordance with paragraph (g)(1) of this section shall be determined in accordance with HUD procedures and requirements.

**Authority:** Section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d).

Dated: September 18, 1984.

**Maurice L. Barksdale,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 84-27680 Filed 10-18-84; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

### 30 CFR Part 250

### Nondiscrimination in Outer Continental Shelf Contracting

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The proposed rule in implementation of section 604 of the Outer Continental Shelf Lands Act Amendments (OCSLAA) of 1978 would prohibit unlawful discrimination in lessees' contracting and subcontracting related to OCS activities and provide for the enforcement of such prohibition.

**DATE:** Comments must be delivered or postmarked no later than November 19, 1984.

**ADDRESS:** Written comments must be mailed or hand delivered to: Department of the Interior, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091, Attention: David A. Schuenke.

**FOR FURTHER INFORMATION CONTACT:** David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Minerals Management Service; 12203 Sunrise Valley Drive; Mail Stop 646; Reston, Virginia 22091; Telephone: (703) 860-7916 or (FTS) 928-7916.

**SUPPLEMENTARY INFORMATION:** Section 604 of the OCSLAA provides that "no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity, sale or employment, conducted pursuant to the provisions of * * * the Outer Continental Shelf Lands Act." That section also calls for the promulgation of such rules as the Secretary "deems necessary to carry out the purposes of this section. * * *"

Unlawful discrimination in employment practices on the OCS is already barred by section 17 of the Minerals Management Service (MMS) lease (Form MMS-2005). That section incorporates by reference portions of Executive Order 11246 and the implementing regulations at 41 CFR 60-1.4 et seq., which are for the purpose of preventing employment discrimination against persons on the basis of race, color, religion, sex, or national origin. We believe those provisions adequately address any unlawful discrimination in employment practices that may arise on the OCS.

However, no Federal regulations address discrimination based on race, creed, color, national origin, or sex that might occur in the award by lessees of contracts or subcontracts related to OCS activities. Although MMS is not aware of any such discrimination occurring in OCS-related contracts or subcontracts, we believe that our policy should be clear and that procedures to implement that policy should be available.

It is our policy to prohibit and to prevent discrimination based on race, creed, color, national origin, or sex in OCS-related contracts and subcontracts. To achieve that purpose, we are proposing regulations which affirm our policy against such discrimination. We are also proposing procedures under which any person who believes they were denied a contract or subcontract because of prohibited discrimination may complain of such discrimination to an MMS Regional Manager. Should the alleged unlawful discrimination be established using procedures already in place under the regulations in Part 250 of Title 30, a penalty may be imposed. Those regulations provide for investigation of alleged violations, subpoenaing of witnesses and documents, an administrative hearing, and the right to appeal. A maximum penalty of $10,000 per violation is authorized. Each day of noncompliance is considered to be a separate violation. Additionally, the Director may use any other remedy available under the OCS Lands Act (Act), regulations, or lease agreement.

Because no pattern or instance of unlawful discrimination in OCS contracting and subcontracting is known to us, we see no purpose at this time in proposing the establishment of specific contracting programs or in the imposition of new recordkeeping or reporting requirements concerning such contracts.

We are aware that many OCS lessees have contracting programs intended to provide for increased participation of minority-owned and women-owned businesses in OCS work. We believe the proposed rules will not interfere with such voluntary programs but will be compatible with and supportive of such programs.

The Department of the Interior (DOI) has determined that this document does not constitute a major rule under Executive Order 12291 as the total cost is not expected to exceed $5,000 per year. The DOI has also determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because hydrocarbon and other mineral or material activities on the OCS are technically complex and require extensive capital. Such conditions are generally beyond the capability of a small entity.

The information collection requirements in this proposed rule do not require approval by the Office of Management and Budget under 44 U.S.C. 3504(h) because there are less than 10 respondents per year.

Author: This document was prepared by David Schuenke, Offshore Rules and Operations Division, Minerals Management Service.

**List of Subjects in 30 CFR Part 250**

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral royalties, Oil and gas reserves, Penalties, Pipelines, Public lands/mineral resources, Reporting requirements.

Dated: August 21, 1984.

**William D. Bettenberg,**

*Director, Minerals Management Service.*

For the reasons set forth above, 30 CFR Part 250 is proposed to be amended by adding Subpart O as follows:

## PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

### Subpart O—Nondiscrimination in Outer Continental Shelf Contracting

Sec.



**Authority:** 43 U.S.C. 1863.

### Subpart O—Nondiscrimination in Outer Continental Shelf Contracting

#### § 250.210 Purpose.

The purpose of this subpart is to implement the provisions of section 604 of the Outer Continental Shelf Lands Act Amendments of 1978 which provides that "no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity, sale, or employment, conducted pursuant to the provisions of * * * the Outer Continental Shelf Lands Act."

#### § 250.211 Application of this subpart.

This subpart applies to any contract or subcontract entered into by a lessee after the effective date of these regulations to provide goods, services, facilities, or property in an amount of $10,000 or more in connection with any activity related to the exploration for or development and production of oil, gas, or other minerals or materials on the OCS under the Act.

#### § 250.212 Definitions.

As used in this subpart, the following terms shall have the meanings given below:

"Lessee" means the party authorized by a lease, grant of right-of-way, or an approved assignment thereof to explore, develop, produce, or transport oil, gas or other minerals or materials on the OCS pursuant to the Act and this part.

"Contract" means any business agreement or arrangement (in which the parties do not stand in the relationship of employer and employee) between a lessee and any person which creates an obligation to provide goods, services, facilities, or property.

"Subcontract" means any business agreement or arrangement (in which the parties do not stand in the relationship of employer and employee) between a lessee's contractor and any person other than a lessee that is in any way related to the performance of any one or more contracts.

"Person" means a person or company, including but not limited to, a corporation, partnership, association, joint stock venture, trust, mutual fund, or any receiver, trustee in bankruptcy, or other official acting in a similar capacity for such company.

#### § 250.213 Discrimination prohibited.

No contract or subcontract to which this subpart applies shall be denied to or withheld from any person on the grounds of race, creed, color, national origin, or sex.

#### § 250.214 Complaint.

(a) Whenever any person believes that he or she has been denied a contract or subcontract to which this subpart applies on the grounds of race, creed, color, national origin, or sex, such person may complain of such denial or withholding to the Regional Manager of the OCS Region in which such action is alleged to have occurred.

(b) The complaint referred to in paragraph (a) of this section shall be accompanied by such evidence as may be available to a person and which is relevant to the complaint including affidavits and other documents.

#### § 250.215 Process.

Whenever a Regional Manager determines on the basis of any information, including that which may be obtained under § 250.214 of this title, that a violation of or failure to comply with any provision of this subpart probably occurred, the Regional Manager shall proceed in accordance with the provisions of §§ 250.70, 250.71, 250.72, and 250.80 of this title.

#### § 250.216 Remedies.

In addition to the penalties available under §§ 250.80–1 and 250.80–2 of this title, the Director may invoke any other remedies available to him or her under the Act of regulations for the lessee's failure to comply with provisions of the Act, regulations, or lease.

[FR Doc. 84–27661 Filed 10–18–84; 8:45 am]
BILLING CODE 4310–MR–M

# Notices

Federal Register
Vol. 49, No. 204
Friday, October 19, 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.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### Uranium Mill Tailing Remedial Action Program; Memorandum of Agreement

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice. Programmatic Memorandum of Agreement regarding the conduct of the Department of Energy's Uranium Mill Tailing Remedial Action Program in the State of Colorado in a manner affording consideration to historic and cultural properties.

**SUMMARY:** The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement (PMOA) pursuant to Section 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Department of Energy and the Colorado State Historic Preservation Officer. The PMOA provides for the consideration of means to avoid, minimize, or mitigate adverse effects on historic and cultural properties included in or eligible for the National Register of Historic Places in the implementation of the Department of Energy's Uranium Mill Tailings Remedial Action Program within the State of Colorado. The proposed PMOA will establish procedures by which historic and cultural properties in Colorado will be identified, evaluated, and protected in order to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

**DATE:** *Comments Due:* November 19, 1984.

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

Dated: October 15, 1984.

**Robert R. Garvey, Jr.,**

*Executive Director.*

[FR Doc. 84-27675 Filed 10-18-84; 8:45 am]
BILLING CODE 4310-10-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Applications for Duty-Free Entry of Scientific Instruments; University of Chicago, et al.

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

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

Docket No. 84-208. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, IL 60439. Instrument: Streak Camera with Delay, Model C979. Manufacturer: Hamamatsu Photonics, Japan. Intended use: Determination of the detailed molecular mechanism of the conversion of sunlight of chemical energy by photosynthesis. These studies involve both the natural photosynthetic organisms and laboratory systems designed to mimic features of natural photosynthesis. Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84-273. Applicant: The Children's Hospital, 1056 E. 19th Avenue, Denver, CO 80218. Instrument: Electron Microscope, Model EM 10 C/CA/CR. Manufacturer: Carl Zeiss, West Germany. Intended use: The instrument is intended to be used in a research program focused upon gaining a better understanding of pathologic processes, so as to develop improved means of diagnosis and treatment of childhood diseases. A wide variety of mainly biological specimens will be subjected to ultrastructural study, ranging from tissue sections (at magnifications as low as 150X) to isolated virus particles (at magnifications as high as 250,000X). The projects under investigation include the following:

(1) Correlative study of light and electron microscopic features of pediatric tumors.

(2) Application of electron microscopy to the diagnosis of aseptic meningitis.

(3) Morphometric characterization of Birbeck granules in histiocytosis X cells and epidermal langerhans cells.

(4) Synthetic skin for burn coverage.

(5) Precancerous gingival lesions resulting from snuff abuse.

In addition, the instrument will be used for educational purposes in the course "Electron Microscopy in Human Medicine" to produce graduates capable of using this diagnostic tool with competence in their future practice. Application received by Commissioner of Customs: August 6, 1984.

Docket No. 84-290. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: MAZ Updating Discriminator, Model 4608. Manufacturer: Lecroy Research Systems, Switzerland. Intended use: Studies aimed at the understanding of the behavior of the nucleus through the use of nuclear reactions. Several experiments address the study of the reaction mechanisms, others look at the properties of the nuclei formed in the reactions. Application received by Commissioner of Customs: June 27, 1984.

Docket No. 84-295. Applicant: Lamont Doherty-Geological Observatory/Columbia University, Route 9W, Palisades, NY 10964. Instrument: Wireline-based borehole stress-measuring system. Manufacturer: Befeld Einmechanic, West Germany. Intended use: Measurement of Earth stress through the hydraulic fracturing of boreholes. The primary experiment to be conducted is to characterize the nature of stress variations that occur in bedded sandstone-shale sequences which might serve as hydrocarbon reservoirs. The objective of the research is to develop a better understanding of the factors which influence the distribution of horizontal stresses prevailing in the uppermost kilometer of the Earth's crust and, where appropriate, evaluate the

importance of the results with regard to the stimulation of oil and gas reservoirs. Data gathered will be used in the writing of a thesis which constitutes part of Ph.D. requirements. Application received by Commissioner of Customs: September 26, 1984.

Docket No. 84–303. Applicant: Maryland State Police, Crime Laboratory, 1201 Reisterstown Road, Pikesville, MD 21208. Instrument: Video Spectral Comparator, Model VSC–1A/V. Manufacturer: Foster & Freeman Ltd., United Kingdom. Intended use: Provide valuable means of detecting alterations, erasures and substitutions in suspect documents. Application received by Commissioner of Customs: September 14, 1984.

Docket No. 84–315. Applicant: University of Arizona, Department of Biochemistry, Biological Sciences West, Tucson, AZ 85721. Instrument: Rotating Anode X-ray Generator, Model GX-20 with Accessories. Manufacturer: Marconi Avionics, United Kingdom. Intended use: Studies of crystals of myosin subfragment-1 to obtain the three-dimensional crystal structure of the myosin molecule and understand the molecular basis of muscle contraction. The instrument will also be used by graduate and undergraduates for thesis and research work. Application received by Commissioner of Customs: September 26, 1984.

Docket No. 84–317. Applicant: University of Illinois at Chicago, Department of Physics, P.O. Box 4348, Chicago, IL 60680. Instrument: Nb-Sn Superconducting Magnet System, with Accessories. Manufacturer: Oxford Instruments, United Kingdom. Intended use: Studies of Group II–VI semiconductor superlattices. The experiments to be performed will include resistivity, Hall effect, cyclotron resonance and electron-dipole excited spin resonance. The objectives of these experiments are: (a) characterization of new material, (b) study properties of two-dimensional electron gas that is not possible in the Group VI and Group III–V, and (c) study of collective ground state at high magnetic fields. The instrument will be used by graduate students during their dissertation research. Application received by Commissioner of Customs: September 26, 1984.

Docket No. 84–318. Applicant: U.S. Environmental Protection Agency, National Enforcement Investigations Center, Building 53, Box 25227, Ent. E–2, Denver, CO 80225. Instrument: Inductively Coupled Plasma Source Mass Spectrometer, Model ELAN 250. Manufacturer: Sciex, Inc., Canada. Intended Use: Studies of ground water underlying hazardous waste disposal sites, samples of hazardous waste taken from drums, pits, piles, tankers and spill areas; wastewater from a variety of industrial sources, surface water, soil, sediment, air particulates, fuel such as gasoline and gasohol and industrial products, byproducts and waste materials. Experiments to be conducted will include analysis of materials to correlate environmental contamination to sources based on fingerprinting the elemental and isotopic composition of the materials. Application received by Commissioner of Customs: September 26, 1984.

Docket No. 84–319. Applicant: Indiana University, 1101 E. 17th Street, Bloomington, IN 47405. Instrument: Electrophoresis System, Model Mark II with Accessories. Manufacturer: Rank Brothers, United Kingdom. Intended Use: Examination of the use of electrophoresis as a method of separating pyrite from coal and in general reducing the sulfur content of coal. Microelectrophoresis experiments with various aqueous suspension media will be conducted. Application received by Commissioner of Customs: September 26, 1984.

Docket No. 84–320. Applicant: North Texas State University, P.O. Box 13915, Denton, TX 76203. Instrument: Electron Microscope. Model JEM–100CX with Accessories. Manufacturer: JEOL, Ltd., Japan. Intended Use: The instrument will be used by biology faculty and graduate students for ultrastructural studies of procaryotic and eucaryotic organisms with the objective of elucidating structure-function relationships in these systems. In addition, the research will be directed toward phylogenetic studies of insects. Faculty and graduate students in the physical sciences will use the instrument for materials analysis. The instrument will also be used in the course "Electron Microscopy" to acquaint students with the theory as well as the methods used in electron microscopy. Application received by Commissioner of Customs: September 26, 1984.

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

**Frank W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 84–27619 Filed 10–18–84; 8:45 am]

BILLING CODE 3510-DS-M

[A–588–053]

## Birch 3-Ply Doorskins From Japan; Preliminary Results of Administrative Review of Antidumping Finding and Intent To Revoke in Part

**AGENCY:** International Trade Administration/Result Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of administrative review of antidumping finding and intent to revoke in part.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on birch 3-ply doorskins from Japan. The review covers the 23 known manufacturers and/or exporters of this merchandise to the United States currently covered by the finding and generally the period February 1, 1982 through January 31, 1983. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their sales during the period of review. The Department intends to revoke the finding with respect to Japanese birch 3-ply doorskins manufactured by Marutama Industries Co., Ltd. and exported to the United States by Toyo Menka Kaisha Ltd., Mitsui & Co., Ltd., Mitsubishi Corporation, and Nichimen Co., Ltd.

Interested parties are invited to comment on these preliminary results and intent to revoke in part.

**EFFECTIVE DATE:** October 18, 1984.

**FOR FURTHER INFORMATION CONTACT:** Dennis U. Askey or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–2923/5255.

**SUPPLEMENTARY INFORMATION:**

### Background

On May 25, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 22578) a tentative determination to revoke in part the antidumping finding on birch 3-ply doorskins from Japan (41 FR 7389, February 18, 1976) with respect to such merchandise manufactured and sold for export to the United States by Marutama Industries Co., Ltd. On July 20, 1983, the Department published in the **Federal Register** (48 FR 33026–7) the final results of its next administrative

review of the finding and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now completed that administrative review.

### Scope of the Review

Imports covered by the review are shipments of birch 3-ply doorskins, manufactured in a variety of glue types, sizes, and colors. Birch 3-ply doorskins are currently classifiable under items 240.1420, 240.1440, and 240.1460 of the Tariff Schedules of the United States Annotated.

The review covers the 23 known manufacturers and/or exporters of Japanese birch 3-ply doorskins to the United States currently covered by the finding and generally the period February 1, 1982, through January 31, 1983.

Eleven firms did not ship Japanese birch 3-ply doorskins to the United States during the period. For those firms the estimated antidumping duties cash deposit rate will be the most recent rate for each firm.

We have preliminarily determined not to cover two firms, Hokusei, and Tokiwa Plywood in this or future section 751 reviews. Hokusei is no longer in business, and Tokiwa no longer manufactures birch 3-ply doorskins. This is not a proposal to revoke the finding with respect to Hokusei or Tokiwa Plywood. Should those firms export Japanese birch 3-ply doorskins to the United States, we will treat those firms as new exporters.

### United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the f.o.b. price to unrelated Japanese trading companies for export to the United States. Where appropriate, we made deductions for foreign inland freight and loading charges. No other adjustment were claimed or allowed.

### Foreign Market Value

In calculating foreign market value the Department used either the price to a third-country (Canada) or constructed value both as defined in section 773 of the Tariff Act, since insufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Third-country price was based f.o.b. Japan price to the first unrelated purchaser in Canada with adjustments, where appropriate, for foreign inland freight and loading charges. No other adjustments were claimed or allowed.

Constructed value was calculated as the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. The amount added for general expenses was ten percent of the sum of materials and fabrication costs or actual general expenses, whichever was higher. The amount added for profit was eight percent of the sum of materials, fabrication costs, and general expenses or actual profit, whichever was higher.

### Preliminary Results of the Review and Intent to Revoke in Part

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

| Manufacturer/exporter | Time period | Margin (percent) |
|---|---|---|
| Matsumoku Industries, Ltd./ C. Itoh & Co., Ltd | 02/01/82-01/31/83 | [1] 0 |
| Mitsubishi Corporation | 02/01/82-01/31/83 | [1] 0 |
| Nitta Venneer/C. Ioh & Co., Ltd | 02/01/82-01/31/83 | [1] 0 |
| Sanmoku Lumber Co., Ltd./C. Itoh & Co., Ltd | 02/01/82-01/31/83 | 0 |
| Associated Lumber Co., Ltd | 02/01/82-01/31/83 | [1] 0 |
| Toyo Menka Kaisha, Ltd | 02/01/82-01/31/83 | 0 |
| Mitsui & Co., Ltd | 02/01/82-01/31/83 | 0 |
| Mitsubishi Corporation | 02/01/82-01/31/83 | 0 |
| Sattsuru Venneer Co., Ltd./ C. Itoh & Co., Ltd | 02/01/82-01/31/83 | 0.007 |
| Mitsubishi Corporation | 02/01/82-01/31/83 | 0.03 |
| Mitsui & Co., Ltd | 02/01/82-01/31/83 | 0 |
| Toyo Menka Kaisha, Ltd | 02/01/82-01/31/83 | 0.5 |
| Yuasa Trading Co., Ltd | 02/01/82-01/31/83 | 0 |
| Teshiogawa Lumber Co., Ltd./Ikeuchi Industries Co., Ltd | 02/01/82-01/31/83 | 0 |
| Ataka Kensai, K.K. (formerly Ataka & Co.) | 02/01/82-01/31/83 | [1] 5.0 |
| Fujikawa Veneer Co., Ltd | 02/01/82-01/31/83 | [1] 0 |
| Iwakura Gumi/Mitsubishi Corporation | 02/01/82-01/31/83 | [1] 0 |
| Toyo Menka Kaisha Ltd | 02/01/82-01/31/83 | [1] 0 |
| All other exporters | 02/01/82-01/31/83 | [1] 7.2 |
| Keisei Lumber Co., Ltd | 02/01/82-01/31/83 | [1] 0 |
| Kiyosato Rinsan/Nissho/ Iwai | 02/01/82-01/31/83 | [1] 1.6 |
| All other exporters | 02/01/82-01/31/83 | [1] 0.7 |
| Okura & Co | 02/01/82-01/31/83 | [1] 1.8 |
| Shingu Shokko | 02/01/82-01/31/83 | [1] 0 |
| Showa Lumber | 02/01/82-01/31/83 | [1] 0 |
| Marutama Industries Co., Ltd./Toyo Menka Kaisha Ltd | 02/01/81-05/25/82 | 0 |
| Mitsui & Co., Ltd | 02/01/81-05/25/82 | 0 |
| Mitsubishi Corporation | 02/01/81-05/25/82 | 0 |
| Nichimen Co., Ltd | 02/01/81-05/25/82 | 0 |

[1] No shipments during the period.

As a result of our review we intend to revoke the finding on birch 3-ply doorskins from Japan with respect to such merchandise manufactured by Marutama Industries and exported to the United States by Toyo Menka Kaisha Ltd., Mitsui & Co., Ltd., Mitsubishi Corporation, and Nichimen Co., Ltd. These firms made all sales at not less than fair value from February 18, 1976 through May 25, 1982, the date of our tentative determination to revoke in part. As provided for in § 353.54(e) of the Commerce Regulations, Marutama has agreed in writing to an immediate suspension of liquidation and reinstatement in the finding under circumstances as specified in the written agreement.

If the finding is revoked, it will apply to all entries of Japanese birch 3-ply doorskins produced by Marutama Industries Co., Ltd., exported to the United States by Toyo Menka Kaisha Co., Ltd., Mitsui & Co., Ltd., Mitsubishi Corporation, and Nichimen Co., Ltd., and entered, or withdrawn from warehouse, for consumption on or after May 25, 1982.

Interested parties may submit written commenits on these preliminary results and intent to revoke in part 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 the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for those firms. Since the margins for Sattsuru Veneer Co., Ltd./C. Itoh & Co., Ltd. and Sattsuru Veneer Co., Ltd./Mitsubishi Corp. are less than 0.5 percent and, therefore, de minimis for cash deposit purposes, the Department shall waive the cash deposit requirement for those combinations. For any future entries from a new exporter not covered in this or prior administrative reviews, whose first shipments of Japanese birch 3-ply doorskins occurred after January 31, 1983, and who is unrelated to any reviewed firm, a cash deposit of 0.5 percent shall be required. These deposit requirements and waivers are effective for all shipments of Japanese birch 3-ply doorskins entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review, intent to revoke in part, 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 §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53 and 353.54).

Dated: October 12, 1984.

Alan F. Holmer,

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 84-27674 Filed 10-18-84; 8:45 am]

BILLING CODE 3510-DS-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Requesting Public Comment on Bilateral Textile Consultations With Korea To Review Trade in Category 359pt.

October 16, 1984.

On October 1, 1984, the Goverment of the United States requested consultations with the Government of the Republic of Korea with respect to cotton vests in Category 359pt. (only TSUSA numbers 379.0270, 379.0654, 379.3950, 379.5700, 379.5820, 383.0628, 383.4200 and 383.4320), produced or manufactured in Korea. 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 if no solution is agreed upon in consultations with Korea, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Category 359pt., produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1984 and extends through December 31, 1984.

Anyone wishing to comment or provide data or information regarding the treatment of this category from Korea under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in this category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 84-27688 Filed 10-18-84; 8:45 am]

BILLING CODE 3510-DR-M

### Amending Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mexico

October 16, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 22, 1984. For further information contact Eve Anderson, International Trade Specialist (202) 377-4212.

#### Background

The Governments of the United States and Mexico have exchanged letters amending their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, to increase for 1984, among other things, the designated consultation levels for dresses in Category 336 to 40,000 dozen and blouses in Category 341 to 90,000 dozen. These changes apply to good produced and manufactured in Mexico and exported during 1984. Accordingly, the Chairman of CITA is directing the Commissioner of Customs to adjust the levels to the designated amounts.

A description of 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).

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

October 16, 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 9, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during 1984.

Effective on October 22, 1984, you are directed to further amend the directive of December 9, 1983 to increase the levels established for cotton textile products in Categories 336 and 341 to the following:

| Category | Amended 12-mo restraint level[1] |
|---|---|
| 336 | 40,000 dozen. |
| 341 | 90,000 dozen. |

[1] The levels have not been adjusted to reflect any imports exported after December 31, 1983.

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

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 84-27689 Filed 10-18-84; 8:45 am]

BILLING CODE 3510-DR-M

### Increasing the Import Limit for Certain Cotton Textile Products From Pakistan

October 16, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 23, 1984. For further information contact Carl Ruths, International Trade Specialist (202) 377-4212.

#### Background

A CITA directive dated December 13, 1983 (48 FR 55892) established limits for certain specified categories of cotton textile products, including Categories

300–369, as a group, and, among others, individual Categories 331 (gloves), 363 (terry and other pile towels), and 369 pt. (dish towels and shop towels in T.S.U.S.A. numbers 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440 and 366.2740), produced or manufactured in Pakistan and exported during the agreement year which began on January 1, 1984. Under the terms of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan and at the request of the Government of Pakistan, swing and carryforward are being applied, variously, to the restraint limits established for cotton textile products in the forgoing categories, increasing those limits for goods exported during 1984.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended 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).

**Ronald I. Levin**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

October 16,1984.

**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 from the Chairman of the Committee for the Implementation of Textitle Agreements concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Effective on October 23, 1983, the directive of December 14, 1982 is hereby further amended to include increased restraint limits for cotton textile products in the following categories, exported during the agreement year which began on January 1, 1984: [1]

| Category | Adjusted 12-Mo. restraint limit [1] |
|---|---|
| 300-369 | 244,176,402 square yards equivalent. |
| 331 | 601,419 dozen pairs. |
| 363 | 23,811,818 numbers. |

[1] The Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan provides, among other things, that: (1) Within the aggregate limit specific restraint limits may be exceeded by designated percentages; (2) specific limits may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

| Category | Adjusted 12-Mo. restraint limit [1] |
|---|---|
| 369 pt.[2] | 2,196,599 pounds. |

[1] The limits have not been adjusted to reflect any imports exported after December 31, 1983.
[2] In Category 369 only T.S.U.S.A. numbers 366.1820, 366.1840, 366.3120, 366.2140, 366.2420, 366.2440, and 366.2740.

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

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 84-27671 Filed 10-18-84; 8:45 am]

BILLING CODE 3510-DR-M

## Withdrawal of Call on Certain Cotton Apparel Products Produced or Manufactured in Turkey

October 16, 1984.

On March 19, 1984 a notice was published in the **Federal Register** (49 FR 10143) which announced the establishment of a twelve-month limit for men's and boys' knit shirts in Category 338, produced or manufactured in Turkey and exported during the twelve-month period which began on December 29, 1983 and extends through December 28, 1984. The purpose of this notice is to announce that the United States Government has concluded that there is no further need to control this category at the designated limit of 264,000 dozen at this time; however, should it become necessary to discuss this category with the Government of Turkey at a later date, further notice will be published in the **Federal Register.**

Effective Date: October 22, 1984.

**Ronald I. Levin,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

October 16, 1984.

**Committee for the Implementation of Textile Agreements**

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

Dear Mr. Commissioner: This letter cancels and supersedes the directive of March 12, 1984 concerning cotton textile products in Category 338, produced or manufactured in Turkey, effective on October 22, 1984.

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

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 84-27670 Filed 10-18-84; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

## Little Rock District; Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Pumped Storage Projects at Petit Jean and Manitou Mountains (White Oak), AR

**AGENCY:** Army Corps of Engineers, DOD.

**ACTION:** Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

**SUMMARY:**

**Proposed Actions**

The Arkansas River Hydropower Study was authorized by a resolution adopted on June 20, 1979 by the United States Senate Committee on Environment and Public Works. The study is being documented by a series of interim reports. The fourth interim report prepared by the Little Rock District contains construction plans for the Petit Jean and White Oak Pumped Storage projects as well as plans for expansion of the existing Ozark and Dardanelle powerhouses. The pumped storage projects are unique to the overall study. The previous interim report addressed conventional hydropower additions at existing navigation locks and dams. Due to no significant impacts or public controversy, Findings of No Significant Impacts were issued on the conventional hydropower additions on Locks and Dams 13, 9, 8, 2–6, Murray, and are foreseen for the Ozark and Dardanelle Lock and Dam additions.

Due to possible adverse impacts to aesthetic, aquatic, and archelogical resources the publicly controversial pumped storage projects warrant further environmental studies.

**Projects**

The following projects are to be addressed in the Draft Environmental Statement:

(1) Petit Jean—The Petit Jean powerhouse would be located on the right bank between Lock and Dam No. 9 (at Morrilton) and Dardanelle Lock and Dam, near navigation mile 186. The forebay reservoir would be located atop

Petit Jean Mountain about 2 miles north of Lake Bailey. The plan includes the construction of a powerhouse adjacent to the right bank of the Arkansas River. The powerhouse would contain reversible Francis-type pump/turbines. The number of units and overall plant capacity have not been determined. A tunnel would connect the powerhouse with the forebay reservoir located on top of Petit Jean Mountain. During low power demand periods at night the units would operate as pumps to fill the forebay. During peak power demand periods the water stored in the forebay would be used to generate power. The project would operate on a weekly cycle.

(2) White Oak—The White Oak project would be located on the left bank about 4 miles upstream of Ozark Lock and Dam. The forebay reservoir for the White Oak project would be located atop Manitou Mountain. The plan includes the construction of a powerhouse on the left bank of the Arkansas River at navigation mile 206.8. The powerhouse would contain reversible Francis-type pump turbines. The number of units and overall plant capacity have not been determined. The operation of the project is the same as the Petit Jean project described above.

Scoping Process

a. *Public Involvement*—A Public Notice was issued on June 3, 1982 announcing the initiation of preauthorization studies. Public meetings were held on 11 September 1984 and 13 September 1984 at Petit Jean and Ozark, Arkansas, respectively. The public meetings encouraged public participation in the study. The majority of landowners and state agencies in attendance at the meetings expressed opposition to the construction of pumped storage projects.

Coordination with Federal, State, and local officials has been and will continue to be maintained through a series of meetings and mailings.

b. *Significant issues to be addressed in the DEIS are:*

(1) Aesthetic impacts to both mountaintops and surrounding environment.

(2) Location and mitigation of possible archeological sites; i.e., petroglyphs and pictographs.

(3) Fishery impact within Pool No. 9 and Ozark Lake in the Arkansas River due to pumped storage operations.

(4) Recreational impacts.

(5) Impacts related to construction activities; i.e., noise, dust, and traffic control.

(6) Disposal material and borrow areas.

c. *Other environmental review and consultation requirements.* This project will be reviewed for compliance with the following:

Fish and Wildlife Act of 1956
Fish and Wildlife Coordination Act of 1958
National Historic Preservation Act of 1969
National Environmental Policy Act of 1969
Endangered Species Act of 1973
Water Resource Development Act of 1976
Executive Order 11990, Wetlands Protection, May 1977
Executive Order 11988, Floodplain Management, May 1977
Clean Air Act of 1977
Clean Water Act of 1977
Corps of Engineers, Department of the Army, Policy and Procedure for Implementing NEPA (ER 200–2–2)
Corps of Engineers, Department of the Army, 33 CFR Part 230, Environmental Quality

Estimated Date of DEIS Release

It is anticipated that the DEIS will be available to the public in June 1985.

**ADDRESS:** Questions about the proposed action and DEIS can be answered by Ken Carter, Project Reports Section, Planning Branch, U.S. Army Corps of Engineers, Little Rock District, P.O. Box 867, Little Rock, Arkansas 72203–0867 (telephone 501–378–5607).

Dated: September 28, 1984.

**John O. Roach,**

*Department of the Army Liaison Offices with the Federal Register.*

[FR Doc. 84–27672 Filed 10–18–84; 8:45 am]
BILLING CODE 3710–GL–M

## DEPARTMENT OF EDUCATION

### Office of Postsecondary Education

### National Resource Centers Program and Foreign Language and Area Studies Fellowships Program; Application Notice for New Projects for Fiscal Year 1985

Applications are invited for new projects under the National Resource Centers Program and the Foreign Language and Area Studies Fellowships Program.

Authority for these programs is contained in Section 602 of the Higher Education Act of 1965, as amended. (20 U.S.C. 1122)

These programs issue awards to institutions of higher education.

The purpose of the awards under the National Resource Centers Program is to provide general assistance for nationally recognized centers of excellence in modern foreign languages and area studies and in modern foreign languages and international studies. The purpose of the Foreign Language and Area Studies Fellowships Program is to provide incentive awards to meritorious students undergoing advanced training in modern foreign languages and related area studies. The fellowships are awarded through approved institutions of higher education with nationally recognized programs of excellence.

*Closing date for transmittal of applications:* An application for a grant must be mailed or hand delivered by December 19, 1984.

*Applications delivered by mail:* An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.015, National Resource Centers and Fellowships Porgrams, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Late applications will not be considered and will be returned to the applicant.

*Applications delivered by hand:* An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

*Program information:* The eligibility requirements for National Resource Centers are contained in § 656.2 of the program regulations while the selection criteria are contained in § 656.31 of the regulations (34 CFR 656.2 and 656.31). The institutional eligibility requirements

for fellowships are contained in § 657.2(a) of the program regulations while the selection criteria are contained in § 657.31 (34 CFR 657.2(a) and 657.31). These regulations were published in the Federal Register on April 1, 1982 in 47 Fr 14118–14122.

**Funding Priorities for National Resource Centers**

The regulations governing the National Resource Centers Program permit the establishment of funding priorities (34 CFR 656.31(m) and 656.33). This year the Secretary has not established binding priorities for centers but suggests that applicants submit applications that propose to—

(1) Develop and implement a comprehensive plan for evaluating its foreign language program for the purpose of adopting for its program standards and evaluation procedures (testing) compatible with the most recent national standards and procedures adopted by the American Council on the Teaching of Foreign Languages. Copies of these standards and information about the procedures are available from the Council. The address is 579 Broadway, Hastings-on-Hudson, New York 10706.

(2) Initiate or strengthen effective linkages between language and area studies and professional schools, such as business, education, law, library science and journalism.

(3) Strengthen its language program by increasing to ten hours of instruction per week its introductory and intermediate language skill courses and by adding advanced third and fourth year regular language skill courses. (Such advanced courses do not include literature or tutorial courses.)

(4) Initiate or strengthen summer intensive language institutes in cooperation with other institutions of higher education offering the languages to be taught. Summer institutes shall offer systematic instruction in languages not taught on a regular basis in the United States during the summer, shall provide instruction in introductory and intermediate courses of not less than 20 hours per week and shall provide the equivalent of a full academic year's work of language training.

(5) Initiate or expand outreach activities in the area of teacher education through technical assistance and in-service training programs in foreign language and area studies and international education for teachers in local elementary and secondary schools and institutions of higher education. Applicants proposing outreach activities in cooperation with elementary and secondary schools are encouraged to provide evidence of a formal agreement which describes the nature of such cooperation.

**Priorities for Foreign Language and Area Studies Fellowships**

The regulations governing this program permit the establishment of priorities for languages, academic disciplines, world areas, countries, and topics (34 CFR 657.31(n)). The priorities established below are not weighted. The Secretary will give priority to applicants that—

(1) Propose to award fellowships to students, including those enrolled in terminal masters degree programs, who combine language and area studies with professional studies such as business, law or journalism.

(2) Propose to award fellowships to students studying the less commonly taught languages and cultures of non-Western countries.

(3) Propose to award fellowships to students or faculty members enrolled in cooperative, advanced, intensive foreign language programs in the United States or abroad.

(4) In their selection of fellows, will assign the lowest consideration to students—

(i) Who are studying French, Iberian Spanish, German, and Italian;

(ii) Who already possess language fluency equivalent to educated native speakers in the language for which the award is sought;

(iii) Who are taking the first 18 semester hours (27 quarter hours) or their equivalent in Latin American Spanish and Russian language instruction;

(iv) Who are taking the first 12 semester hours (18 quarter hours) in chinese and Japanese language instruction; and

(v) Who are not planning to study language during their fellowship tenure.

(5) For the following specific world areas, propose to give the highest consideration in the selection of fellows to students enrolled in the academic disciplines listed for that world area—

(i) For Africa: Economics, geography, sociology, and the humanities other than history;

(ii) For East Asia: Economic, geography, linguistics, sociology, humanities other than history and literature, and professional fields;

(iii) For Latin America: Economics, geography, linguistics, sociology, humanities other than history and literature, and professional fields;

(iv) For the Middle East: Economics, geography, linguistics, sociology, humanities other than history and literature, and professional fields;

(v) For South Asia: Economics, geography, sociology, humanities other than history, and professional fields;

(vi) For Southeast Asia: Humanities other than history;

(vii) For USSR and Eastern Europe: Anthropology, economics, geography, sociology, humanities other than history and literature, and professional fields, as well as giving lowest priority to literature;

(viii) For Western Europe: Anthropology, economics, political science, sociology, humanities other than history and literature, and professional fields, as well as giving lowest priority to literature.

**Relevance to Employment**

Applicants for an allocation of fellowships are reminded that their applications are reviewed for relevance to employment possibilities (§ 657.31(1)) and are thus advised to provide information concerning the placement of all graduates at the master and doctoral levels for the past three years.

*Available funds:* The Administration's budget for Fiscal Year (FY) 1985 does not request an appropriation for these programs. However, based on previous years' appropriations, approximately $12,100,000 may be made available for the Centers Program in FY 85 if it were to be funded. These funds could support approximately 90 awards to centers at an average level of approximately $134,000. Up to 15 percent of the awards may be used for undergraduate centers and approximately 15 percent of the awards may be used for centers in comparative area studies, or for international affairs or topic-oriented centers. The remaining funds would help insure the maintenance of a minimal national capability in modern foreign languages and area studies for every major region in the world. The apportioning of funds will favor priority activities.

Approximately $7,200,000 may be available for the Fellowship Program. Approximately 800 awards could be made in FY 85 at this level of funding. Stipend levels would be $5,000 for an academic year fellowship and $1,250 for a summer intensive language fellowship. Fellowships transported to summer cooperative programs on other campuses or abroad may also include up to $500 each in travel funds.

Applications for fellowships would be considered for all world areas and the general international category. Institutions would apply for allocations for the academic year or summer or both.

These estimates do not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Funding commitments would be for three years, with second and third year funding dependent on performance and availability of funds.

*Application forms:* Application forms and program information packages may be obtained by writing to the Advanced Training and Research Branch, Center for International Education, U.S. Department of Education, 400 Maryland Avenue SW. (Room 3923 ROB-3), Washington, DC 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information package is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content reporting, or grantee performance requirements beyond those specifically imposed under statute and regulations governing the competition. The Secretary strongly urges that the narrative portion of the application not exceed 75 pages, double-spaced, for single institutions and 100 pages for consortia, and appendices be limited to course lists and vitae of faculty and professional staff. (Approved by OMB under control number 1840-0068).

*Applicable regulations:* Regulations applicable to these programs include the following:

(a) Regulations governing the National Resource Centers Program 34 CFR Parts 655 and 656.

(b) Regulations governing the Foreign Language and Area Studies Fellowships Program, 34 CFR Parts 655 and 657.

(c) Regulations governing both programs: Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77 and 78.

*Further information:* For further information contact Joseph F. Belmonte, Advanced Training and Research Branch, Center for International Education, U.S. Department of Education, 400 Maryland Avenue SW., (Room 3923, ROB-3), Washington, DC 20202. Telephone: (202) 245-9425.

(20 U.S.C. 1122)

(Catalog of Federal Domestic Assistance No. 84.015—National Resource Centers and Fellowships Programs)

Dated: October 9, 1984.

**T. H. Bell,**

*Secretary of Education.*

[FR Doc. 84-27257 Filed 10-18-84; 8:45 am]

BILLING CODE 4000-01-M

## Intergovernmental Advisory Council on Education; Hearing

**AGENCY:** Intergovernmental Advisory Council on Education.

**ACTION:** Notice of Hearing.

**SUMMARY:** This notice sets forth the schedule of a hearing of the Intergovernmental Advisory Council on Education. Notice of this hearing is required under section 10(a)(2) of the Federal Advisory Committee Act.

**DATE:** November 30, 1984.

**ADDRESS:** Federal Office Building, 601 East 12th Street, Room 140, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Laverne Johnson, Intergovernmental Advisory Council on Education, Department of Education, 300 7th Street SW., Room 513, Washington, D.C. 20202 (202) 472-6464.

**SUPPLEMENTARY INFORMATION:** The Intergovernmental Advisory Council on Education is established under section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council was established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education

The Intergovernmental Advisory Council on Education will conduct a Public Hearing on November 30, 1984. The hearing schedule is as follows:

9:30 a.m.—Educational Partnerships
11:00 a.m.—Student Achievement and Discipline
2:00 p.m.—Higher Education Reauthorization Proposals
3:30 p.m.—Press Availability.

Individuals, organizations, and associations need to register for the November 30 hearing. To register due to limited space and time, write or call Ms. Laverne Johnson, Intergovernmental Advisory Council on Education, 300 7th Street SW., Room 513, Washington, D.C. 20202, (202) 472-6464. (Testifiers will be limited to five (5) minutes. Each testifier must provide written comments. Those wishing to submit comments only may do so by mailing them to Ms. Johnson.)

Records are kept of all Council proceedings and are available for public inspection at the Office of Intergovernmental Advisory Council on Education, 300 7th Street SW., Room 513, Washington, D.C. 20202.

Signed at Washington, D.C., on Friday, October 12, 1984.

**A. Wayne Roberts,**

*Deputy Under Secretary for Intergovernmental and Interagency Affairs.*

[FR Doc. 84-27648 Filed 10-18-84; 8:45 am]

BILLING CODE 4000-01-M

## Office of Vocational and Adult Education

### Application Notice for Transmittal of Applications for Fiscal Year 1985 for a Model Retraining Project Serving Unemployed Displaced Workers in the Johnstown, PA Area

Applications are invited for the development of a model retraining project for displaced workers, including counseling, placement, follow-up, and other support services for unemployed residents of the Johnstown, Pennsylvania area. Public and private agencies may apply. Training must be provided in the johnstown area.

Authority for this program is contained in Pub. L. 98-396, making supplemental appropriations for fiscal year 1984 and sections 171(a)(1) and 132(a)(1) of the Vocational Education Act of 1963, as amended.

#### Closing Date for Transmittal of Applications

Applications for this award must be mailed or hand delivered by November 19, 1984.

#### Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.051, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying

on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

**Applications Delivered by Hand**

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building No. 3, 7th and D Streets, SW., Washington D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00. a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

**Program Information**

The Division of Innovation and Development of the Office of Vocational And Adult Education supports a range of research, development and demonstration activities designed to produce techniques and materials to meet the unique vocational education and training needs of certain special populations.

The funding provided under this notice is to be used for the development of an exemplary model for retraining program displaced workers, including vocational retraining, counseling, placement, follow-up, and other support services for unemployed residents of the Johnstown, Pennsylvania area. Public and private agencies and organizations may apply under this notice. However, training must be provided in the Johnstown area. The Secretary strongly encourages applicants to utilize existing training programs, facilities, equipment, and materials, where possible, and that the proposed projects be closely linked with ongoing economic development activities.

The award period is up to three years. The Secretary intends to provide financial assistance ot the successful applicant through a grant.

**Background**

The economy of the Johnstown area was built on coal, steel, and support industries. These industries were particularly hard hit by recent economic developments. Layoffs and plant closing during 1982 and 1983 drove the unemployment rate in the Johnstown area to 24.9 percent in April, 1983, the highest in the Nation. Johnstown continued to hold the highest unemployment rate in the Nation for three months during 1983, and the rate remains high.

Residents of the Johnstown area have embarked on a number of self-help efforts including a range of economic development activities and a modest retraining program. However, prospects for a sizeable reduction in unemployment depend, in part, on the retraining of unemployed workers for jobs in other occupations. Current efforts are restricted by a lack of funding. In recognition of this emergency situation, Congress has authorized the transfer of funds to the Department of Education to fund a Model Displaced Worker Retraining Project for Johnstown. The training must be provided in the Johnstown area. The Secretary strongly urges that the project supports and be linked to current and planned economic development efforts, Job Training Partnership Act (JTPA) initiatives, and Pennsylvania State Employment Service activities.

Where unemployed workers are currently receiving subsistence or maintenance support from labor unions, the Secretary encourages applicants to use persons designated by such unions in planning the project and, to the extent possible, to train such persons to work with the project in recruiting, counseling, training, and placement functions.

The enabling legislation specifically provides that *no* funds may be used for construction.

The Secretary encourages applications that provide the following services:

(a) Expansion of current retraining activities and development of retraining programs in new occupations, as appropriate, to train 300 unemployed residents of Cambria and Somerset counties for full-time employment. Persons would be trained in occupations where jobs are currently available or where jobs are expected to become available as a result of economic development activities.

(b) Development of techniques and materials that could serve as a model for other retraining efforts nationwide including—

(1) Trainee recruitment and screening procedures;

(2) Identification of trainee characteristics;

(3) Retraining curricula, based on trainee characteristics and occupational requirements, which do not duplicate existing curricula;

(4) Evaluation methods and materials; and

(5) Final project evaluation.

(c) Development of placement materials and negotiation of agreements with area employers to place all trainees who are ready for employment, using, where possible, the placement mechanisms of the Johnstown Office of the Pennsylvania State Employment Service.

(d) Provision of career and personal counseling.

(e) Provision of a program of post-placement follow-up and supportive services.

(f) Reports and other deliverables as specified in the application package.

**Intergovernmental Review**

On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A–95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

This proposed funding action affects only the State of Pennsylvania. The State of Pennsylvania has established a process, designated a single point of contact, and has selected this program for review. The Pennsylvania single point of contact has indicated that applications for this project must be submitted to the single point of contact under Executive Order 12372 procedures. Immediately upon receipt of this notice, applicants that are governmental entities, including local

educational agencies, must contact the State single point of contact to find out about, and to comply with, the State's process under the Executive Order. The address for the State single point of contact for Pennsylvania is Pennsylvania Intergovernmental Council, P.O. Box 1288, Harrisburg, Pennsylvania, 17108. *Attn.:* Charles Griffiths, Executive Director, Telephone (717) 783–3700.

Any State process recommendation and other comments submitted by the State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by December 19, 1984 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.051), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

**Available Funds**

The Secretary has reserved funds to award one grant for the Model Retraining Project in the amount of $570,000 for up to a three-year period.

However, this notice does not bind the U.S. Department of Education to fund any project in this area, or to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

**Application Forms**

Application forms and program information packages may be obtained by writing or calling the Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (ROB 3, Room 5052), Washington, D.C. 20202. (Attention: Timothy Halnon) Telephone (202) 245–2774.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary urges that applicants not submit information that is not requested.

**Applicable Regulations**

Regulations governing this program include the following:

Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Since this grant program is being carried out under newly enacted legislation, the applications for new awards will be evaluated competitively under the selection criteria for a grant program that does not have regulations (34 CFR 75.210). Under § 75.210(c) of EDGAR, the Secretary is authorized to distribute an additional 15 points to those already assigned to each criterion. The distribution of these points results in the following values for each criterion:

(1) Meeting the Purposes of the Authorizing Statute (40).
(2) Extent of Need for the Project (20).
(3) Plan of Operation (20).
(4) Quality of Key Personnel (7).
(5) Budget and Cost Effectiveness (5).
(6) Plan of Evaluation (5).
(7) Adequacy of Resources (3).

*Further information:* For further information, contact Timothy Halnon, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW., (ROB–3, Room 5052), Washington, D.C. 20202. Telephone: (202) 245–2774.

(Pub. L. 98–396; secs. 171(a)(1) and 132(a)(1) of the Vocational Education Act of 1963, as amended)

(Catalog of Federal Domestic Assistance No. 84.050, Vocational Education: Programs of National Significance)

Dated: September 12, 1984.

**T.H. Bell,**

*Secretary of Education.*

[FR Doc. 84–27724 Filed 10–18–84; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Bonneville Power Administration

### Availability of the Bonneville Power Assistance Instructions

**AGENCY:** Bonneville Power Administration (BPA), DOE.

**ACTION:** Notice of Document Availability.

**SUMMARY:** Copies of the Bonneville Power Assistance Instructions (BPAI) which establishes the procedures BPA uses in the solicitation, award, and administration of financial assistance instruments (principally grants and cooperative agreements) are now available from BPA for $10 each.

**ADDRESS:** Copies of the BPAI may be obtained by sending a check to the General Accounting Section—DTKC, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

**FOR FURTHER INFORMATION CONTACT:** N. L. Linscott, Contracts Manager at the above address, 503–230–4513.

**SUPPLEMENTARY INFORMATION:** The Bonneville Power Administration was established in 1937 as a Federal Power Marketing agency in the Pacific Northwest. BPA is a nonappropriated fund entity which finances its operations from power revenues. Its financial assistance operations are conducted under 16 U.S.C. 832a (f) and (g) as well as 16 U.S.C. 839 et. seq. The BPAI utilizes the special authorities referred to in the preceding sentence as a basis for establishing BPA financial assistance policy; however, it follows the principles provided in the relevant OMB circulars.

All BPA financial assistance solicitations include notice of applicability and availability of the BPAI for the information of proposers on particular solicitations.

Issued in Portland, Oregon, October 10, 1984.

**Peter T. Johnson,**

*Administrator.*

[FR Doc. 84–27683 Filed 10–18–84; 8:45 am]

BILLING CODE 6450–01–M

### Proposed Long Term Intertie Access Policy; Intent to Prepare an Environmental Impact Statement

**AGENCY:** Bonneville Power Administration (BPA), DOE.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement (EIS), Announcement of Scoping Meetings, and Request for Comment. *BPA File No:* IAP–EIS.

**SUMMARY:** BPA has proposed to establish a long term policy on access to its Pacific Intertie capacity which will govern all future requests by other entities for Pacific Intertie transmission services (48 FR 33515). BPA hereby gives public notice of its intent to hold two scoping meetings and to prepare and consider an EIS analyzing the environmental effects of this proposed policy. BPA also requests suggestions for issues which should be resolved in a long term policy.

BPA presently has resources surplus to its existing loads and most Pacific Northwest (PNW) utilities are in a

similar surplus condition. Thus, there has been and likely will be more demand for use of the Intertie than available Intertie capacity. The Intertie Access Policy will set forth conditions and provisions for access to BPA's share of the AC and DC transmission lines from the PNW to the Pacific Southwest (PSW), both present and future capacity. This long term proposal may have an effect on long term resource planning.

Consistent with the National Environmental Policy Act, BPA is soliciting suggestions and comments to identify the actions, alternatives, and impacts to be considered in the preparation of the EIS on the Intertie Access Policy. BPA will hold public scoping meetings (see dates below) to clarify the proposal and to invite suggestions to assist in defining the scope of the EIS and the major issues which the policy should address.

*Responsible Official*: Mr. James L. Jones, Deputy Power Manager, is the official responsible for the development of the long term Intertie Access Policy. For questions on the policy itself, please contact Mr. Jones at 503–230–5152.

**DATES:** Registration for the scoping meetings will be at 8:30 a.m., an the meeting will begin at 9 a.m. Dates and locations are:

November 7, 1984, Sheraton Inn—Portland International Airport, 8235 NE Airport Way, Columbia C–D Room, Portland, Oregon

November 14, 1984, Holiday Inn—Convention Center, 50 Eighth Street, San Francisco, California.

The comment period will close on November 30, 1984.

**ADDRESS:** BPA also welcomes written comments that will help to determine the scope of the EIS and the major issues to be addressed in the policy. Written comments should be submitted to Mr. Anthony R. Morrell, Environmental Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Written comments pursuant to this notice will be accepted through November 30, 1984. Additional opportunities to comment on the scope may be identified at some future time. Please indicate which comments are directly related to the scope of the environmental issues that should be examined in the EIS, and which are more related to the scope of the policy.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the EIS should be directed to Mr. Anthony R. Morrell, Environmental Manager at BPA. For further information on the public involvement process or on the scoping meetings, call Ms. Lynn Baker, Public Involvement Office, 503–230–3478. Oregon callers may use 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800–547–6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–522–6226.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707, 208–334–9137.

**SUPPLEMENTARY INFORMATION:** BPA's proposed long term policy will set forth conditions and provisions for access by existing and new resources to BPA's share of the Intertie. The long term Intertie Access Policy is necessary because questions are raised regarding the interrelationship of Intertie access priorities to long term firm power transactions, to new Intertie facilities development, and to new resource development. These long term questions require consideration of new issues and involve potentially different impacts than those addressed in the near term Intertie Access Policy (see Related Issues).

Central to BPA's concern is that the long term policy create no substantial interference with its power marketing program. So long as BPA's policy furthers its power marketing program, BPA believes that adoption of an appropriate long term Intertie Access Policy can provide substantial additional benefits to the PNW, BPA, and the PSW. These benefits include increased certainty of Intertie access for economic and desirable long term transactions; more certainty for associated resource planning issues; and maximum opportunity to capitalize on diversity between the Northwest system and the Southwest system. In addition, extraregional entities may be encouraged to participate more fully and constructively in both PNW and PSW resource planning and operations as a means of gaining increased access.

In developing such a policy, BPA is mindful of the need to develop a policy which addresses several significant concerns. These include:

1. The impact on PNW power supply as a consequence of granting long term Intertie access.

2. The impact on utility planning and operations within the Western Systems Coordinating Council's system.

3. The impact on fish and wildlife.

4. The sharing of benefits of the Intertie between the PNW and PSW.

5. How benefits should be shared among BPA and other PNW utilities.

6. The impact on resource operations by both PBA and PNW utilities, as related to limits set by applicable licenses and permits, or otherwise established pursuant to law.

### Alternatives

BPA will consider a range of alternatives in developing the policy and preparing the EIS. The alternatives which BPA has identified to date (other than the no action alternative) reflect varying proportional allocations among BPA and non-Federal entities, and appropriate methods to provide access for firm and nonfirm energy sales. The need for one alternative or another will change depending on the expected size of the Intertie, but the alternatives identified here encompass the full range of appropriate policies.

In the first alternative, BPA would not propose a long term access policy, and would return to prior scheduling policies.

The second alternative would reserve enough capacity on the lines to meet all of BPA's sales, both firm and nonfirm. This reservation would vary yearly as water conditions changed, providing little certainty for other PNW entities, which would have access to the remaining capacity on a nonfirm basis.

The third alternative reserves firm transmission capacity to assure delivery of contracted firm sales only, without limit for both BPA and non-Federal entities. BPA and all other PNW entities would share access to remaining capacity for non-Federal nonfirm.

The fourth alternative provides assured access for BPA and PNW utilities up to the levels of their respective firm surpluses without the need for an underlying contract for sale of power. Nonfirm access for all utilities, including BPA, would be allocated on the remaining capacity as in Alternative 3.

Other reasonable alternatives may also be identified through the scoping process.

**Issues**

Within this range of alternatives, BPA will be exploring various treatments of specific provisions and issues. Examples of some of these follow, and undoubtedly more issues will be suggested during the scoping process.

1. One area of analysis is how a long term policy may affect long term resource development decisions in the PNW. The EIS will examine whether any incentives for resource development result from increased marketability due to assured delivery of firm sale contracts and, if so, whether the policy predicts the type of resource development.

2. What kinds of environmental and other criteria (if any), including provisions for fish and wildlife, should be incorporated into the policy as conditions on access for new or existing resources? Other bases for limiting Intertie access also may be suggested through the public comment process.

3. How any alternative selected would provide for long term agency or bilateral sales.

4. How any alternative selected would provide for access to extraregional resources.

5. What procedures should be in place in case the PNW needs to import power in the future?

It is not clear at this time whether there are environmental differences among either the policy level alternatives or the specific provisions. The scoping process will aid in this evaluation and ensure that environmental considerations are taken into account as the policy is developed.

**Related Issues**

BPA has proposed and put into effect on an interim basis a near term Intertie Access Policy to provide intertie access for existing PNW resources only. This policy is effective only until March 1, 1985. At that time, BPA will adopt a policy to be effective until approximately summer 1986 or when the long term Intertie Access Policy can be finalized.

BPA's near term policy focuses on the hour-by-hour allocation of the Intertie for the marketing of currently operating PNW resources only and provides assured delivery under certain circumstances for firm sales contracts. BPA is preparing an Environmental Assessment (EA) on the near term policy to follow the policy presently in effect, and plans to distribute the EA for public review in early 1985.

It is intended that the long term Intertie Access Policy apply to all capacity controlled by BPA by ownership or contract right, including both current capacity and planned uprates, the DC Intertie terminal expansion, and the AC Intertie uprates acted upon by Congress in the Fiscal Year 1985 Energy and Water Developments Appropriation Act. BPA believes that these Intertie uprates are economic based upon potential nonfirm economy energy transactions involving existing surplus energy. Use of BPA Intertie capacity from both existing facilities and uprates for long term transactions will be analyzed in the course of preparing this EIS.

BPA is also acting as agent working with PNW and PSW utilities to negotiate long term power sales arrangements between the two regions and may sell firm displacement or other power to PNW utilities making bilateral sales arrangements with PSW utilities. Long term intertie access may be an important component of such transactions, and this EIS will examine the implications of such access.

**Related Documents**

July. 22, 1983 Notice of Intent to Develop a Policy (48 FR 33515).

Feb. 16, 1984 Discussion paper of policy issues and issue alert (49 FR 5990).

July. 30, 1984 Draft Near Term Policy (49 FR 30098).

Issued in Portland, Oregon, on October 10, 1984.

**Peter T. Johnson,**

*Administrator.*

[FR Doc. 84-27684 Filed 10-18-84; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

### Oil Pipeline Tentative Valuation

October 15, 1984.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative basic valuation is under consideration for the common carrier by pipeline listed below:

**1982 Basic Report**

Valuation Docket No. PV-1479-000—General American Pipe Line Company, 944 Adams Building, Bartlesville, Oklahoma 74004.

On or before November 23, 1984, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in section19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

**Francis J. Connor,**

*Administrative Officer, Oil Pipeline Board.*

[FR Doc. 84-27604 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-705-000]

### Boston Edison Co.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on September 27, 1984, Boston Edison Company (Boston Edison) tendered for filing revised Exhibit B's, designated as Rate S-8, to its rate schedules for its three customers served under its total requirements wholesale rate. Those customers and their FERC rate schedules are as follows:

| | FERC Rate Schedule No. |
|---|---|
| Town of Concord | 47 |
| Town of Norwood | 48 |
| Town of Wellesley | 51 |

Boston Edison also tendered for filing a revised Exhibit B to its Contract

Demand tariff under which partial requirements service is furnished to the Town of Reading.

Boston Edison states that the proposed increase is to be made effective in two steps and that the amounts by which the Step A and Step B increases respectively exceed the presently effective rates based on the test year beginning October 1, 1984 is:

| | Step A | Step B |
|---|---|---|
| Town of Concord | $485,787 | $659,865 |
| Town of Norwood | 623,730 | 828,929 |
| Town of Wellesley | 694,357 | 924,327 |
| Town of Reading | 407,762 | 545,762 |

Boston Edison requests that Step A increases be granted an effective date of November 27, 1984 and Step B increases be granted an effective date of November 28, 1984. Boston Edison has asked that the Step A increase for a customer be deemed withdrawn if the Step A and Step B increase for the customer are both suspended for one day or both suspended for five months. According to Boston Edison, it has filed the rate increases in order to recover its increased costs of providing electric service and to earn a fair return on its investment dedicated to the public service.

Boston Edison has also included with this filing a rate schedule supplement to reflect the present status of its 1980 agreement with each of the Rate S customers that wholesale rate increases may not be made effective sooner than retail rate increases. That agreement was to terminate on March 1, 1985 if notice of termination was given within the twelve months preceding March 1, 1984. The proposed supplements reflect the fact that the required termination notice was given and that the rate filing agreements terminates as of March 1, 1985. The Company has requested that the supplements be made effective on November 27, 1984.

Boston Edison further states that a copy of the filing has been served upon each of the customers affected by the proposed changes and to the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 23, 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. 84-27690 Filed 10-18-84; 8:45 am]

**BILLING CODE 6717-01-M**

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**[Docket No. ES85-1-000]**

## Canal Electric Co., Application

October 12, 1984.

Take notice that on October 2, 1984, Canal Electric 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 $85 million of short-term debt on or before December 31, 1986 with a final maturity no later than December 31, 1987.

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 31, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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. 84-27691 Filed 10-18-84; 8:45 am]

**BILLING CODE 6717-01-M**

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**[Docket No. ER85-6-000]**

## Central Louisiana Electric Co., Inc.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 1, 1984, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing notices of cancellation for rate schedules listed below. CLECO states that all rate schedules to be cancelled have expired by their own terms or have been terminated where service is no longer needed.

| Rate schedule No.(s) | Other parties | Date | Expiration date |
|---|---|---|---|
| FPC No. 28 | Gulf States Utilities Co. | 2/5/71 | 12/5/80 |
| FPC No. 31 | City of Franklin, Louisiana. | 9/15/75 | 1/1/76 |
| FERC No. 34 | Lousiana Power & Light Co. | 7/5/78 | 10/1/78 |
| FERC No. 36 | Gulf States Utilities Co. | 10/16/78 | 11/15/79 |
| FERC No. 37 | Gulf States Utilities Co. | 11/27/78 | 12/1/79 |
| FERC No. 38 | Gulf States Utilities Co. | 11/29/78 | 1/1/80 |
| FERC No. 40 | Gulf States Utilities Co. | 11/7/79 | 6/1/81 |
| FERC No. 41 | Gulf States Utilities Co. | 11/7/79 | 1/1/81 |
| FERC No. 42 | Gulf States Utilities Co. | 10/24/80 | 1/1/82 |
| FERC No. 43 | Cajun Electric Power Cooperative, Inc. | 5/11/81 | 5/27/82 |
| FERC No. 49 | Louisiana Energy and Power Authority. | 9/21/82 | 12/31/82 |

CLECO requests the effective dates as stated above (expiration date), and therefore requests waiver of the Commission's notice requirements.

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, N.E., 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 26, 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. 84-27692 Filed 10-18-84; 8:45 am]

**BILLING CODE 6717-01-M**

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**[Docket No. CP84-736-000]**

## Columbia Gas Transmission Corp.; Request Under Blanket Authorization

October 12, 1984.

Take notice that on September 25, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84-736-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of W. R.

Grace & Co., Davison Chemical Division (W. R. Grace), under the certificate issued in Docket No. CP83–76–000 pursuant to section 7 of the Natural Gas Act, all as more fully set fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 4.5 billion Btu equivalent of natural gas per day for W. R. Grace through June 30, 1985. Columbia states that the gas to be transported would be purchased from Ohio Gas Marketing, Inc. (OGM), and would be used as boiler fuel and process gas in W. R. Grace's Baltimore, Maryland, plant.

It is indicated that W. R. Grace has made arrangements to purchase this gas from OGM. Columbia states that it would receive the gas from OGM and redeliver the gas to Baltimore Gas & Electric Company (BG&E), the distribution company serving W. R. Grace, near Baltimore, Maryland. Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) 40.11 cents per dt equivalent for storage and transmission, exclusive of company-use and unaccounted-for gas, or (2) 44.93 cents per dt equivalent for storage, transmission, and gathering, exclusive of company-use and unaccounted-for gas, as set forth in Columbia's Rate Schedule TS–1. Columbia states that it would retain 2.85 percent of the total of gas delivery into its system for company-use and unaccounted-for gas, as set forth in Columbia's Rate schedule TS–1.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR) 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84–27693 Filed 10–18–84; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. ER85–10–000]**

## Consolidated Edison Company of New York, Inc.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 3, 1984, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a supplement (the Supplement) to its Rate Schedule FERC No. 55, an agreement to provide transmission service to Philadelphia Electric Company (Philadelphia). The Supplement increases the transmission charge from 2.6 mills to 2.7 mills per kilowatt hour for interruptible transmission of power and energy purchased by Philadelphia from Central Hudson Gas & Electric Corporation and Orange and Rockland Utilities, Inc. The Supplement would increase annual revenues from jurisdictional service during Period I by $2,070.40.

Con Edison requests waiver of the notice requirements of the Commission's regulations so that the Supplement can be made effective as of September 15, 1984.

Con Edison states that a copy of this filing has been served by mail upon Philadelphia.

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 Federal Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 30, 1984. Protests will be considered by the Commission in determining the approporiate 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. 27694 Filed 10–18–84; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. ER84–706–000]**

## Dayton Power and Light Co.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on September 27, 1984, Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Mendon (Mendon), Ohio.

DP&L states that the proposed Agreement allows Mendon to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Mendon.

DP&L requests the Commission waive its notice and filing requirements and permit the proposed Agreement to become effective October 1, 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, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 23, 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. 84–27695 Filed 10–18–84; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. ER85–11–000]**

## Florida Power & Light Co.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 3, 1984, Florida Power and Light Company (FP&L) tendered for filing a document entitled Amendment Number Nine to Agreement to provide specified transmission service between FP&L and the Tampa Electric Company [Rate Schedule FERC No. 57].

FP&L states that under Amendment Number Nine, FP&L will transmit power and energy for Tampa Electric Company as is required in the implementation of its interchange agreement with City of Starke, Florida.

FP&L requests waiver of the Commission's regulations be granted and that the proposed Amendment be made effective immediately.

Copies of this filing were served upon Tampa Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 30, 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. 84-27696 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ER85-13-000]**

## Florida Power & Light Co.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 3, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled Amendment Number Eight to Agreement to provide specified transmission service between FP&L and Jackson Electric Authority (Rate Schedule FERC No. 60).

FP&L states that under Amendment Number Eight, FP&L will transmit power and energy for Jacksonville Electric Authority as is required in the implementation of its interchange agreement with City of Starke and City of St. Cloud.

FP&L requests that waiver of the Commission's regulations be granted and that the proposed Amendment be made effective immediately.

Copies of this filing were served upon Jacksonville Electric Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 30, 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. 84-27697 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ER85-14-000]**

## Florida Power & Light Co.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 3, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled Amendment Number Thirteen to Agreement to provide specified Transmission service between FP&L and City of Homestead, Florida (Rate Schedule FERC No. 55).

FP&L states that under Amendment Number Thirteen, FP&L will transmit power and energy for City of Homestead, Florida as is required in the implementation of its interchange agreement with City of Starke, Florida.

FP&L requests that waiver of the Commission's regulations be granted and that the proposed Amendment be made effective immediately.

Copies of this filing were served upon Homestead, Florida.

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 30, 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. 84-27698 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ER85-2-000]**

## Illinois Power Co., Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 2, 1984, Illinois Power Company (Illinois) tendered for filing a proposed Revised Facility Use Agreement between Union Electric Company (UE) and Illinois dated August 9, 1984, replacing in its entirety the Facility Use Agreement between the parties dated February 14, 1972.

Illinois indicates that this filing is made to provide for future replacement of facilities installed by one party for the benefit of another, or for the mutual benefit of both parties. A termination charge is provided for, in the case of a party benefitting from facilities provided by another party but no longer requiring those facilities. Illinois states that a copy of the filing was served on UE and the Illinois Commerce Commission.

Illinois requests an effective date of September 1, 1984, and therefore requests waiver of the Commission's notice requirements.

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 26, 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. 84-27699 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ER-85-000]**

## Montana Power Co. Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 1, 1984, Montana Power Company (Montana) tendered for filing a revised Index of Purchasers, identified as Seventh Revised Sheets Nos. 9 and 10 under FERC Electric Tariff, 2nd Revised Volume No. 1, which has been revised to show the addition of the Eugene Water and Electric Tariff, summaries of sales made under the Company's FERC Electric Tariff, 2nd Revised Volume No. 2, during January, February, March, April, May and June, 1984, along with cost justifications for the rates charged.

Montana requests an effective date of June 30, 1984, and therefore requests waiver of the Commission's notice requirements.

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 26, 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. 84-27700 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ID-2132-000]

## Nancy L. Jacob; Application

October 12, 1984.

Take notice that on October 9, 1984, Nancy L. Jacob filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Member of the Board of Directors, Puget Sound Power & Light Company

Member of the Board of Directors, Frank Russell Investment Company

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 31, 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. 84-27701 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER85-1-000]

## PacifiCorp, d.b.a. Pacific Power & Light Co.; Cancellation

October 12, 1984.

The filing Company submits the following:

Take notice that on October 1, 1984, PacifiCorp, doing business as Pacific Power & Light Company (Pacific), tendered for filing Notices of Cancellation of bilateral Rate Schedule FERC Nos. 206, 207 and 217. Pacific states that these Rate Schedules have expired by their own terms.

Pacific requests an effective date of sixty (60) days after date of filing.

Pacific states that copies of this filing have been served upon the Washington Water Power Company and Washington Utilities and Transportation Commission; the Bonneville Power Administration and Public Utility Commission of Oregon; and the Western Area Power Administration and Public Service Commission of Wyoming.

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All such motions or protests should be filed on or before October 26, 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. 84-27702 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER85-4-000]

## Puget Sound Power & Light Co.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 1, 1984, Puget Sound Power & Light Company (Puget) tendered for filing under its Electric Tariff Original Volume No. 3, a Service Agreement with the Western Area Power Administration, dated as of August 9, 1984. In general, the Service Agreement makes service under the referenced tariff available to the customer with whom the agreement was made.

Puget requests an effective date of August 9, 1984, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon said customer.

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 26, 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. 84-27703 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. GP84-48-000]

## Natural Gas Policy Act; Arco Oil and Gas Co., Division of Atlantic Richfield, J.R. Phillips "A" No. 9, FERC JD No. 84-14328; Petition to Reopen Final Determination and Request for Withdrawal of Applications

Issued: October 12, 1984.

On August 14, 1984, Arco Oil & Gas Company, a Division of Atlantic Richfield Company (Arco), filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final determination pursuant to § 275.202 of the Commission's regulations (18 CFR 275.202 (1983)). Under the affirmative determination made by the Oil Conservation Division of the State of New Mexico's Department of Energy and Minerals (New Mexico), natural gas from the J. R. Phillips "A" No. 9 Well, located in Lea County, New Mexico, qualifies as stripper well gas under section 108 of the Arco Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (1982). This determination became final on October 8, 1983, pursuant to section 503(d) of the NGPA and § 275.202(a) of the Commission's regulations. Gas produced from this well is sold to El Paso Natural Gas Company.

Arco requests the reopening of this final determination so that it can withdraw its application for said

determination on the basis that it has been discovered that an incorrect number of producing days was used for determining whether the production from the J. R. Phillips "A" No. 9 Well complied with the permissible crude oil and gas production limits under § 271.803 (b), (c) and (d) of the Commission's regulations in qualifying for stripper well status.

Arco states that, in compiling its application for said determination, Arco relied upon information from the appropriate field office that the well had no non-producing days during the qualifying period. Upon being notified by El Paso Natural Gas Company that there was an error in the number of production days reported, Arco performed additional analysis of the pumper reports for the period in question and found that El Paso was correct. Therefore, the correct data does not support an application for a section 108 category determination for this well, as the average daily production exceeds the limits established under § 271.803 (b), (c) and (d) of the Commission's regulations. Arco concludes by noting that Arco and El Paso have confirmed that the section 108 price has never been paid for production from this well, hence no refunds are due.

Notwithstanding, Arco's statement on refunds, the Commission hereby gives notice that the question of whether refunds plus interest calculated under § 154.102(c) (18 CFR 154.102(c) (1983)), 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** the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of Rule 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or .211(1983)). 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. 84-27704 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. ER85-7-000]**

## Tampa Electric Co.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 1, 1984, Tampa Electric Company (Tampa) tendered for filing Service Schedule X providing for extended economy interchange service between Tampa and the City of Gainesville, Florida (Gainesville). Tampa states that Service Schedule X is submitted for inclusion as a supplement under the existing agreement for interchange service between Tampa and Gainesville, designated as Tampa's Rate Schedule FERC No. 19.

Tampa proposes an effective date of October 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Gainesville and the Florida 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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 26, 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. 84-27705 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. ER85-8-000]**

## Toledo Edison Co.; Filing

October 12, 1984.

The filing Company submits the following:

Take notice that on October 1, 1984, Toledo Edison Company (Toledo Edison) tendered for filing the First Addendum to the Muncipal Resale Service Rate Agreement between Toledo Edison and American Municipal Power-Ohio, Inc. (AMP-Ohio).

Toledo Edison states that the First Addedum to the Municipal Resale Service Rate Agreement provides for an increase in charges to AMP-Ohio for firm power service of $318,370 (2.1%) effective October 1, 1984, and an additional increase in charges of $343,115 (2.2%) effective June 1, 1985. Toledo Edison states that such increases are consistent with the provisions of the Municipal Resale Service Rate Agreement and have been agreed upon by AMP-Ohio.

Toledo Edison requests waiver of the Commission's regulations to permit the first step of the rates to become effective October 1, 1984. Toledo Edison further requests waiver of the Commission's regulations to the extent necessary to permit the second step of the rates incorporated in the First Addendum to become effective on June 1, 1985.

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 for protests should be filed on or before October 26, 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. 84-27706 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. GP84-33-000]**

## Natural Gas Policy Act; Montana Pacific Oil and Gas Co., Federal No. 4-2-R well, FERC JD No. 84-17691, Federal No. 4-4-34R-2W well, FERC JD No. 84-17692; Motion of the United States Department of Interior, Bureau of Land Management To Withdraw Pleadings and for Dismissal of Proceeding

Issued: October 12, 1984.

On April 20, 1984, the United States Department of Interior, Bureau of Land Management (BLM) filed a petition with the Federal Energy Regulatory Commission (Commission) to reopen final determinations for Montana Pacific Oil and Gas Company's Federal No. 4-4-34N-2W and Federal No. 4-2-R wells. Both of these wells received new onshore reservoir determinations under section 102(c)(1)(C) of the Natural Gas

Policy Act of 1978 (NGPA).[1] These wells area located in Toole County, Montana and the determinations applied to the Ellis-Madison reservoir. Notice of BLM's Petition to Reopen was issued May 4, 1984 (49 FR 19708, May 9, 1984).

In order for a reservoir to qualify as a new onshore reservoir under section 102(c)(1)(C) of the NGPA, the reservoir must not have produced gas in commercial quantities before April 20, 1977. A reservoir cannot qualify under this section if the reservoir was penetrated before April 20, 1977, by an old well from which crude oil or natual gas was or could have been produced in commercial quantities.

BNLM stated that its request to reopen was based on information which indicated that commercial sales of natural gas from wells drilled in the Ellis-Madison reservoir were made from the Neuman No. 2 and No. 4 wells prior to April 20, 1977. Department of Interior records show that the Neuman No. 2 well had an initial production rate of 1,000 Mcf per day from this reservoir and produced for a period of 32 years. The Neuman No. 4 well had an initial production rate of 3,000 Mcf per day, and there is no record of abandonment for this well. BLM stated that based on the high initial production rates for the Neuman wells, it felt that it was unlikely that the gas produced was used exclusively for lease purposes. BLM asserted that according to Mr. G. B. Coolidge, a former employee of Treasure State Pipe Line Company (Treasure), sales were made from the Neuman No. 2 and No. 4 wells in the Ellis-Madison reservoir during the 1930's and 1940's by Treasure to the Texas Refining Company.

On May 21, 1984, the Montana Department of Natural Resources and Conservation, Board of Oil & Gas Conservation (Montana), filed a timely Notice of Intervention in this docket, thereby becoming a party to this proceeding.[2] Montana stated that it was interested in this docket because it has made section 102 determinations for wells in the subject reservoir based on identical evidence as was submitted to the BLM. Montana was in opposition to the BLM's Petition to Reopen. In a letter to the Commission dated May 30, 1984, Montana stated that it has no evidence of any commercial sales from the subject reservoir and that the use of gas discussed by Mr. Coolidge could not be considered as a commercial sale of gas.

On June 4, 1984, the Montana Pacific Oil & Gas Company (Montana Pacific) filed a timely Motion to Intervene in this docket. Montana Pacific was also in opposition to the BLM's Petition to Reopen. Montana Pacific submitted the affidavit of Mr. Coolidge which refuted the allegations of the BLM that there were commercial sales from the Ellis-Madison reservoir.

In a letter to Commission Staff dated September 10, 1984, the BLM requested that its Petition to Reopen in this docket be withdrawn. BLM states that further search of its records indicates that any gas produced prior to April 20, 1977, was either used on the lease or was used by the land owners.

Any person desiring to be heard or to protest this Motion should file within 30 days after 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 Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceedings.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84-27707 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ER85-3-000]**

## Washington Water Power Co.; Cancellation

October 12, 1984.

The filing Company submits the following:

Take notice that on October 1, 1984, the Washington Water Power Company (Washington) tendered for filing Notices of Cancellation of Washington's Rate Schedules Nos. 50, 121 and 124. Washington states that the associated agreements have been cancelled in accordance with their definitions, have expired by their own terms, and that Notices of Cancellation have been submitted to the participating parties.

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 26, 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. 84-27708 Filed 10-18-84; 8:45 am]

BILLING CODE 6717-01-M

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## Office of Hearings and Appeals

## Cases Filed; Week of September 21 Through September 28, 1984

During the Week of September 21 through September 28, 1984, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Date: October 15, 1984.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

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[1] 15 U.S.C. 3301-3432 (1982).

[2] By virtue of § 385.214 of the Commission's Regulations, any State Commission becomes a party to a proceeding upon filing a timely Notice of Intervention.

## List of Cases Received by the Office of Hearings and Appeals

[Week of September 21 through September 28, 1984]

| Date | Name and Location of Applicant | Case No. | Type of Submission |
|---|---|---|---|
| September 24, 1984 | Atlantic Richfield Co., Los Angeles, CA | HRH-0219 | Request for evidentiary hearing. If granted: An evidentiary hearing would be convened in connection with the statement of objections submitted by Atlantic Richfield Co. in response to the proposed remedial order issued to it (Case No. HRO-0219). |
| Do | Lotus Petroleum, Inc. *et al.*, Washington, DC | HRD-0236, HRH-0236 | Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the statement of objections submitted by Lotus Petroleum, Inc. *et al.* in response to the May 25, 1984, proposed remedial order issued to it (Case No. HRO-0233). |
| Do | Raymond D. Reister, Hamilton, OH | HFA-0250 | Appeal of an information request denial. If granted: The Sept. 5, 1984 freedom of information request denial issued by the San Francisco Operations Office would be rescinded, and Raymond D. Reister would receive access to documents pertaining to him or matters relating to the "Death-Ray Beam Plans" submitted by Mr. Reister to Mr. Thomas A. Boster in 1973. |
| September 25, 1984 | Traco Petroleum Co., Houston, TX | HRD-0237, HRH-0237 | Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the statement of objections submitted by Traco Petroleum Co. in response to the January 12, 1983, proposed remedial order issued to it (Case No. HRO-0212). |
| September 27, 1984 | Lucky Stores, Inc., Tampa, FL | HEG-0037 | Petition for special redress. If granted: Pursuant to the July 18, 1984, U.S. district court order, the office of hearings and appeals would determine whether Oasis Petroleum Corp. (Oasis) overcharged Lucky Stores in sales of motor gasoline from Aug. 10, 1979, through Apr. 10, 1980; whether Oasis violated the normal business practices rule as it applied to the applicable price rule in Oasis' sales to Lucky Stores; and whether Oasis' violations were willful. |
| Do | Tighe, Curhan & Piliero, Washington, DC | HFA-0251 | Appeal of an information request denial. If granted: The Sept. 17, 1984 freedom of information request denial issued by the Idaho Operations Office would be rescinded, and Tighe, Curhan & Piliero would receive access to certain DOE information pertaining to request for procurement No. C84-130482 "Shipping Casks to Transport Three Mile Island (TMI Unit 2 Core) WOC-105-84." |

## Refund Applications Received

[Week of September 21 to September 28, 1984]

| Date | Name of Refund Proceeding/Name of Refund Applicant | Case No. |
|---|---|---|
| Sept. 17, 1984 | Amtel/Krum Oil Co | RF46-1 |
| Sept. 24, 1984 | Gulf/Herb Asch | RF40-112 |
| Do | Gulf/George's Gulf | RF40-113 |
| Do | Gulf/Vander Pluym Oil Co., Inc | RF40-114 |
| Do | Gulf/Chestnut Hill Gulf | RF40-115 |
| Do | Willis/Ettwein's Mobil | RF41-8 |
| Do | Willis/Gartner-Harf Co | RF41-9 |
| Sept. 25, 1984 | Gulf/Leslie Reisinger | RF40-116 |
| Do | Gulf/Victor Paglio | RF40-117 |
| Do | Marion/Stauffer Chemical Co | RF37-17 |
| Sept. 26, 1984 | Gulf/J.W. Glass Gulf Service | RF40-118 |
| Do | Amtel/Linwood Freeway | RF46-2 |
| Do | Amtel/Riverside Freeway | RF46-3 |
| Do | Amtel/McRich Freeway Service | RF46-4 |
| Do | Amtel/Okolona Freeway | RF46-5 |
| Do | Amtel/Moore's Premier Service | RF46-6 |
| Do | Amtel/Taylor Boulevard Freeway | RF46-7 |
| Do | Amtel/Magic Mile Freeway | RF46-8 |
| Do | Amtel/North 81 Freeway | RF46-9 |
| Sept. 27, 1984 | Gulf/City Coal Co. of Springfield, Inc | RF40-119 |
| Do | Gulf/Highway Transport, Inc | RF40-120 |
| Do | Gulf/Alma Bohlken | RF40-121 |
| Sept. 28, 1984 | Gulf/McNamara Vans & Warehouses, Inc | RF40-122 |
| Do | Gulf/Campbell Sixty-Six Express, Inc | RF40-123 |
| Do | Gulf/Hogan's Transfer & Storage Co | RF40-124 |

[FR Doc. 84-27681 Filed 10-18-84; 8:45 am]

BILLING CODE 6450-01-M

## Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $42,325.95 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving the White Petroleum Company, Inc., a reseller of refined petroleum products located in Shirley, Indiana.

**DATE AND ADDRESS:** Comments must be filed on or before November 19, 1984 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0196.

**FOR FURTHER INFORMATION CONTACT:** Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2094.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 205.282(b) of

the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a consent order entered into by the White Petroleum Company, Inc., which settled possible violations of DOE price controls in the firm's sales of motor gasoline, No. 2 fuel oil, and No. 2 diesel fuel to its customers during the November 1, 1973 through April 30, 1974 period.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account funded by White Petroleum Company, Inc. pursuant to the consent order. The DOE has tentatively established procedures under which purchasers of White Petroleum Compny products during the audit period may file claims for refunds from the consent order fund. Applications for Refund should *not* be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Date: September 17, 1984.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

September 17, 1984.

**Proposed Decision and Order of the Department of Energy**

*Implementation of Special Refund Procedures*

Name of Firm: White Petroleum Company, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF–0196.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to make refunds in order to remedy the effects of violations of DOE regulations. *See* 10 CFR Part 205, Subpart V. The Subpart V regulations set forth general guidelines by which OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. The Subpart V process is intended to be used in situations where DOE is unable readily to ascertain the persons who were injured or the amounts that such persons may be eligible to receive as a result of enforcement proceedings. *See Office of Enforcement*, 9 DOE ¶ 82,553 at 85,284 (1982).

**I. Background**

Pursuant to the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order that it entered into with White Petroleum Company, Inc. (White). White was a reseller of motor gasoline and fuel oils as that term was defined in 10 CFR 212.31, with its main office located in Shirley, Indiana. A DOE audit of White's records revealed possible regulatory violations with respect to the firm's pricing of motor gasoline, No. 2 fuel oil and No. 2 diesel fuel during the period November 1, 1973 through April 30, 1974 (hereinafter referred to as the audit period). In order to settle all claims and disputes between White and DOE regarding the firm's sales of motor gasoline and fuel oils during the audit period, White and DOE entered into a consent order on September 24, 1981. Under the terms of the consent order White agreed to remit $68,627.45 plus accrued interest to DOE in 36 equal monthly installments. To date, White has paid $42,325.95. White has filed for bankruptcy, and no further payments are expected in the near future. This sum is being held in an interest-bearing escrow account established with the United States Treasury pending a determination of its proper distribution. As of July 31, 1984, the White escrow account had earned $7,167.20 in interest. This Proposed Decision concerns the distribution of the $42,325.95 that was deposited into the escrow account, plus the accrued interest.

**II. Proposed Refund Procedures**

We have considered ERA's Petition for the Implementation of Special Refund Procedures and determined that it is appropriate to establish such a proceeding with respect to the White consent order fund. As we have stated in previous Decisions, refunding moneys obtained through DOE enforcement proceedings is the focus of Subpart V proceedings. *See, e.g., Office of Enforcement*, 8 DOE ¶ 82,597 (1981). Based upon our experience with Subpart V cases, we believe that the distribution of refunds in the present case should take place in two stages. In the first stage, we will attempt to refund money to identifiable purchasers of motor gasoline, No. 2 fuel oil and No. 2 diesel fuel who may have been injured by White's pricing practices during the period November 1, 1973 through April 30, 1974. After meritorious claims are paid in the first stage, a second stage refund procedure may become necessary. *See generally Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (hereinafter cited as *Amoco*) (refund procedures established for first stage applicants, second stage refund procedures proposed).

*A. Refunds to Identifiable Purchasers*

We propose that the White consent order funds be distributed to claimants who satisfactorily demonstrate that they were injured by White's alleged pricing violations. The information available to us at this time regarding White's operations during the consent order period does not provide names and addresses of the firm's customers. From our experience we believe that the claimants in this proceeding will fall into the following categories: (1) Resellers (including retailers), and (2) firms, individuals, or organizations that were consumers (end-users). The petroleum products purchased by these claimants were purchased either directly from White or from other firms in a chain of distribution leading back to White. In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of White motor gasoline, No. 2 fuel oil, and No. 2 diesel fuel for the period November 1, 1973 through April 30, 1974. If the products were not purchased directly from White the claimant must include a statement setting forth its reasons for believing the product originated with White. In addition, a reseller or retailer that files a claim generally will be required to establish that it was injured by virtue of being unable to pass the alleged overcharges on to its customers. To make this showing, a reseller or retailer claimant will be required to show that it maintained "banks" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover those costs by increasing its prices. *See Office of Enforcement*, 10 DOE ¶ 85,029 at 88,125 (1982) (hereinafter cited as *Ada*). In addition, it will have to demonstrate that, at the time it purchased the product from White, it did not increase its prices to pass through the additional costs

associated with the alleged overcharges. *See Office of Special Counsel/Standard Oil Company (Indiana),* 10 DOE ¶ 85,048 at 88,215 (1982) (hereinafter cited as *Amoco*). Alternatively, a reseller can show competitive injury by demonstrating that the prices it paid for products purchased from other suppliers were lower than those it paid to White. *See Amoco.*

As in many prior special refund cases, we will adopt several presumptions. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of products made by White during the consent period. OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims. Finally, we will adopt a presumption that end-users and consumers were injured by the alleged overcharges.

Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The three presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expenses. In order to prove a claim for refund, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost of gathering this factual information may be many times the expected refund amount. Failure to allow simplified application procedures for small claimants, mainly individual consumers and small businesses, could operate to deprive them of any opportunity to obtain a refund, and thus not recognize many injuries. The use of presumptions is also invaluable to administrative efficiency because it allows the OHA to process a large number of the refund claims quickly.

In essence, presumptions allow us to find injury in an equitable way, thereby avoiding the task of tracing overcharges through the multiple levels of the petroleum distribution system and precisely quantifying their effects. That task is a complex one, since petroleum products are fungible goods, and their provenance disappears when they come to rest in a purchaser's inventory. Similarly, deciding how the particular applicant would have operated its business and what it would have charged its customers in the absence of the alleged overcharges is not a straightforward task.

We now turn to a discussion of the three presumptions which we will adopt in this case. First, the pro rata (*i.e.* volumetric) refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because of the manner in which the DOE price regulations required a regulated firm to account for increased costs in determining its prices. However, we also recognize that the impact on an individual purchaser could have been greater, and any purchaser is allowed to file a refund application based on a claim that the impact of the alleged overcharge on it was greater than the pro rata amount determined by the volumetric method. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.,* 12 DOE ¶ 85,054 (1984) and cases cited therein at 88,164.

Second, we will utilize a presumption that claimants seeking refunds up to a certain threshold level (*i.g.,* 50,000 gallons per month) were injured by the pricing practices settled in the White consent order. This presumption allows only a limited class of claimants to receive small refunds without submitting further evidence of injury, and then only up to a specified monthly amount. Because the threshold level is set by OHA conservatively, small claimants can benefit from the simplified procedure, and there is no danger that they will obtain a windfall as a result. This presumption insures that refunds will be distributed in an efficient, effective and equitable manner. 10 CFR 205.282(e).

In addition, we will adopt a presumption of injury for end-users. Unlike regulated firms in the petroleum industry, end-users of White petroleum products operated in an unregulated environment and they were not required to keep records which justified selling price increases by reference to cost increases. Without records of that nature, it would likely be impossible for us to determine whether an end-user could have passed on the alleged overcharges. For these reasons, special refund proceedings have not attempted to ascertain the impact of alleged overcharges on an end-user such as a firm manufacturing non-petroleum products or governmental entity providing services to taxpayers. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.,* 10 DOE ¶ 85,072 (1983). We therefore will adopt a presumption that end-users of White petroleum products were injured by the alleged overcharges, and they may receive a pro rata (*i.e.* volumetric) refund by simply documenting their purchase volumes from White. Customers who purchased from a firm which purchased from White must also document the chain of distribution leading back to White. *See, e.g., Standard Oil Co. (Indiana)/Union Camp Corp.,* 11 DOE ¶ 85,007 (1983).

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury if its refund claim is based on monthly purchases below a threshold level. *See Ada* at 88,122. In this case that level will be 200,000 gallons or less.(*1*) The adoption of a threshold level below which a claimant does not have to submit any further evidence of injury is based on several factors. As noted above, the Subpart V regulations authorize the use of presumptions for this purpose. *See* 10 CFR ¶ 205.282(e). We are especially concerned that the cost of compiling information sufficient to show injury not exceed the amount of the refund to be gained. In this case, where the per gallon refund amount is fairly low, and the time period of the consent order was quite distant, we believe that the establishment of a presumption of injury for all claims of 200,000 gallons or less per month is reasonable. *See Office of Special Counsel: In the Matter of Conoco, Inc.,* 11 DOE ¶ 85,226 (1984) and cases cited therein.

If a reseller or retailer made only spot purchases from White, however, we propose that it should not receive a refund because it is not likely to have suffered an injury. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

*Vickers* at 85,396–97. We believe the same rationale holds true in the present case. Accordingly, a spot purchaser which files a claim should submit

additional evidence to establish that it was unable to recover the increased prices it paid for White petroleum products. *See Amoco* at 88,200.

As discussed above, we have adopted a presumption that end-users (*i.e.*, consumers) of White petroleum products were injured by the firm's pricing practices, and they will not be required to submit any other evidence of injury in order to qualify for a refund. *See Standard Oil Co. (Indiana)/Union Camp Corp.*, 11 DOE ¶85,007 (1983); *Standard Oil Co. (Indiana)/Elgin, Joliet, and Eastern Railway*, 11 DOE ¶85,105 (1983) (end-users of various refined petroleum products granted refunds solely on the basis of documented purchase volumes). Therefore, in this proceeding a consumer need only document the specific quantities of White petroleum products it purchased during the consent order period.

A successful refund applicant will receive a refund based upon a volumetric method of allocating refunds. Under this method, a volumetric refund amount is calculated by dividing the settlement amount by our estimate of the total gallonage of products covered by the consent order. In the present case, based on the information available to us at this time, the volumetric refund amount is $.00446233 per gallon. (*2*)

As in previous cases, we will establish a minimum refund amount of $15.00 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶82,541 at 85,225 (1982).

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we intend to publicize widely the distribution process to solicit comments on the proposed refund procedures and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided to the Independent Gasoline Marketers Council, the National Oil Jobbers Council, the Service Station Dealers of America, the National Association of Convenience Stores, the National Association of Truck Stop Operators, and the Society of Independent Gasoline Marketers of America. These organizations should be helpful in advising potential claimants of this proceeding. In addition, we are continuing our efforts to obtain a list of the names and addresses of first purchasers of White petroleum products.

*B. Distribution of the Remainder of the Consent Order Funds*

In the event that money remains after all first stage claims have been disposed of, undistributed funds could be distributed in a number of different ways. However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed. We encourage the submission of comments containing proposals for alternative distribution schemes.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by the White Oil Company pursuant to the consent order executed on January 19, 1981 will be distributed in accordance with the foregoing Decision.

Notes

(*1*) Resellers whose monthly purchases during the period for which a refund is claimed exceed 200,000 gallons, but who cannot establish that they did not pass through the price increases, or who limit their claims to the threshold amount, will be eligible for a refund for purchases up to the 200,000 gallons per month threshold amount without being required to submit evidence of injury. *See Vickers* at 85,396; *see also Ada* at 88,122.

(*2*) During the Consent Order Period, White sold 9,485,167 gallons of motor gasoline and middle distillates. $42,325.95/9,485,167 = $.00446233 gallon.

[FR Doc. 84-27662 Filed 10-18-84; 8:45 am]
BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

**[OPTS-51540; TSH-FRL 2693-7]**

## Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of eleven PMNs and provides a summary of each.

**DATES:** Close of Review Period:

PMN 84-1230—December 26, 1984.
PMN 85-1—December 29, 1984.
PMN 85-2, 85-3, 85-4, 85-5, 85-6 and 85-7—December 30, 1984.
PMN 85-8 and 85-9—December 31, 1984.
PMN 85-10—January 1, 1985.

Written comments by:

PMN 84-1230—November 26, 1984.
PMN 85-1—November 29, 1984.
PMN 85-2, 85-3, 85-4, 85-5, 85-6 and 85-7—November 30, 1984.
PMN 85-8 and 85-9—December 1, 1984.
PMN 85-10—December 2, 1984.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51540]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, DC 20460, (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3725).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 84-1230

*Importer.* Confidential.

*Chemical.* (G) Methyl sulfate, quaternized polyurethane

*Use/Production.* (S) Thermosensitizing agent for latex binder systems, on non-woven materials. Import range: Confidential.

*Toxicity Data.* Acute oral: <5,000 mg/kg; Irritation: Skin - Slight, Eye - Non-irritant.

*Exposure.* Processing: dermal, a total of 3 workers, up to 8 hr/shift, 1 hr each.

*Environmental Release/Disposal.* 10 to 100 kg/yr released.

PMN 85-1

*Importer.* Confidential.

*Chemical.* (G) Aromatic oxime.

*Use/Import.* (G) Highly dispersive use. Import range: Confidential.

*Toxicity Data.* Acute oral: 125-1,000 mg/kg; Irritation: Skin - Minimal, Eye - Minimal; Phototoxicity: Non-photosensitizer; Photoallergenicity test:

Non-photosensitizer; Open epicutaneous test: Non-allergenic.

*Exposure.* Confidential.

*Environmental Release-Disposal.* Confidential. Disposal by publicly owned treatment work (POTW).

PMN 85–2

*Manufacturer.* Confidential.

*Chemical.* (G) Nitro alcohol.

*Use/Production.* (G) Chemical intermediate. Prod. range: Confidential.

*Toxicity Data.* Acute oral: Male—0.28 g/kg and Female 0.088 g/kg; Acute dermal: Male—1.4 g/kg and female—2.4 g/kg; Irritation: Skin—Slight, Eye—Irritant.

*Exposure.* No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 85–3

*Manufacturer.* Essex Specialty Products, Inc.

*Chemical.* (G) Polyurethane polymer.

*Use/Production.* (S) Curative used in compounded sealant. Prod. range: 50,000–250,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: dermal and ocular.

Environmental Release/Disposal. No release.

PMN 85–4

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted phenol.

*Use/Import.* (G) Ingredients for use in consumer products and highly dispersive use. Import range: 1–10 kg/yr.

*Toxicity Data.* Skin sensitization: No delayed contact hypersensitivity.

*Exposure.* Use: dermal, a total of 4 workers, up to 2 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. No release.

PMN 85–5

*Manufacturer.* Emery Industries.

*Chemical.* (S) Adipic acid, azelaic azic, and phthalic and anhydride with ethylene glycol terminated with 2-ethyl hexanol.

*Use/Production.* (S) Industrial plasticizer for polyvinyl chloride. Prod. range: 450,000–900,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: dermal, a total of 3–5 workers, up to 4 hrs/da, up to 22–44 da/yr.

Environmental Release/Disposal. 75 per 10,000 charge released to water with 185 per 10,000 charge to land. Disposal by POTW and approved landfill.

PMN 85–6

*Manufacturer.* Confidential.

*Chemical.* (G) Alkyl phosphate potassium salt.

*Use/Production.* (G) Contained use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–7

*Manufacturer.* Confidential.

*Chemical.* (G) Spiro[isobenzofuran xanthene].

*Use/Production.* (G) Minor color-forming component in paper coatings. Prod. range: Confidential.

*Toxicity Data.* Ames Test: Negative.

*Exposure.* Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 85–8

*Manufacturer.* Hercules Incorporated.

*Chemical.* (G) Polyether polyester urethane.

*Use/Production.* (G) Destructive use printing industry. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: dermal, a total of 6 workers.

Environmental Release/Disposal. Less than .001 to 5 kg/batch released to air with 10 kg/batch to water and 204 kg/batch to land. Disposal by POTW and incineration.

PMN 85–9

*Manufacturer.* Ethox Chemicals, Inc.

*Chemical.* (G) Fatty alcohol, ethoxylated, propoxylated, fatty acid ester.

*Use/Production.* (S) Fiber lubricant for use on synthetic fibers. Prod. range: 100,000–200,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: dermal, a total of 2 workers, up to 2 hrs/da, up to 11 da/yr.

Environmental Release/Disposal. 20 kg released to water. Disposal by POTW.

PMN 85–10

*Manufacturer.* E. I. du Point de Nemours and Company.

*Chemical.* (S) Benzothiazolium, 2-(2-ethoxyl-1-propenyl)-3-ethyl, ethyl sulfate.

*Use/Production.* (G) Dye intermediate (contained use). Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

Environmental Release/Disposal. Confidential.

Dated: October 9, 1984.

**Linda A. Travers,**

*Acting Director, Information Management Division.*

[FR Doc. 84–27141 Filed 10–18–84; 8:45 am]

BILLING CODE 6560–50–M

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**[OPTS–51529A; TSH–FRI 2698–1]**

## Alkyl Ester; Premanufacture Notice; Extension of Review Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is extending the review period for an additional 90 days for premanufacture notice (PMN) 84–968, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on January 12, 1985.

**FOR FURTHER INFORMATION CONTACT:** Anna Coutlakis, Chemical Control Division (TS–794), Environmental Protection Agency, Rm. E–613B, 401 M St., SW., Washington, D.C. 20460 (202–382–2252).

**SUPPLEMENTARY INFORMATION:** On July 17, 1984, EPA received PMN 84–968 for a new chemical substance, alkyl ester. The submitter claimed its identity, the specific chemical identity, production volume, process information, and portions of a mixture to be confidential business information. Notice of receipt was published in the **Federal Register** of July 27, 1984 (49 FR 30238). The original 90-day review period was scheduled to expire on October 14, 1984.

Based on its analysis, EPA finds that there is a possibility that the substance submitted for review in this PMN may be regulated under TSCA. The Agency requires an extension of the review period, as authorized by section 5(c) of TSCA, to investigate further potential risk, to examine its regulatory options, and to prepare the necessary documents, should regulatory action be required. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to January 12, 1985.

PMNs are available for public inspection in Rm. E–107, at the EPA headquarters, address given above, from 8 a.m. to 4. p.m., Monday through Friday, except legal holidays.

Dated: October 12, 1984.

**Don R. Clay,**

*Director, Office of Toxic Substances.*

[FR Doc. 84–27643 Filed 10–18–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS-59173; TSH-FRL 2697-8]

## Certain Chemicals; Test Marketing Exemption Applications

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the Federal Register of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

**DATE:** Written comments by: November 5, 1984.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-59173]" and the specific TME number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-4201 401 M Street, SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

### TME 85-1

*Close of Review Period.* November 11, 1984.

*Manufacturer.* Confidential.

*Chemical.* (G) Modified styrene copolymer.

*Use/Production.* (G) Industrial coating. Prod. range: 9,400 kg/6 months.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: dermal, a total of 11 workers, up to 4 hrs/da, up to 19 da/yr.

*Environmental Release/Disposal.* 3 to 4 kg/batch released to land. Disposal by incineration and landfill.

### TME 85-2

*Close of Review Period.* November 23, 1984.

*Manufacturer.* Confidential.

*Chemical.* (G) Modified polymer of alkanedioic acid.

*Use/Production.* (S) A spray applied resin component of an industrial coating. Prod. range: 75,000 kg/1 year.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: dermal, a total of 38 workers, up to 3 hrs/da, up to 225 da/yr.

*Environmental Release/Disposal.* 40 to 55 kg/batch released with 4 kg/batch to land. Disposal by incineration and landfill.

Dated: October 15, 1984.

**Linda A. Travers,**

*Acting Director, Information Management Division.*

[FR Doc. 84-27644 Filed 10-18-84; 8:45 am]

BILLING CODE 6560-50-M

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[OPTS-51541; BH-FRL 2698-2]

## Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of seventeen PMNs and provides a summary of each.

**DATES:** Close of Review Period: PMN 85-11, 85-12, 85-13 and 85-14, January 2, 1985. PMN 85-15 and 85-16, January 6, 1985. PMN 85-17, 85-18, 85-19, 85-20, 85-21, 85-22 and 85-23, January 7, 1985, PMN 85-24, 85-25, 85-26 and 85-27 January 8, 1985. Written comments by: PMN 85-11, 85-12, 85-13 and 85-14, December 3, 1984. PMN 85-15 and 85-16, December 7, 1984. PMN 85-17, 85-18, 85-19, 85-20, 85-21, 85-22, 85-23, December 8, 1984. PMN 85-24, 85-25, 85-26 and 85-27, December 9, 1984.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51541]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, DC 20460 (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460 (202-382-3729).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

### PMN 85-11

*Importer.* Confidential.

*Chemical.* (G) Aryl substituted aliphatic thiol.

*Use/Import.* (G) Ingredients for use in consumer products; highly dispersive use. Import range: 1-10 kg/yr.

*Toxicity Data.* Skin sensitization: Non-Hypersensitizer.

*Exposure.* Import: Dermal, a total of 4 workers, up to 2 hrs/da, up to 20 da/yr.

*Environmental Release/Disposal.* No release.

### PMN 85-12

*Manufacturer.* Confidential.

*Chemical.* (G) Aliphatic nitrile.

*Use/Production.* (G) Highly dispersive use. Prod. Range: Confidential.

*Toxicity Data.* Acute oral: 2.0 ml/kilo and 1 ml./kilo; irritation: Eye—Non-Irritant.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential. Disposal by publicly owned treatment works (POTW).

### PMN 85-13

*Manufacturer.* Allied Corporation.

*Chemical.* (G) Substituted borazole polymer.

*Use/Production.* (S) Industrial boron dopant for semiconductor fabrication Prod. range: Confidential.

*Toxicity Data.* Acute oral: Between 3 and 10 mL/kg; Ames test: Mutagenic; Skin corrosivity: Corrosive agent; Guinea pig maximization test: Weak sensitizer.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**PMN 85–14**

*Manufacturer.* Petrarch Systems, Inc.

*Chemical.* (S) Dimethylsila-17-Crown-6.

*Use/Production.* (G) Contained use. Prod. range: 75–300 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 2 workers, up to 24 hrs/da, up to 5 da/yr.

*Environmental Release/Disposal.* Less than 1 kg/batch released to land. Disposal by approved landfill.

**PMN 85–15**

*Manufacturer.* Owens-Corning Fiberglas Corporation.

*Chemical.* Halogenated fatty acid ester.

*Use/Production.* (G) Size ingredient. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: A total of 2–10 workers, up to 24 hrs/da, up to 350 da/yr.

*Environmental Release/Disposal.* Release to air and water. Disposal by POTW, incineration and on-site treatment plant.

**PMN 85–16**

*Manufacturer.* Confidential.

*Chemical.* (G) Acrylamide unsaturated quaternary ammonium copolymer.

*Use/Production.* (G) Water treating chemical. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**PMN 85–17**

*Manufacturer.* Confidential.

*Chemical.* (G) Acrylic copolymer.

*Use/Production.* (G) Protective coating for metallized polyester film. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**PMN 85–18**

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted amino anthraquinone.

*Use/Production.* (S) Coloration of petroleum products. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**PMN 85–19**

*Manufacturer.* General Electric Company.

*Chemical.* (G) Terephthalic acid, polymer with 2-oxepanone, and an alkane diol.

*Use/Production.* (S) Industrial consumer and sporting goods, automotive and fasteners. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: Dermal, a total of 130 workers, up to 10 hrs/da, up to 100 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/batch released to land. Disposal by landfill.

**PMN 85–20**

*Manufacturer.* Confidential.

*Chemical.* (G) Arylhydrozonotrimethylindolium, salt.

*Use/Production.* (S) Site-limited and industrial dye intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: Dermal, a total of 2 workers, up to 3 hrs/da, up to 27 da/yr.

*Environmental Release/Disposal.* Release to air and water. Disposal by POTW.

**PMN 85–21**

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted alkenyl dimethylchlorosilane.

*Use/Production.* (S) Site-limited intermediate for chemical synthesis. Prod. range: 500–1,500 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and use: Demal, a total of 7 workers.

*Environmental Release/Disposal.* Less than 0.0001 to less than 0.5 kg/batch released to air. Disposal by incineration.

**PMN 85–22**

*Manufacturer.* Confidential.

*Chemical.* (G) Polymer of isooctyl acrylate and N-t-octylacrylamide.

*Use/Production.* (G) Adhesive. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: Dermal, a total of 46 workers.

*Environmental Release/Disposal.* 4 to 80 kg/batch released with 135 to 1,000 kg/batch to land. Disposal by POTW, incineration and landfill.

**PMN 85–23**

*Importer.* Confidential.

*Chemical.* (G) Iron complex of a substituted phenyl azo.

*Use/Importer.* (S) Dye intermediate. Import range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: Dermal, a total of 1 worker, up to 1 hr/da, up to 2 da/yr.

*Environmental Release/Disposal.* No release to air, water and land.

**PMN 85–24**

*Manufacturer.* Confidential.

*Chemical.* (G) 3-Substituted propionic acid.

*Use/Production.* (G) Open, non-dispersive. Prod. range: Confidential.

*Toxicity Data.* Acute oral: 5 g/kg; Irritation: Skin—No reaction, Eye—Irritant.

*Exposure.* Manufacture and processing: Dermal and inhalation, a total of 32 workers, up to 4 hrs/da, up to 117 da/yr.

*Environmental Release/Disposal.* 350 kg/batch released to water. Disposal by on-site biological treatment system and National Pollution Disposal and Elimination System (NPDES).

**PMN 85–25**

*Manufacturer.* Confidential.

*Chemical.* (G) Methyl (aryl) indolylazo-thiazolium, salt.

*Use/Production.* (S) Site-limited and industrial dye intermediate. Prod. range: 12,000–20,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: Dermal, a total of 2 workers, up to 3 hrs/da, up to 21 da/yr.

*Environmental Release/Disposal.* Release to air and water. Disposal by POTW.

**PMN 85–26**

*Importer.* Confidential.

*Chemical.* (G) Substituted phenyl disulfide.

*Use/Import.* (G) Preservative. Prod. range: Confidential.

*Toxicity Data.* Ames Test: Negative; $LC_{50}$ 24 hr (Rainbow trout): 1.8 mg/1; $LC_{50}$ 48 hr (Rainbow trout): 1.6 mg/1; $LC_{50}$ 72 and 96 hr (Rainbow trout): 1.2 mg/1; $IC_{50}$ Respiration rate test: 100 mg/1; 48 hr (Japanese rice fish): 1.24 jg/1; $BOD_5$ 0.04 g/g; COD: 0.69 g/g; TOC: 0.19 g/g.

*Exposure.* None.

*Environmental Release/Disposal.* No data submitted.

**PMN 85–27**

*Manufacturer.* Confidential.

*Chemical.* (S) 1-(2-aminophenyl)ethanone hydrochloride.

*Use/Production.* (G) Chemical intermediate. Prod. range: 150 kg/yr.

*Toxicity Data.* No data on the PMN substance submitted.

*Exposure.* Manufacture and use: A total of 6 workers, up to 0.2 hr/da, up to 2 da/yr.

*Environmental Release/Disposal.* No release. Less than 0.2 kg/batch incinerated.

Dated: October 15, 1984.

**Linda A. Travers,**

*Acting Director, Information Management Division.*

[FR Doc. 84-27645 Filed 10-18-84; 8:45 am]

BILLING CODE 6560-50-M

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[OW-8-FRC-267-7]

## National Pollutant Discharge Elimination System General Permit for Construction Activities in the State of South Dakota

**AGENCY:** U.S. Environmental Protection Agency (EPA), Region VIII.

**ACTION:** Notice of Issuance of Final General Permit.

**SUMMARY:** On May 20, 1983, the Regional Office published notice of its intent (48 FR 22791) to issue a General National Pollutant Discharge Elimination System (NPDES) Permit for construction-related discharges. Pursuant to this notice, the Region received written comments from the following parties:

1. Mr. John M. Krakar, P.E., Superintendent, Environmental Affairs, Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603
2. Mr. R. J. Masiel, President, Chevron Piple Line Company, 555 Market Street, P.O. Box 7141, San Francisco, California 94120-7141
3. Mr. J. J. Moon, Environment and Consumer Protection Division, Phillips Petroleum Company, Bartlesville, Oklahoma 74004
4. Mr. Donald Pay, Technical Information Project, P.O. Box 682, Pierre, South Dakota 57501.

Two of the parties were very supportive of the issuance of this general permit. One party suggested some clarification to insure that routine hydrostatic testing discharge authorizations were included within the regulated activities of this general permit. This language has been clarified.

Another of the parties provided a substantial number of recommendations to the draft general permits for construction-related activities. That party seemed to question the viability of regulating these industries through a general permit believing that only the largest construction facilities would be inclined to comply and that the EPA was, by this action, in effect making "potential lawbreakers out of a great many people engaged in miscellaneous construction projects." Contrary to this statement, we believe that the general permit will provide the opportunity to provide authorizations for discharges which, prior to the general permit, went substantially unregulated despite such discharges being fully subject to the NPDES permit discharge requirements. The party also felt that the language of the permit was not sufficiently broad to encompass all the anticipated spectrum of discharges which could, otherwise, be authorized under the permit.

It was also suggested that the general permit establish a "de minimis" level of operations which would essentially be excused from complying with the effluent and management conditions of the general permit. The original general permit proposal established a monitoring frequency schedule based on the discharge flow level. In order to maintain simplicity of this schedule, only two minimum frequencies were established. In the absence of any statutory or regulatory basis, creation of a "de minimis" level of discharger which is exempt from the conditions of the permit is beyond the reasonable discretion of this Regional Office.

The last party suggested that the permit was not stringent enough and additional sampling and monitoring should be required. Pursuant to these comments, the proposed final permit has been slightly modified to stress that the schedule represents the minimum monitoring requirements and that the permittee's actual monitoring frequency must be adequate to provide information which is truly representative of the nature and quantity of the discharge.

The Region has fully considered these comments in the development of this final proposed permit. Although one party requested a public hearing on the issuance of the South Dakota general permit, the Region has determined that there is insufficient interest or basis to warrant a public hearing on this matter.

The one request for a public hearing was primarily based on an apparent misunderstanding of the Clean Water Act's relationship to water quality standards promulgated by the State of South Dakota. Further, the party did not realize that the general permit's exclusion of cold water fishery streams did not preclude a facility attempting to secure discharge authorization under an individual NPDES permit.

EPA has certified this permit on behalf of the State of South Dakota.

**EFFECTIVE DATE:** This General Permit shall be effective November 19, 1984.

**FOR FURTHER INFORMATION AND COPIES OF FINAL PERMIT CONTACT:** Marshall Fisher, Region VIII, U.S. Environmental Protection Agency, Compliance Branch, Water Management Division, 1860 Lincoln Street, Denver, Colorado 80295-0699, (303) 844-4901.

**SUPPLEMENTARY INFORMATION:**

[Permit No. SDG070000]

### General Permit Authorization Under the National Pollutant Discharge Elimination System for Construction Activities in South Dakota Hydrostatic Testing and Excavation Dewatering

In compliance with the provision of the Clean Water Act, as amended (33 U.S.C. 1251, et seq.) (hereinafter referred to as "the Act") and with the exception of "new sources" as defined at 40 CFR 122.2 of the regulations promulgated thereunder, operations engaged either in construction dewatering of groundwaters and/or hydrostatic testing of fluid vessels are authorized to discharge from locations throughout the State of South Dakota to waters of the United States in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit and the authorization to discharge shall expire at midnight, July 31, 1989.

*A. Coverage Under This Permit*

Under this permit, authorization to discharge waste waters (after necessary treatment) from construction dewatering (both from groundwater and surface runoff impounded on the site) and/or hydrostatic testing operations into waters of the United States (as defined at 40 CFR 122.2) may be granted. However, discharges to receiving waters classified by the State of South Dakota as *cold water permanent fish life propagation* or *cold water marginal fish life propagation* are *not* eligible for discharge authorization under this General Permit. Information concerning receiving water classification may be obtained from the South Dakota Department of Water and Natural Resources at the location given below. In addition, this permit does not authorize discharges from "new sources" as defined at 40 CFR 122.2.

In order to be considered eligible for discharge authorization under the terms and conditions of this permit, the owner and/or operator of the facility desiring to discharge must submit by *certified* letter the following information:

1. Name, address, and descriptive location of the facility;

2. Name of principal in charge of operation of the facility;

3. Name of water receiving the discharge;

4. Brief description of the type of activity resulting in the discharge including the anticipated duration of activity and/or the discharge, anticipated volume and rate of discharge, and the source of water which is to be discharged;

5. For hydrostatic testing only:

a. the type of vessel being tested (e.g., pipe, etc.);

b. the material from which the vessel was constructed (e.g. concrete pipe, glass lined steel tank, etc.);

c. whether the vessel has been previously used or is of virgin material;

d. a description of the fluid material normally contained and/or transported through the vessel; and,

6. A map or schematic diagram showing the general area and/or routing of the activity.

At least thirty (30) days prior to the anticipated date of discharge, such information shall be submitted to:

U.S. Environmental Protection Agency, Suite 280, 1860 Lincoln Street, Denver, Colorado 80295, Attention: Water Management Division Compliance Branch, Telephone: (303) 844–4901

South Dakota Department of Water and Natural Resources, Joe Foss Building, Pierre, South Dakota 57501, Attention: Office of Water Quality, Telephone: (605) 773–5270.

During this thirty (30) day period after receipt of the above information, the permit issuing authority may either grant the authorization, deny the authorization, or defer the final decision pending receipt of additional data for any particular facility.

After the close of the thirty (30) day period, authorization to discharge in accordance with the conditions of the permit shall be deemed granted unless the person proposing the discharge received, from the State of South Dakota and/or EPA, either a request for additional information or a notification of denial of discharge authorization.

This permit does not authorize discharges from "new sources" as defined at 40 CFR 122.2.

Authorizations under this general permit are made pursuant to Section 402 of the Clean Water Act. This permit does not constitute authorization under 33 U.S.C. 1344 (Section 404 of the Clean Water Act) of any stream dredging or filling operations (e.g., the discharge of fill material used in the construction of coffer dams).

Permittees authorized by this general permit are requested to provide EPA, Region VIII, and the State of South Dakota with information on the location of sites, where and whenever any construction dewatering activity becomes involved with any known or suspected hazardous waste or toxic pollutant. Dewatering discharges may not contain any chemicals, toxic pollutants, and/or priority pollutants pursuant to Section B.6. of this permit.

*B. Effluent Limitations and Conditions*

1. There shall be no discharge of any process generated waste waters except those waste waters resulting from dewatering of groundwater and/or surface runoff from construction sites and/or hydrostatic testing of pipelines or other fluid vessels.

2. This permit does not authorize discharges from dewatering activities at hazardous waste sites or the discharge of toxic materials from any location.

3. There may be no discharge of sanitary waste waters from toilets or related facilities.

4. The permittee shall take such steps as are necessary to prevent or minimize stream channel scouring caused by the discharge.

5. There shall be no discharge of floating solids or visible foam in other than trace amounts.

6. No chemicals, toxic pollutants, and/or any priority pollutants in 40 CFR Part 122 Appendix D are to be added to the discharge unless prior permission for the use of the additive is specifically granted by the permit issuing authority. The U.S. Environmental Protection Agency will maintain a list of additives and supporting records approved under this permit. The list and records are subject to public review.

7. The use of lime or aluminum salts to promote flocculation and settling of solids will not be subject to prior approval described in Section B.6. above.

8. The use of chlorinated water (e.g., potable tap water) for a hydrostatic testing fluid shall not be allowed unless it can be demonstrated that the chlorine substantially dissipates prior to discharge and/or possess no potential for toxic impacts to the receiving waters.

9. The concentration of Oil and Grease in any single sample shall not exceed 10 mg/1 nor shall there be any visible sheen in the discharge.

10. The pH of discharged waters shall not be less than 6.5 nor more than 9.0 units.

11. The concentration of Total Suspended Solids shall be limited as follows:

| Parameter | Sample limitation [a] [b] |
|---|---|
| Total Suspended Solids, mg/1. | 90 (grab or composite sample). |

[a] A grab sample is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

[b] A composite sample is defined as a sample composed of a minimum of four (4) grab samples taken at 2-hour intervals proportioned to flow volume at the time of sampling.

*C. Monitoring and Reporting*

1. Daily Logs.

The permittee shall maintain a daily log relating to the authorized discharge(s). The log shall contain:

a. flow information and data;

b. sample results; and,

c. records of any visual observations.

2. Frequency and Type of Sampling.

Samples and measurements taken as required herein shall be representative of the general nature and volume of the discharge. Flow measurements shall be taken using properly constructed and calibrated flow measuring devices (e.g., flume, weir, etc.) or demonstrated equivalent methods. The *minimum* frequency and type of sampling required by this permit shall be as follows:

a. *Hydrostatic Testing.*

(1) Record daily discharge flow rate and total volume discharged.

(2) Daily grab sample for Total Suspended Solids during discharge.

(3) Daily grab sample or in situ measurement for pH during discharge.

(4) Daily observation for the presence of Oil and Grease in the discharge. In addition, a monthly grab sample for Oil and Grease if the average discharge rate exceeds 1 cubic foot per second (cfs).

b. *Construction Dewatering.*

(1) Instantaneous flow measurements shall be made on a daily basis if the discharge flow rate is greater than 1 cfs. Instantaneous flow measurements shall be made on a montly basis in all other cases.

(2) Weekly grab sample for Total Suspended Solids and pH if discharge flow rate exceeds 1 cfs. Montly grab sample for Total Suspended Solids and pH in all other cases.

(3) Daily observation for the presence of Oil and Grease in the discharge. In addition, a monthly grab sample for Oil and Grease if the average discharge rate exceeds 1 cfs.

3. Test Procedures.

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to section 304(h) of the Act, under which such procedures may be required.

4. Recording of Results.

For each measurement or sample taken pursuant to the requirements of

this permit, the permittee shall record the following information:

a. The exact place, date, and time of sampling;

b. The dates the analyses were performed;

c. The person(s) who performed the analyses;

d. The analytical techniques or methods used; and,

e. The results of all required analyses.

5. Reporting Requirements.

a. Within thirty (30) days after completion of the construction related activity, the permittee shall submit a report summarizing the results of all discharge samples. If the construction activity extends beyond a period of one (1) year, a summary report must be submitted on an annual basis and is due thirty (30) days after the anniversary of the discharge authorization. Failure to submit this report by that date shall constitute cause for immediate revocation of the discharge authorization under the General Permit.

b. If, for any reason, the permittee does not comply with the maximum effluent limitations specified by this permit, the permittee shall submit the following information within five (5) days of becoming aware of such condition:

(1) The results of any sample analysis which indicated the noncompliance including the date, time, and type of sample taken;

(2) A description of the cause of noncompliance; and,

(3) A description of any corrective actions taken or proposed to be taken with respect to the noncompliance.

c. The permittee shall provide immediate (within 24 hours) telephone notification of the occurrence of any discharge or spill not specifically authorized by the permit (including pipe failure and/or rupture from hydrostatic testing). Such notification shall be followed up in writing in accordance with the requirements of paragraph b. above.

d. Reports and notification shall be provided to the South Dakota Department of Water and Natural Resources and the U.S. Environmental Protection Agency; addresses identified in Section A. of this permit.

6. Records Retention—40 CFR 122.41(h).

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the South Dakota Department of Water and Natural Resources.

**General Conditions**

1. *Duty to Comply*—40 CFR 122.41(a).

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for possible enforcement action.

2. *Duty to Mitigate*—Prevention of Adverse Impact—40 CFR 122.41(d).

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health, the waters receiving the discharge, or the environment. Such steps shall include measures to prevent or minimize stream channel scouring caused by the discharge.

3. *Facilities Operation*—40 CFR 122.41(e).

The permittee shall at all times maintain in good working order and operate as efficiently as possible, all control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

Bypass of treatment facilities is prohibited except as provided for and in accordance with the requirements at 40 CFR 122.41(m) and/or (n).

4. *Removed Substances.*

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

5. *Upset Conditions*—40 CFR 122.41(n).

An "upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with the effluent limitations of the permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

An upset may constitute an affirmative defense for action brought for the noncompliance. The permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

6. *Right of Entry*—40 CFR 122.41(i).

The permittee shall allow the head of the State of South Dakota Department of Water and Natural Resources, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where a real or potential discharge is located or in which any records are required to be kept under the terms and conditions of this permit; and

b. At reasonable times to have access to any copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

7. *Availability of Reports.*

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with terms of this permit shall be available for public inspection at the offices of the State of South Dakota Department of Water and Natural Resources and/or the Regional Administrator. As required by the Act, effluent data shall not be considered confidential.

8. *Duty to Provide Information*—40 CFR 122.41(h).

The permittee shall furnish to the Regional Administrator or his designee, within a reasonable time, any information which the Regional Administrator or his designee may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish, upon request, copies of records required to be kept by this permit.

9. *Signatory Requirements*—40 CFR 122.41(k).

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by a ranking official or duly authorized agent of the permittee. Signatory regulations are established in 40 CFR 122.22 (as amended 48 FR 39611, September 1, 1983).

10. *Toxic Pollutants*—40 CFR 122.44(e)(3).

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

11. *Civil and Criminal Liability.*

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

12. *Oil and Hazardous Substance Liability.*

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

13. *State Laws.*

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

14. *Penalties for Violations of Permit Conditions.*

The Clean Water Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $10,000 per day of such violation. any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one (1) year, or both.

15. *Need to Halt or Reduce Not a Defense*—40 CFR 122.41(c).

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

16. *Penalties for Falsification of Reports.*

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.

17. *Property Rights*—40 CFR 122.41(g).

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

18. *Severability.* The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

19. *Requiring an Individual NPDES Permit*—40 CFR 122.28(b)(2).

The Regional Administrator or his designee may require any owner or operator covered under this permit to apply for and obtain an individual NPDES permit for reasons that include the following:

a. The discharger is not in compliance with the conditions of this General Permit; or,

b. Conditions or standards have changed so that the discharger no longer qualifies for a General Permit.

The owner or operator must be notified in writing that an application for an individual NPDES permit is required. When an individual NPDES permit is issued to an owner or operator otherwise covered under this General Permit, the applicability of the General Permit to that owner or operator is automatically terminated upon the effective date of the individual NPDES permit.

20. *Requesting an Individual NPDES Permit*—40 CFR 122.28(b)(F)(iii).

Any owner or operator covered by this General Permit may request to be excluded from the coverage by applying for an individual NPDES Permit.

21. *Requesting General Permit Coverage*—40 CFR 122.28(b)(F)(iv) and (v).

The owner or operator of a facility excluded from coverage by this General Permit solely because that facility already has an individual permit may request that the individual permit be revoked and that the facility be covered by this General Permit.

22. *Permit Modification, Revocation, Termination*—40 CFR 122.41(f).

This General Permit may be modified, revoked and reissued, or terminated with cause in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit Program Regulations at 40 CFR Parts 122 and 124.

23. *Reaffirmation of Permit Eligibility*—40 CFR 122.41(b).

Periodically during the term of this permit and at the time of its reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this permit. Failure of any facility to respond to a written request from the permit issuing authority for reaffirmation shall constitute cause for revocation of discharge authorization.

**Additional Information**

*A. Economic Impact (Executive Order 12291)*

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

*B. Regulatory Flexibility Act*

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this general NPDES permit will not have a significant impact on a substantial number of small entities. Compliance with general permit will not involve significant costs; moreover, the general permit reduces a significant administrative burden on regulated sources.

*C. Paperwork Reduction Act*

Information Collection Requirements contained in this general permit have been approved by the Office of Management and Budget pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) under a comprehensive submission made for the Clean Water Act's NPDES permit program.

Signed this 10th day of August 1984.

**Max H. Dodson,**

*Acting Regional Administrator.*

[FR Doc. 84–27639 Filed 10–18–84; 8:45 am]

BILLING CODE 6560–50–M

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[ER–FRL–2696–7]

## Availability of Environmental Impact Statements Filed October 9, 1984 Through October 12, 1984 Pursuant to 1984 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075.

EIS No. 840462, Draft, SCS, IL, Lower Des Plaines Tributaries Watershed Multipurpose Plan, Cook, DuPage, and Lake Counties, Due: December 3, 1984, Contact: John Eckes (217) 398–5271

EIS No. 840463, Draft, FWS, CT, RI, VT, NH, MA, ME, New England Rivers Atlantic Salmon Restoration, Due: December 14, 1984, Contact: Bruce Blanchard (202) 343–3891

EIS No. 840464, DSuppl, COE, NB, Papillion Creek and Tributaries Flood Control Plan, Douglas, Washington and Sarpy Counties, Due: December 3, 1984, Contact: Arvid Thomsen (402) 221–4575

EIS No. 840466, Final, EPA, AK, Akutan Solid Waste Incinerator Residue, Ocean Disposal Site, Designation, Akutan Island, Due: November 19, 1984, Contact: Ronald Lee (206) 442-1442

EIS No. 840467, Final, EPA, AK, Red Dog Mine Project, Permits, Red Dog Creek, DeLong Mountains, Due: November 19, 1984, Contact: William Riley (206) 442-1760

EIS No. 840468, Final, BLM, FWS, NPS, AK, Red Dog Mine Project, Permits, Red Dog Creek, DeLong Mountains, Due: November 19, 1984, Contact: William Riley (206) 442-1760

Amended Notices:

EIS No. 840424, Final, BLM, CA, Coast/Valley Planning Area, Resource Management Plan, Due: November 6, 1984, Published FR 09-28-84—Review extended

EIS No. 840315, Draft, AFS, AK, Quartz Hill Molybdenum Mine Development, Construction and Operations, Approval/Permits, Due: October 31, 1984, Published FR 07-27-84—Review extended

EIS No. 840391, Draft, FWS, AK, Alaska Peninsula National Wildlife Refuge Management Plan, Due: December 3, 1984, Published FR 09-07-84—Review extended.

Dated: October 16, 1984.

**Allan Hirsch,**

*Director, Office of Federal Activities.*

[FR Doc. 84-27722 Filed 10-18-84; 8:45 am]

BILLING CODE 6560-50-M

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[ER-FRL-2697-2]

**Availability of EPA Comments Prepared October 1, 1984 Through October 5, 1984 Pursuant to the Environmental Review Process (ERP), Under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act, as Amended**

Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76.

**Summary of Rating Definitions**

Environmental Impact of the Action

LO—Lack fo Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more then minor changes to the proposal.

EC—Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

ED—Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU—Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or evironmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEO.

Adequacy of the Impact Statement

Category 1—Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analysis, or discussion should be included in the final EIS.

Category 3—Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impact involved, this proposal could be a candidate for referral to the CEQ.

Draft EISs

ERP No. D-AFS-L67015-AK, Rating EO2

Quartz Hill Molybdenum Mine Development, Construction and Operations, Approval/Permits, AK. SUMMARY: EPA identified potential air quality standard violations associated with the project and recommended more thorough evaluations of the acid generation potential of the waste rock, water supply alternatives, and mamine mill tailings discharge alternatives.

ERP No. DA-COE-F36006-MN, Rating EC1

Chaska Flood Control Plan, Minnesota R., MN. SUMMARY: EPA is concerned that the project promotes incompatible uses of the floodplain. EPA identified evacuation of floodplain as environmentally preferred alternative and recommended local governments adopt strict floodplain managment regulations.

ERP No. D-COE-L32007-WA, Rating EC1

Quillayute R. Navigation Project, Operation and Maintenance, WA. SUMMARY: EPA generally concurs with preferred alternative, but is concerned with provisions which would allow for fish entrainment associated with hydraulic dredging after March 31 (critical time period for juvenile salmon migration). EPA maintains that proper scheduling of hydraulic dredging will avoid entrainment after March 31.

ERP No. D-NRC-C06011-NY, Rating LO

Nine Mile Point Nuclear Station, Unit 2, Operating License, NY. SUMMARY: EPA does not anticipate any significant adverse impacts, but requested additional radiological, air quality, and groundwater information.

FINAL EISs

ERP No. F-BLM-K07005-NV, White Pine Coal

Fired Electric Generating Station, Development, Righ-of-Way, NV. SUMMARY: The FEIS responded to EPA's concerns on the DEIS except that the project still lacks the required Prevention of Significant Deterioration (PSD) permit. EPA recommneded that the Record of Decision reflect the additional groundwater studies which will be undertaken and provide for the

implementation of necessary mitigation measures.

ERP No. F–COE–E34023–00, Sugar Creek

Drainage Basin, Flood Control and Conservation Plans, NC SC. SUMMARY: EPA believes the overall plan is well conceived and is in general agreement with the selected alternatives to alleviate flooding.

ERP No. F–COE–E60011–00, Tennessee

Tombigbee Waterway, Wildlife Mitigation Study, AL MS. SUMMARY: Although there may be legitimate differences of opinion regarding the appropriate methodologies to use in determining mitigation of environmental losses. EPA continues to believe that the US Fish and Wildlife Service has the most comprehensive expertise in making mitigation determinations and has the most accurate figures to formulate actual mitigation.

Dated: Octover 16, 1984.

**Allan Hirsch,**

*Director, Office of Federal Activities.*

[FR Doc. 84–27723 Filed 10–18–84; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL COMMUNICATIONS COMMISSION

### National Industry Advisory Committee, Common Carrier Communications Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the Common Carrier Communications Subcommittee of the National Industry Advisory Committee (NIAC) to be held Monday, November 5, 1984. The Subcommittee will meet at 9:30 a.m. at AT&T Communications, 1120 20th Street, NW., Washington, D.C. in Conference Room A/B on the 10th Floor.

Purpose: To consider emergency communications matters.

Agenda

As follows:

1. Opening remarks by Chairman.
2. Remarks by Mimi Weyforth Dawson, Defense Commissioner.
3. Information briefing by Mr. J. Randolph MacPherson, Chief Regulatory Counsel (Telecommunications), Department of Defense:

—Proposed revisions to the definition of National Security and Emergency Preparedness (NS/EP) communications services and circuits.

—Status of National Communications System review of priority restoration requirements and procedures.

4. Review by FCC staff of present FCC rules and procedures for the assignment of priorities for the restoration of leased intercity private lines.
5. Status report by Mr. Alan McKie regarding the proposed transfer of emergency communications planning functions to the Federal Emergency Management Agency (FEMA).
6. Briefing by Mr. Bruce Campbell of FEMA concerning the FEMA National Emergency Management System and describing its organizational and functional capabilities.
7. Adjournment.

Any member of the public may attend or file a written statement with the Subcommittee either before of after the meeting. Any member of public wishing to make an oral statement must consult with the Subcommittee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634–1549.

**William J. Tricarico,**

*Federal Communications Commission.*

[FR. Doc. 84–27610 Filed 10–18–84; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1481]

### Petitions for Reconsideration of Actions in Rulemaking Proceedings

October 12, 1984.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: The Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations. (MM Docket No. 83–670)

Filed by: Henry Geller and Donna Lampert on 9–24–84. Barbara R. Shufro & Wilhelmina Reuben Cooke, Attorneys for The Telecommunications Research and Action Center, et al., on 9–24–84.

**William J. Tricarico,**

*Secretary, Federal Communications Commission.*

[FR Doc. 84–27611 Filed 10–18–84; 8:45 am]

BILLING CODE 6712–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on October 12.

**Public Health Service**

**Health Resources and Services Administration**

Subject: Health Maintenance Organization National Data Reporting Requirements—Revision (0915–0063)
Respondents: State and Local Governments, Businesses Non-Profit Institutions
OMB Desk Officer: Fay S. Iudicello

**Alcohol Drug Abuse and Mental Health Administration**

Subject: A Study of Patterns of Alcohol Consumption Among Americans of Japanese Ancestry and Native Hawaiians—Pilot Test—New
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

**Food and Drug Administration**

Subject: Patient Prescription Drug Information Study—Revision (0910–0063)
Respondents: Individual
OMB Desk Officer: Bruce Artim

**Health Care Financing Administration**

Subject: Comprehensive Outpatient Rehabilitation Facility Eligibility and Survey Forms and Information Collection Requirements in 42 CFR 488.56, 58, 60, 64, 66, and 405.262 (HCFA–359, HCFA–360, HCFA–R–55)—
Respondents: State survey agencies
Subject: Medicaid Program Budget Report HCFA–24—Revision (0938–0101)
Respondents: States
OMB Desk Officer: Fay S. Iudicello

**Social Security Administration**

Subject: Benefits for Individuals Who Perform Substantial Gainful Activity Despite Severe Medical Impairment
Respondents: Disabled and Blind Supplemental Security Income

Recipients—Extension—No Change (0960–0267)
Subject: Annual Earnings Test Direct Mail Followup Program Evaluation Questionnaire—New
Respondents: Individuals
Subject: SSA/DDS Cost Effectiveness Measurement System Data Reporting Form—New
Respondents: Disability Determination Services Agencies in the Various States
OMB Desk Officer: Robert J. Fishman

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: October 12, 1984.

**Wallace O. Keene,**

*Acting Deputy Assistant Secretary for Management Analysis and Systems.*

[FR Doc. 84-27506 Filed 10-18-84; 8:45 am]

BILLING CODE 4150-04-M

## Centers for Disease Control

### Methodologies for Worksite Neurotoxicity Evaluation; Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: October 31, 1984.
Time: 9 a.m.–4:00 p.m.
Place: Room B–86, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To review and discuss a project intended to develop, instrument, and evaluate tests to screen worker populations for neurotoxicity. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: W. Kent Anger, Ph.D., Division of Biomedical and Behavioral Science, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684–8383, Commercial: 513/684–8383.

Dated: October 12, 1984.

**Donald R. Hopkins,**

*Acting Director, Centers for Disease Control.*

[FR Doc. 84-27606 Filed 10-18-84; 8:45 am]

BILLING CODE 4160-19-M

### Safety and Occupational Health Study Section; Reestablishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463 (5 U.S.C., Appendix I), the Centers for Disease Control announces the reestablishment by the Secretary of Health and Human Services, on September 27, 1984, of the following Federal advisory committee:

Designation: Safety and Occupational Health Study Section.

Purpose: This Study Section shall provide advice and make recommendations to the Secretary, the Assistant Secretary for Health, the Director, Centers for Disease Control, and the Director, National Institute for Occupational Safety and Health, on Scientific, research, and training areas related to occupational safety and health which are in need of special emphasis and on the competency available to meet such needs. The Study Section shall provide review for scientific and technical merit of all research and demonstration grant applications, as well as fellowships in the program areas related to the cause, prevention, and control of diseases and injuries in the occupational environment; provide review for educational, scientific, and technical merit of safety and occupational health training grant applications; and shall recommend grant applications which merit support to the appropriate national advisory council.

Authority for this committee will expire June 30, 1986, unless the Secretary of Health and Human Services, with the concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: October 12, 1984.

**Donald R. Hopkins,**

*Acting for Director, Centers for Disease Control.*

[FR Doc. 84-27605 Filed 10-18-84; 8:45 am]

BILLING CODE 4160-18-M

## Food and Drug Administration

**[Docket No. 84G–0320]**

### Heinz U.S.A.; Filing of Petition for Affirmation of GRAS Status

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Heinz U.S.A. has filed a petition (GRASP 4G0290) proposing that the generally recognized as safe (GRAS) regulations be amended to provide for the safe use of acacia (gum arabic) at a maximum usage level of 6 percent in quiescently frozen confection products.

**DATE:** Comments by January 17, 1985.

**ADDRESS:** Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Mary C. Custer, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–9463.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), Notice is given that a petition (GRASP 4G0290) has been filed by Heinz U.S.A., Pittsburgh, PA 15230, proposing that § 184.1330 (21 CFR 184.1330) of the generally recognized as safe (GRAS) regulations be amended to provide for the safe use of acacia (gum arabic) at a maximum usage level of 6 percent in quiescently frozen confection products.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

Interested persons may, on or before January 17, 1985, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether this use is or is not GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 5, 1984.

**Richard J. Ronk,**

*Acting Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 84-27615 Filed 10-18-84; 8:45 am]

BILLING CODE 4160-01-M

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[Docket No. 84F-0316]

## Radiation Technology, Inc.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Radiation Technology, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a source of gamma radiation to control insect and microbial contamination in certain dried enzyme preparations.

**FOR FURTHER INFORMATION CONTACT:** Clyde A. Takeguchi, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4M3815) has been filed by Radiation Technology, Inc., Lake Denmark Rd., Rockaway, NJ 07866, proposing that Part 179—Irradiation in the Production, Processing and Handling of Food (21 CFR Part 179) be amended to provide for the safe use of a Cobalt 60 or Cesium 137 source of gamma radiation to control insect and microbial infestation in certain dried enzyme preparations at doses not to exceed 1 megarad.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: October 9, 1984.

**Richard J. Ronk,**

*Acting Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 84-27616 Filed 10-18-84; 8:45 am]

BILLING CODE 4160-01-M

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## Public Health Service

## National Center for Health Services Research; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and use of carotid body resections to relieve pulmonary symptoms.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration in establishing Medicare coverage policy. Any person or group wishing to provided OHTA with information relevant to this assessment should do so in writing no later than January 15, 1985, or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies. Information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology is also being sought.

Written material should be submitted to: National Center for Health Services Research, Office of Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: October 15, 1984

**Enrique D. Carter,**

*Director, Office of Health Technology Assessment, National Center for Health Services Research.*

[FR Doc. 84-27685 Filed 10-18-84; 8:45 am]

BILLING CODE 4160-17-M

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# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## Shakopee Mdewakanton Indian Reservation Proclaiming Certain Lands as Part of the Reservation of the Shakopee Mdewakanton Sioux

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On October 11, 1984, pursuant to authority contained in section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the following described land, located in Scott County, Minnesota, is hereby proclaimed to be a part of the Shakopee Mdewakanton Sioux Reservation.

The South ½ of the NE¼ of the NW¼ and the NW¼ of the NE¼, except the West 330.00 feet of the North ½ of said NW¼ of the NE¼, as measured at right angles to the West line thereof. Also except the North 896.87 feet, as measured along the East and West lines, of that part of said Northwest ¼ of the NE¼ lying East of the West 330.00 feet, as measured at right angles to the West line of said NW¼ of NE¼. All in Section 33, Township 115, Range 22, Scott County, Minnesota.

The above parcel contains 35 acres more or less and is subject to all valid existing easements, rights-of-way and other rights of record.

Dated: October 11, 1984.

**John W. Fritz,**

*Acting Assistant Secretary—Indian Affairs.*

[FR Doc. 84-27655 Filed 10-18-84; 8:45 am]

BILLING CODE 4310-02-M

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## Bureau of Land Management

[M-61069]

## Realty Action, Musselshell County, MT

**AGENCY:** Bureau of Land Management, Miles City District Office, Interior.

**ACTION:** Notice of Realty Action M-61069, Exchange of Public and Private Lands in Musselshell County, Montana.

**SUMMARY:** The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

**Principal Meridian, Montana**

T. 9 N., R. 25 E.,
Sec. 19, SE1/4;
Sec. 20, All;
Sec. 28, SE1/4;
Sec. 29, All;
Sec. 33, N1/2, SE1/4.
Aggregating 2,080 acres.

In exchange for these lands, the United States Government will acquire the surface estate in the following described lands:

**Principal Meridian, Montana**

T. 8 N., R. 24 E.,
Sec. 2, Lots 9,10,15,16 S1/2 and 11 acres within Lots 13 and 14 described as: The point of beginning lies 16 rods north of

the southeast corner of Lot 14. From this point, run south 16 rods to the southeast corner of Lot 14, then west 160 rods, then north 6 rods, then northeasterly to the point of beginning. (This metes and bounds description taken from deed in Musselshell County Courthouse);
Sec. 10, SE1/4;
Sec. 11, All;
Sec. 12, All;
Sec. 14, N1/2NE1/4, SWS1/4NE1/4, NW1/4.

Aggregating 2,211 acres.

**DATES:** For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Garryowen Road, P.O. Box 940, Miles City, Montana 59301.

Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this department.

**FOR FURTHER INFORMATION CONTACT:** Information related to this exchange, including the environmental assessment and land report, is available for review at the Billings Resource Area Office, 810 East Main, Billings, Montana 59101.

**SUPPLEMENTARY INFORMATION:** The purpose of this exchange is to provide management enhancement in providing vehicle access, improved wildlife habitat, and increased recreational access. This exchange will improve a multiple-use federal program including, but not limited to recreation, wildlife habitat and efficiency of management.

The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with state and local officials. Musselshell County Commissioners were consulted on March 6, 1984, and concurred there is no need for a public meeting to be held. The public interest will be served by making the exchange. The publication of this notice segregates the public lands described above from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945, for lands being transferred out of Federal ownership.

2. The reservation to the United States of minerals interests in the lands being transferred out of Federal ownership.

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record.)

4. Value equalization by cash payment or acreage adjustment.

5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

Dated: October 9, 1984.

**Ray Brubaker,**

*District Manager.*

[FR Doc. 84-27652 Filed 10-18-84; 8:45 am]

**BILLING CODE 4210-DN-N**

## Fish and Wildlife Service

### Receipt of Application for Permit; San Francisco Zoological Garden

Notice is hereby given that an applicant has applied in due form for a marine mammal permit to import a polar bear 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 18).

1. Applicant: San Francisco Zoological Garden, Zoo Road and Skyline Boulevard, San Francisco, CA.

2. Type of Permit: Import.

3. Name and Number of Animals: Polar bear (*Ursus maritimus*) -1-.

4. Type of Activity: Public display.

5. Period of Activity: Import upon issuance of import permit for permanent public display.

The purpose of this application is to import from Manitoba, Canada, a 2½ year-old nuisance polar bear that currently is being held in Churchill by the Manitoba Department of Natural Resources.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned PRT# 683815. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (FWPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. 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 Director.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Service.

Documents submitted in connection with the above application are available for review during normal business hours in room 601, 1000 N. Glebe Road, Arlington, VA.

Dated: October 15, 1984.

**R.K. Robinson,**

*Chief, Permit Branch, Federal Wildlife Permit Office.*

[FR Doc. 84-27620 Filed 10-18-84; 8:45 am]

**BILLING CODE 4310-55-M**

### Receipt of Application for Permit; International Animal Exchange, et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: International Animal Exchange, Ferndale, MI; PRT #683073

The applicant requests a permit to purchase in interstate commerce one male and one female captive-bred Andean condor (*Vultur gryphus*) and export them to Seoul Grand Park Zoo, Korea for enhancement of propagation.

Applicant: Wildlife Branch/Natural Resources Division, Fort Bragg, NC; APP #3759BM

The applicant requests a permit to take (band, harass) red-cockaded woodpeckers (*Picoides borealis*) in the Fort Bragg area for scientific research.

Applicant: Wild World Animal Park, Bastrop, TX; APP #2658BM

The applicant requests a permit to purchase in interstate commerce from Frank Thompson Inc., Bradenton, FL a captive-bred ocelot (*Felis pardalis*) for enhancement of propagation.

Applicant: Herp Osteo Specimens, Canoga Park, CA; PRT-684371

The applicant requests a permit to export to Japan, skeletal preparations of the following species: (1) African dwarf crocodile (*Osteolaemus t. tetraspis*), (2) American crocodiles (*Crocodylus acutus), (2)* mugger crocodiles *(C. p. Palustris*) and (1) black caiman (*Melanosuchus niger*) for scientific research purposes.

Applicant: Vance Grannis, Jr., Inver Grove Hgts, MN; PRT-682605

The applicant requests a permit to import 5 pairs of each of the following captive-red pheasants: bar-tailed (*Syrmaticus humaie*), Mikado (*S. mikado*), Elliot's (*S. ellioti*), Edward's (*Lophura edwardsi*), and Swinhoe's (*L. swinhoii*) from Robert Gardner, Peterborough, Ontario, Canada for enhancement of propagation.

Applicant: Kansas City Zoological Gardens, Kansas City, MO; PRT–684035

The applicant requests a permit to import 2 captive-bred Japanese cranes (*Grus japonenis*) from the Carl Hagenbeck Tierpark, Hamburg, West Germany, for enhancement of propagation.

Applicant: Charles C. Nugent, Kimbolton, OH; APP #3490BM

The applicant requests a permit to purchase 13 captive-born Hawaiian (-*nene) geese [Nesochen (-Branta) sandvicensis*] in interstate commerce from Sherwood Costen, Point Pleasant, WV for enhancement of propagation.

Applicant: Jackson Zoological Park Jackson, MS; PRT–683664

The applicant requests a permit to export one male captive-born red-fronted lemur (*Lemur fulvus rufus*) to the Saarbucken Zoo. Saarbucken, West Germany for enhancement of propagation.

Applicant: Jackson Zoological Park, Jackson, MS; APP #3922BM

The applicant requests a permit to export one male captive-born Brazilian tapir (*Tapirus terrestris*) to the Ruhr Zoo, Gelsenkirchen, West Germany for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 601, 1000 North Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT/APP number when submitting comments.

Dated: October 12, 1984.

R.K. Robinson,

*Chief, Branch of Permits, Federal Wildlife Permit Office.*

[FR Doc. 84–27621 Filed 10–18–84; 8:45 am]

BILLING CODE 4310–55–M

## Minerals Management Service

### Development Operations Coordination Document; Texaco, U.S.A.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Texaco U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0310, Block 218, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Louisa and Morgan City, Louisiana.

**DATE:** The subject DOCD was deemed submitted on October 11, 1984.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 11, 1984.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 84–27656 Filed 10–18–84; 8:45 am]

BILLING CODE 4310–MR–M

### Development Operations Coordination Document; Texaco, U.S.A.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Receipt of a Proposed Developent Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Texaco, U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 2868, Block 31, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Louisa and Morgan City, Louisiana.

**DATE:** The subject DOCD was deemed submitted on October 9, 1984.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 10, 1984.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 84–27657 Filed 10–18–84; 8:45 am]

BILLING CODE 4310–MR–M

## National Park Service

### Upper Delaware National Scenic and Recreational River; Meeting

**AGENCY:** Upper Delaware Citizens Advisory Council, National Park Service.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

**DATE:** October 26, 1984, 7:00 p.m.

**ADDRESS:** Town of Tusten, Narrowsburg, New York.

**FOR FURTHER INFORMATION CONTACT:** John T. Hutzky, Superintendent, Upper Delaware National Scenic and

Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. (717) 729–7135.

**SUPPLEMENTARY INFORMATION:** The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include items regarding continuance of discussion of requirements for a river management plan. The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: October 15, 1984.

**John W. Bond,**

*Acting Regional Director, Mid-Atlantic Region.*

[FR Doc. 84–27676 Filed 10–18–84; 8:45 am]

**BILLING CODE 4310–70–M**

## Information Collection Submitted for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comment and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Washington, D.C. 20503, telephone 202–395–7340.

Title: National Register of Historic Places Inventory-Nomination Form

Abstract: The form collect information which is necessary to conform to the requirements of the National Historic Preservation Act.

Bureau Form Number: 10–900 & 10–900a

Frequency: On Occasion

Description of Respondents: Individuals; State and Local Governments

Annual Responses: 6,392

Annual Burden Hours: 92,964

Bureau Clearance Officer: Russell K. Olsen.

Dated: October 11, 1984.

**Russell K. Olsen,**

*Information Collection Clearance Officer.*

[FR Doc. 84–27653 Filed 10–18–84; 8:45 am]

**BILLING CODE 4310–70–M**

## Fish and Wildlife Service

## Bureau of Land Management

## Proposed Guidelines for Alaska Land Bank Program Availability

**AGENCY:** National Park Service; U.S. Fish and Wildlife Service; Bureau of Land Management, Interior.

**ACTION:** Extension of Comment Period on Proposed Guidelines.

**SUMMARY:** The Alaska Land Bank Program was established by section 907 of the Alaska National Interest Lands Conservation Act, 94 Stat. 2371, 43 U.S.C. 1936, which provides that certain private landowners may participate in the Land Bank Program by entering into a written agreement with the Secretary regarding the use and development of their lands. The program was established to "enhance the quantity and quality of Alaska's renewable resources and to facilitate the coordinated management and protection of Federal, State and Native and other private lands." 43 U.S.C. 1636(a).

On June 26, 1984 the Department published a notice in the **Federal Register**, 49 FR 26154, requesting comments on the proposed guidelines on or before September 27, 1984. As a result of several requests for an extension of the comment period, the Department has determined to extend the comment period until December 15, 1984.

Comments should be directed to: William P. Horn, Deputy Under Secretary, Department of the Interior, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** David Watts, Assistant Solicitor, Conservation and Wildlife, Department of the Interior, Washington, D.C. 20240.

Dated: October 9, 1984.

**William P. Horn,**

*Deputy Under Secretary.*

[FR Doc. 84–27654 Filed 10–18–84; 8:45 am]

**BILLING CODE 4310–70–M**

## Bureau of Reclamation

## Municipal and Industrial Water Service Ratesetting Policy, Central Valley Project (CVP), CA.; Availability of Policy Options Document and Intent to Hold Public Workshops and Hearings

The Department of the Interior, through the Bureau of Reclamation, has developed a municipal and industrial (M&I) water ratesetting option paper for the CVP. The paper was prepared pursuant to the Reclamation Projects Act of 1939 (53 Stat. 1187), Pub. L. 88–44 (Act of June 21, 1963, 77 Stat. 68), and the Reclamation Reform Act of 1982, title II, Pub. L. 97–293 (96 Stat. 1263).

The CVP was originally authorized as an Army Corps of Engineers project by the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1028, 1038). Congressional reauthorization of the project under Reclamation law was provided in Section 2 of the Rivers and Harbors Act of August 26, 1937 (50 Stat. 844), and by the Rivers and Harbors Act of October 17, 1940 (54 Stat. 1198). Congress further reauthorized the project by the Act of October 14, 1949 (63 Stat. 852) and the Act of September 26, 1950 (64 Stat. 1036). Additional units were authorized by the Congress as integral parts of the project by the Acts of August 12, 1955 (69 Stat. 719); June 3, 1960 (74 Stat. 156); October 23, 1962 (76 Stat. 1191 and 1192); September 2, 1965 (79 Stat. 615); August 19, 1967 (81 Stat. 167); August 27, 1967 (81 Stat. 173); October 23, 1970 (84 Stat. 1097); and September 28, 1976 (90 Stat. 1328).

The initial M&I water service contracts for the CVP were written for a term of 40 years. Water rates were established for each service area and remained constant during the contract term. The initial CVP water rate structure for M&I was $9.00 per acre-foot in the Sacramento Valley near the source of supply, and was $10.00 per acre-foot for all service in the San Joaquin Valley south of the Sacramento-San Joaquin River Delta. Since the late 1960's, it has become evident that fixed-rate contracts do not ensure return of an appropriate share of the project costs to the Treasury. M&I contracts entered into since 1970 have rate change provisions, but the early ones are severely restricted.

The establishment of a projectwide M&I ratesetting policy for the CVP is a complex undertaking. Previous efforts included a series of public hearings on the 1981 ratesetting proposal from which comments have been incorporated into a policy options document.

The proposed ratesetting policy options document has been developed to ensure adequate returns to the Treasury, and to provide equitable charges among water users for services received. The proposed policy is formalized and is available for review by interested parties. The policy options document reviews the water rate history of the CVP and discusses the need for a standard ratesetting policy. The calculations reflect application of the various proposed policy options.

The proposed policy options document includes several feasible alternatives for consideration. Sample calculations which demonstrate the impacts of the proposals are provided to enhance understanding of the alternatives.

To facilitate an indepth understanding of this proposal, there will be a series of informal workshop sessions at which the policy options and calculations will be explained in detail. There will be ample opportunity for open discussion and to ask questions. The sessions are open to the general public and are to promote an exchange of ideas and to answer questions prior to the public hearings. All workshops will begin at 1:00 p.m. in the following locations.

Concord—Tuesday, October 23, 1984, at the Concord Inn (Walnut Room), 1401 Willow Pass Road

Fresno—Thursday, October 25, 1984, at The Fresno Convention Center (Wine Room), 700 M Street

Sacramento—Tuesday, October 30, 1984, at The Convention Center, Activities Bldg. (Yuba/Placer Room), 14th & K Streets

Public hearings dates have been scheduled to receive comments on the proposed policy options document from interested individuals and organizations. The public hearings will begin at 1:00 p.m. in the following locations:

Concord—Tuesday, December 4, 1984, at the Concord Inn (Walnut Room), 1401 Willow Pass Road

Fresno—Thursday, December 6, 1984, at The Fresno Convention Center (Wine Room), 700 M Street

Sacramento—Tuesday, December 11, 1984, at The Convention Center, Activities Bldg. (Yuba/Placer Room), 14th & K Streets

Requests to speak may be made at the hearings. Those individuals or organizations which desire to speak at a specified time should send a written request for such to the address listed below. Each hearing will continue until all persons desiring to comment have been heard.

The time permitted for oral presentations at the hearings should be limited to 15 minutes per speaker. Speakers will not be permitted to trade or consolidate their scheduled time to make longer individual presentations. However, the person presiding at the hearing may allow additional oral comments by anyone after all scheduled speakers have been heard. Written statements by persons who desire to supplement their oral presentations may be submitted to the Regional Director at the address listed below. Any such written statements or other comments on the ratesetting policy will be accepted through January 15, 1985.

Copies of the draft policy may be obtained without charge by writing to the Regional Director, Bureau of Reclamation, Water Rate Policy (MP-440), 2800 Cottage Way, Sacramento, California 95825. Questions by telephone should be directed to Donna Tegelman at (916) 484-4540.

Dated: October 17, 1984.

**Kenneth R. Pedde,**

*Acting Assistant Commissioner of Reclamation.*

[FR Doc. 84-27805 Filed 10-18-84; 8:45 am]

BILLING CODE 4310-09-M

## INTERSTATE COMMERCE COMMISSION

### Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: IC Industries, Inc., One Illinois Center, 111 East Wacker Drive, Chicago, Illinois 60601.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

Abex Corporation, Six Landmark Square, Stamford, Connecticut 06902-2268 (Incorporated in Delaware)

Accent International, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Delaware)

Alton Manufacturing Company, 4830 Transport Drive, Dallas, Texas 75247 (Incorporated in Texas)

Bolingbrook 55 Corporation, 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Illinois)

Boston Bean Pot, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Massachusetts)

Bubble-Up Company, Inc., 2800 North Talman Avenue, Chicago, Illinois 60618 (Incorporated in Delaware)

Chesley Industries, Inc., 20775 Chesley Drive, Farmington, Michigan 48204 (Incorporated in Michigan)

Chicago Intermodal Company, 233 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Delaware)

Cosmic Enterprises, Inc., 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Delaware)

Cosmic Stores, Inc., 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in New York)

Cove Development Corporation, 111 E. Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Delaware)

Dad's Root Beer Company, 2800 North Talman Avenue, Chicago, Illinois 60618 (Incorporated in Illinois)

Environ of Inverrary, Inc., 111 E. Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Florida)

Friend Brothers, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Massachusetts)

GM&O Land Company, 233 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Mississippi)

Gas Welding, Inc. 401 South Rohlwing, Addison, Illinois 60101 (Incorporated in Illinois)

Genadco Advertising Agency, Inc., 1745 North Kolmar Avenue, Chicago, Illinois 60639 (Incorporated in Illinois)

Helvetia Redevelopment Corporation, 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Missouri)

Helvetia Leasing Corporation, 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Delaware)

Hussman Acceptance Company, 12999 St. Charles Rock Road, Bridgeton, Missouri 63044 (Incorporated in Missouri)

Hussman Corporation, 12999 St. Charles Rock Road, Bridgeton, Missouri 63044 (Incorporated in Delaware)

Hussman Refrigeration, Inc., 12999 St. Charles Rock Road, Bridgeton, Missouri 63044 (Incorporated in Missouri)

Cypress Bend Corporation, 111 E. Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Florida)

IC Equipment Leasing Company, 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Illinois)

IC Equities, Inc., 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Delaware)
IC Industries, Inc., 111 E. Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Delaware)
IC Leasing Inc., 111 E. Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Delaware)
IC Products Inc., 111 E. Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Delaware)
ICP Holding Corp., 111 E. Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Indiana)
Illinois Center Corporation, 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Delaware)
International Stamping Co., Inc., 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Wisconsin)
Kolmar Products Corporation, 1745 North Kolmar Avenue, Chicago, Illinois 60639 (Incorporated in Wisconsin)
Krack Corporation, 401 South Rohlwing, Addison, Illinois 60101 (Incorporated in Illinois)
Huth Manufacturing Corporation, 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in California)
Midas International Corporation, 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Delaware)
Midas Properties, Inc., 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in New York)
Midas Realty Corporation, 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Delaware)
Mississippi Valley Corporation, 233 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Delaware)
Muffler Corporation of America, 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Illinois)
Wine & Spirits Enterprises, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Missouri)
North Carolina Corp., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Massachusetts)
Oak Village Development Corp., 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Delaware)
Pepsi-Cola General Bottlers, Inc., 1745 North Kolmar Avenue, Chicago, Illinois 60639 (Incorporated in Delaware)
Pet Incorporated, 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Delaware)
P. V. Foods, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Minnesota)
LaSalle Properties, Inc., 900 Commerce Road East, Suite 107, New Orleans, Louisiana 70123 (Incorporated in Louisiana)
Mid-America Improvement Corporation, 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Illinois)
S & T South, Inc., 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Illinois)
St. Louis Lithographing Company, 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Missouri)
South Properties, Inc., 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Illinois)
Southland Canning & Packing Co. Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Louisiana)
Spartanburg Dairy, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Georgia)
Stuckey's Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Delaware)
Stuckey's Stores, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Delaware)
William Underwood Company (Maine), 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Maine)
William Underwood Company (Mass.), 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Massachusetts)
California Speciality Stores, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in California)
Richardson & Robbins Co., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Delaware)
S & T of Mississippi, Inc., 111 East Wacker Dr., 27th Floor, Chicago, Illinois 60601 (Incorporated in Mississippi)
Violet Packing Co., Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Louisiana)
Hussmann International, Inc., 12999 St. Charles Rock Road, Bridgeton, Missouri 63044 (Incorporated in Delaware)
Illinois Central Export Corporation, Six Landmark Square, Stamford, Connecticut 06902–2268 (Incorporated in Delaware)
Krack Corporation International, 401 South Rohlwing, Addison, Illinois 60101 (Incorporated in Delaware)
Pet International Sales, Inc., 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Delaware)
Hussann Distributing Company, Inc., 10420 Baur Boulevard, St. Louis, Missouri 63132 (Incorporated in Delaware)
IC Acquisition Company, 400 South Fourth Street, St. Louis, Missouri 63102 (Incorporated in Delaware)
Mexican Holding Co., 12999 St. Charles Rock Road, Bridgeton, Missouri 63044 (Incorporated in Missouri)
Midas Euro, Inc., 225 North Michigan Avenue, Chicago, Illinois 60601 (Incorporated in Delaware)

1. Parent corporation and address of principal office: Miller Transporters, Inc., Post Office Box 1123, Jackson, Mississippi 39215–1123.

2. Wholly-owned subsidiaries, which will participate in the operations, and State(s) of incorporation: Mississippi Bandag, Inc., a Mississippi corporation.

1. Parent corporation: Sage Foods, Inc., 999 E. Touhy, Suite 200, Des Plaines, IL 60018.

2. Wholly-owned subsidiaries:

(1) Infra-Red Foods Corp., Illinois Corporation;

(2) Practical Packaging Unlimited, California Corporation;

(3) Sage Coach Express, Inc., Illinois Corporation.

**James H. Bayne,**

*Secretary.*

[FR Doc. 84-27623 Filed 10-18-84; 8:45 am]

BILLING CODE 7035-501-M

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**[Finance Docket No. 30562]**

## The Baltimore and Ohio Railroad Co.—Trackage Rights Exemption

On September 20, 1984, The Baltimore and Ohio Railroad Company (B&O) filed a notice of exemption for trackage rights over a line of track of the Chicago South Shore and South Bend Railroad Company (CSS&SB) between milepost 43.94, near Porter (Bailly), IN, and milepost 57.78, near Gary (Goff), IN, a total distance of 13.84 miles.

This transaction is within a corporate family and comes within that class of transactions described in 49 CFR 1180.2(d)(3) which has been exempted from Commission regulation. The B&O purchase of the line will not result in changes in service levels, significant operation changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to the use of this exemption, any employees affected by the trackage rights agreement will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights-BN*, 354 I.C.C. 605 (1978), as modified by

*Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: October 9, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

*Secretary.*

[FR Doc. 84-27624 Filed 10-18-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-123X]

## Seaboard System Railroad, Inc.—Abandonment—In Knott County, KY; Exemption

Seaboard System Railroad, Inc. (SBD) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between milepost VK-255.51 and milepost VK 257.97, a total distance of 2.46 miles in Knott County, KY.

SBD has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Kentucky has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on November 21, 1984, (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by November 1, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 12, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: October 12, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

*Secretary.*

[FR Doc. 84-27625 Filed 10-18-84; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Forms Under Review by the Office of Management and Budget (OMB)

#### Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

#### Revision

Bureau of Labor Statistics
Pricing Collective Bargaining Settlements—Public Sector
1220-0048; BLS 3116B, BLS 3116C
Annually, biennially, or other (usually every 2 or 3 years)
State or local governments
250 responses; 150 hours, 2 forms

The Bureau of Labor Statistics series on State and local government collective bargaining agreements provides data on the size of negotiated changes in wages and compensation. This series covers about half of the unionized non-Federal public sector workers. The data are used by Federal policymakers, State and local government officials, and labor groups.

Employment and Training Administration
ETA Validation Handbook No. 361
1205-0055; ET Handbook 361
On occasion; quarterly
State or local government
53 respondents; 59,768 hours

The ETA Management Information System must provide sufficiently credible information upon which management can make policy decisions, insure credible reports to the Congress and the President, and in the case of UI, insure fair distribution of funds. The validation process attempts to insure the accuracy and comparability of reported data to the system.

#### Extension

Women's Bureau
Conference/Workshop Evaluation Form
1225-0018; WB-2
Individuals or households; state or local governments; businesses or other for profit; Federal agencies or employees; non-profit institutions
23,750 responses; 2,375 hours; 1 form

Conferences and workshops are used by the Women's Bureau to disseminate information about the economic status of working women. The public assessment of the Women's Bureau

information services is used by management to effect improvements in the conferences' informational content and quality and to determine if a conference format is an effective information dissemination technique.

Signed at Washington, D.C., this 16th day of October 1984.

Paul E. Larson,

*Departmental Clearance Officer.*

[FR Doc. 84-27715 Filed 10-18-84; 8:45 am]

BILLING CODE 4510-24-M, 4510-30-M

## Employment and Training Administration

### Migrant and Seasonal Farmworker Programs; Program Year (PY) 1985 State Planning Estimates, Preapplications for Federal Assistance, and Solicitation for Grant Application

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The ETA announces planning and application instructions for Program Year (PY) 1985 Migrant and Seasonal Farmworker Programs funded under Title IV, Section 402, of the Job Training Partnership Act (JTPA). Applicants selected for funding will be designated as grantees for a 1-year period for PY 1985, and will not have to compete for PY 1986 funding if the responsibility review conditions are met, an acceptable training plan is submitted and funds are available.

**DATES:** No exceptions to the mailing and hand-delivery conditions set forth in this notice will be granted. Preapplications and applications not meeting the conditions set forth in this notice will not be accepted.

Preapplications submitted by mail must be posted by certified or registered mail, return receipt requested, and postmarked no later than November 8, 1984.

Preapplications submitted by hand-delivery will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Eastern Time, but no later than 4:45 p.m., Eastern Time, on November 8, 1984.

Applications submitted by mail must be posted by certified or registered mail, return receipt requested, and postmarked no later than December 3, 1984.

Applications submitted by hand-delivery will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Eastern Time, but no later than 4:45 p.m., Eastern Time, on December 3, 1984.

**ADDRESS:** Preapplications and applications must be mailed or hand-delivered to Robert D. Parker, Grant Officer, ETA, Room 5002, 601 D Street NW., Washington, D.C. 20213, Phone: 202/376-6254.

**FOR FURTHER INFORMATION CONTACT:** Charles C. Kane, Chief, Division of Seasonal Farmworker Programs, 601 D Street NW., Room 6122, Washington, D.C. 20213, Phone: 202/376-6232.

**SUPPLEMENTARY INFORMATION:** The JTPA Pub. L. 97-300, establishes programs to prepare youth and unskilled adults for entry into the labor force, and to afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment. In accordance with 29 U.S.C. 1501 *et seq.*, regulations promulgated by the Department of Labor (DOL) to implement JTPA are set forth at Parts 626 through 638 and 684 of Title 20, Code of Federal Regulations. It is the purpose of section 402 of JTPA, 29 U.S.C. 1672, to provide job training, employment opportunities, and other services for those individuals who suffer chronic seasonal unemployment and underemployment in the agriculture industry. These conditions have been substantially aggravated by continual advancements in technology and mechanization resulting in displacement and contribute significantly to the Nation's rural employment problem, 20 CFR 633.102(a). These factors substantially affect the entire national economy. Because of farmworker employment and training problems, such programs shall be centrally administered at the national level. Programs and activities supported under this section shall in accordance with section 402(c)(3) of the Act:

(1) Enable farmworkers and their dependents to obtain or retain employment;

(2) Allow participation in other program activities leading to their eventual placement in unsubsidized agricultural or non-agricultural employment;

(3) Allow activities leading to stabilization in agricultural employment; and

(4) Include related assistance and supportive services.

Regulations promulgated by the Department to implement the provisions of Title IV, section 402, of the Act are set forth in 20 CFR Part 633 and Part 636. These Parts contain all the regulations under the Act applicable to migrant and other seasonally employed farmworker programs, 20 CFR 633.103(a).

Should the regulations at Parts 633 and 636 conflict with regulations at other parts of this Title of the Code of Federal Regulations, the regulations at those parts shall prevail with respect to programs and activities governed by this Part, 20 CFR 633.103(b). Further, should any instructions in this notice conflict with the JTPA regulations, the JTPA regulations shall prevail.

The Department invites the submission of Preapplication and funding applications for PY 1985 Title IV, section 402 migrant and seasonal farmworker programs. Applicants should consult and be familiar with 20 CFR Part 633 in its entirety.

Executive Order 12372, "Intergovernmental Review of Federal Programs," and the implementing regulations at 29 CFR Part 17 generally apply to this program. Pursuant to these requirements, in States which have established a consultation process expressly covering this program, applications shall be provided to the State for comment. Since States may also participate as competitors for this program, applications shall be submitted to the State upon the deadline for submission to the Department, instead of the usual 30-day period for review.

This notice consists of: PART I—State Planning Estimates of funds expected to be available; PART II—Preapplication for Federal Assistance, an invitation for private nonprofit organizations, authorized by their Charter or Articles of Incorporation to provide employment and training or other services described in this notice, and public agencies to submit Preapplications for Federal Assistance and, PART III—Solicitation for Grant Application (GSA), an invitation for these agencies with section 402 of JTPA and the SGA set forth below.

The Department will not consider any funding application which does not meet the Precondition for Grant Application requirements provided as part of the SGA in Part III. In addition, prior to the final selection of an applicant as a potential grantee, the Department, as provided in Part III, will conduct a responsibility review of the available records to determine if the applicant has reasonably administered Federal funds. Acceptable applications shall be reviewed by a competitive review panel. Panel results are advisory in nature and not binding on the Grant Officer. Any applicant which does not have its application considered or is not selected as a potential grantee because of these provisions shall be advised of its appeal rights at 633.205(e).

## Part I—State Planning Estimates

The State Planning Estimates provided here are only for the purpose of developing the funding applications being solicited herein. These estimates are the same as the Program Year 1984 allocations based on the currently proposed standstill appropriation level for Fiscal Year 1985, and they do not reflect any Fiscal Year 1984 supplemental appropriations action. Final allocation levels for Program Year 1985 will be based on the final Fiscal Year 1985 appropriation and subject to (1) the last of the three hold-harmless applications, and (2) data based adjustments, if any, resulting from the deliberations of the Interagency Task Force on Farmworker Data.

Regulations at 20 CFR 633.105(b)(2) reserve the right not to allow any funds for use in a State whose allocation is less than $120,000. Applicants should use the State Planning Estimates listed below in developing PY 1985 Preapplications for Federal Assistance and funding applications. The PY 1986 planning estimates will be published at a later date.

TABLE—PY 1985 STATE PLANNING ESTIMATES

| | |
|---|---|
| Alabama | $827,645 |
| Arizona | 802,913 |
| Arkansas | 1,204,809 |
| California | 7,860,963 |
| Colorado | 700,356 |
| Connecticut | 253,519 |
| Delaware | 120,000 |
| Florida | 2,804,843 |
| Georgia | 1,666,956 |
| Hawaii | 120,000 |
| Idaho | 792,910 |
| Illinois | 1,412,789 |
| Indiana | 1,075,489 |
| Iowa | 1,942,257 |
| Kansas | 1,192,945 |
| Kentucky | 1,149,561 |
| Louisiana | 784,681 |
| Maine | 305,878 |
| Maryland | 289,099 |
| Massachusetts | 232,425 |
| Michigan | 1,022,158 |
| Minnesota | 1,839,420 |
| Mississippi | 1,420,697 |
| Missouri | 1,207,101 |
| Montana | 689,989 |
| Nebraska | 1,436,952 |
| Nevada | 120,000 |
| New Hampshire | 120,000 |
| New Jersey | 316,913 |
| New Mexico | 352,583 |
| New York | 1,432,988 |
| North Carolina | 2,891,199 |
| North Dakota | 862,171 |
| Ohio | 1,210,046 |
| Oklahoma | 799,964 |
| Oregon | 802,913 |
| Pennsylvania | 1,269,454 |
| South Carolina | 986,034 |
| South Dakota | 557,183 |
| Tennessee | 1,034,635 |
| Texas | 4,425,933 |
| Utah | 218,240 |
| Vermont | 214,072 |
| Virginia | 982,080 |
| Washington | 1,352,250 |
| West Virginia | 225,080 |
| Wisconsin | 1,784,395 |
| Wyoming | 187,460 |
| Puerto Rico | 2,644,052 |
| National total | $57,986,000 |

## Part II—Preapplication for Federal Assistance

All States and the Commonwealth of Puerto Rico are open for competition for Section 402 funds for PY 1985. Applications for Statewide programs are strongly encouraged. Applicants applying for grants shall submit a Preapplication consisting of:

(1) A Standard Form 424 described at 41 CFR 29–70.214–4;

(2) An attachment identifying the target area to be served by State and counties;

(3) For a private nonprofit organization, a certification from a certified public accountant that its financial management system is capable of properly accounting for and safeguarding Federal funds; and,

(4) For a public agency, a certification by the Chief fiscal officer attesting to the adequacy of the agency's accounting system to properly account for and safeguard Federal funds.

Two copies of the Preapplication for Federal Assistance shall be submitted either by mail or hand-delivered. Along with the Preapplication for Federal Assistance, two copies of the following shall be submitted:

(A) A statement indicating the legally constituted authority under which the organization functions;

(B) An employer identification number from the Internal Revenue Service, and for nonprofit applicants, proof of the organization's tax-exempt status.

Mailings must be posted by registered or certified mail, return receipt requested, and postmarked no later than 20 calendar days following the date of publication of this notice. All hand-delivered Preapplications will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Eastern Time. A receipt will be provided bearing the time and date of delivery. No hand deliveries will be accepted after 4:45 p.m., Eastern Time on the 20*th* calendar day following the date of publication of this notice. No exceptions to these mailings and hand-delivery conditions will be granted. Preapplications not meeting these conditions will not be accepted.

Preapplications for Federal Assistance must be mailed or hand-delivered to: Robert D. Parker, Grant Officer, ETA, 601 D Street NW., Room 5002, Washington, D.C. 20213, Phone: 202/376–6254.

## Part III—Solicitation for Grant Application (SGA)

The DOL is soliciting applications for grants under the provisions of Title IV, section 402 of JIPA to provide training, employment opportunities, and other services for migrant and seasonal farmworkers.

*Content of Application*

This segment of the GSA provides the format and content of the Funding Application. Exclusive of charts or graphs and letters of support and commitment, the funding application should not exceed 75 pages of double spaced, unreduced type.

Detailed budgets and planning estimates will not be a part of the funding application. These will be negotiated with applicants selected for grant awards in accordance with the governing regulations. The application format must be followed and contain the four sections listed below:

Section I—*Administration and Staffing*

This section will describe the applicant's administrative organization and staffing. Elements to be included in the description are:

(A) The number of people presently involved in the administration of the organization and the number of people who will be involved in the administration of the proposed program, their jobs titles, and the total administrative costs for the proposed program;

(B) A description of the management and administration plan including:

(1) Organization structure;

(2) Monitoring system;

(3) Evaluation system;

(4) Personnel or merit system;

(5) Accounting system;

(6) Fiscal reporting and participant tracking;

(7) Allowance payment system, if applicable;

(8) Grievance procedures;

(9) Equal Employment Opportunity.

*Section II—Program Experience*

This section will describe the applicant's experience and capability in providing employment and training programs for migrant and seasonal farmworkers. The applicant should discuss the type of programs operated; the employment, training, and services activities which were provided; the number of participants involved in each activity; the actual vs. planned performance; the amount of funding; the

contract grant or agreement number, the name of the funding agency, and the period of performance.

*Section III—Program Approach and Delivery System*

This section will describe the applicant's approach to fulfilling the intent of section 402 of the JTPA and the method of delivering the proposed program. Elements to be included in the description are:

(A) A description of migrant and seasonal farmworkers needs in the area;

(B) An assessment of job opportunities in the area;

(C) A detailed description of each program activity to be provided;

(D) The rationale for the program mix of training, employability development, and supportive services activities;

(E) A list of delivery agents, if applicable, and the services to be provided by each.

*Section IV—Linkages and Coordination*

This section will describe the applicant's demonstrated and documented ties with appropriate State and local agencies, private nonprofit organizations, and other groups providing resources and services to farmworkers. Letters of commitment for such resources should be attached to the application.

*Specific Rating Criteria*

As directed at section 402(c)(1) of the JTPA, it will be determined by a competitive review panel if applicants demonstrate an understanding of the problems of migrant and seasonal farmworkers, a familiarity with the area to be served, and a previously demonstrated capability to administer effectively a diversified employability development program for migrant and seasonal farmworkers. The review panel results are advisory in nature and are not binding on the Grant Officer. In addition, the Department will be looking for a coherent, effective management approach and an ability to administer an effective program. Each application considered by the Department will be reviewed and rated by the panel using the following specific criteria:

(i) *Administrative Capability (Range, 0 to 40 points).* The administrative capability factor is a rating of the applicant's management experience and efficiency. The rating shall include consideration of the managerial expertise of the organization's present and proposed staff in managerial and decisionmaking positions. Ratings will be based on an applicant's demonstrated ability to operate a program which provides timely and effective services within the period of performance and which clearly shows the capability to efficiently administer a multi-activity delivery system.

(ii) *Program Capability (Range, 0 to 30 points).* This factor rates the applicant equally in two subfactors; (1) its capability to effectively administer a comprehensive training and employment program for migrant and seasonal farmworkers and, (2) its capability to meet or exceed planned goals. Ratings will be based on the applicant's past operation of a successful comprehensive multi-activity program of employment and training and other services for farmworkers and on documentation that planned performance goals were either met or exceeded during the period of performance.

(iii) *Program Approach and Delivery System (Range, 0 to 20 points).* This factor rates the proposed program's potential impact on the full range of farmworker needs and its fulfillment of the intent of section 402 in relation to:

(1) An understanding of the problems of migrant and seasonal farmworkers, and

(2) A familiarity with the area to be served. Ratings will be based on applicant's clear and concise analyses of the economic situation of the target area, the needs of the target groups, and a proposed program which reflects those analyses. The program should provide the appropriate mix of training and supportive services that can be successfully implemented to meet the identified needs. The service delivery system aspect is a rating of the applicant's ability to deliver the proposed program, the appropriateness of the plan, and its potential ability to be effective.

(iv) *Linkages and Coordination (Range, 0 to 10 points).* This factor rates the applicant on: (1) Plans for involving appropriate agencies and programs in the design and operation of the applicant's proposed program, and (2) the extent to which the applicant assures that any training or other services provided will meet the needs of participants. Ratings will be based on an applicant's documented programmatic ties with the appropriate agencies in providing resources and services to farmworkers.

*Submission of Funding Application*

Three (3) copies of the funding application shall be submitted either by mail or handdelivered. Mailings must be posted by registered or certified mail, return receipt requested, no later than 45 calendar days following the date of publication of this notice. All hand-delivered applications will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Eastern Time. A receipt will be provided bearing the time and date of delivery. No hand-deliveries will be accepted after 4:45 p.m., Eastern Time on the 45th calendar day following the date of publication of this notice. No exceptions to these mailing and hand-delivery conditions will be granted. Applications not meeting these conditions will not be accepted.

Funding applications must be mailed or hand-delivered to: Robert D. Parker, Grant Officer, ETA, 601 D Street NW., Room 5002, Washington, D.C. 20213, Phone 202/376–6254.

*Notification of Selection*

(i) Respondents to this SGA which are designated as potential grantees will be notified by the Department. The notification will invite each potential grantee to negotiate the final terms and conditions of the grant, will establish a reasonable time and place for the negotiation, and will indicate the State or area to be covered by the grant. Grants will be awarded for a one year period for PY 1985 and organizations selected will not have to compete for PY 1986 funding if the responsibility review conditions at § 633.204 are met, if an acceptable job training plan is submitted, and if funds are available.

(ii) In the event that no grant applications are received for a specific State or area or those received are deemed to be unacceptable, or where a grant agreement is not successfully negotiated, the Department may give the Governor first right to submit an acceptable application pursuant to the Precondition for Grant Application and Responsibility Review tests. Should the Governor not accept the offer within fifteen (15) days, the Department may then: (1) Designate another organization or organizations or (2) reopen the area for competitive bidding.

(iii) An applicant whose grant application is not selected by the Department to receive Section 402 funds will be notified in writing.

(iv) Applicants who submit grant applications which have been rejected may not resubmit a new grant application for the State(s) or area(s) in which they are interested in providing services until the area(s) is announced by the Department as reopened for competition.

(v) Any applicant whose grant application is denied in whole or in part by the Department will be advised of its appeal rights at § 633.205(e).

Signed at Washington, D.C., this 11th day of October 1984.

Paul A. Mayrand,

*Director, Office of Special Targeted Programs.*

Robert D. Parker,

*Grant Officer, Employment and Training Administration.*

[FR Doc. 84-27714 Filed 10-18-84; 8:45 am]

BILLING CODE 4510-30-M

## Determinations Regarding Eligibility To Apply for Worker Adjustment Assistant

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 1, 1984—October 5, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

*TA-W-15,387; Pfaudler Co., Elyria, Ohio*

*TA-W-15,364; Julia Sportswear, Inc., New York, New York*

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-15,385; K.C. Jackson Abrasives, Inc., Glenwillard, PA*

*TA-W-15,413; Cleveland Crane & Engineering, Wickliffe, OH*

*TA-W-15,404; Old Dominion Manufacturing Co., Inc., Land Assault Vehicle (LAV) Div., Culpeper, VA*

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

*TA-W-15,429; Puritan Trim Co., Patchogue, NY*

Aggregate U.S. imports of trimmings did not increase as required for certification.

*TA-W-15,449; Majestic Mining, Inc., Widen, WV*

Aggregate U.S. imports of coke and coal are negligible.

*TA-W-15,427; The Linette Co., Inc., New York, NY*

Aggregate U.S. imports of apparel trimmings and bindings did not increase as required for certification.

### Affirmative Determinations

*TA-W-15,345; Certified Creations, Inc., New York, NY*

A certification was issued covering all workers separated on or after May 20, 1983 and before April 1, 1984.

*TA-W-15,402; Flower Classics, Inc., Hialeah, FL*

A certification was issued covering all workers separated on or after July 6, 1983 and before September 1, 1983.

*TA-W-15,415; The Hanover Shoe, Inc., Middletown, MD*

A certification was issued covering all workers separated on or after December 1, 1983.

I hereby certify that the aforementioned determinations were issued during the period October 1, 1984–October 5, 1984. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 9, 1984.

Marvin M. Fooks,

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 84-27710 Filed 10-18-84; 8:45 am]

BILLING CODE 4510-30-M

## LEGAL SERVICES CORPORATION

### Grant Award; Kansas Bar Foundation

**AGENCY:** Legal Services Corporation.

**ACTION:** Announcement of grant award.

**SUMMARY:** The Legal Services Corporation (LSC) announces its intention to award a one-time grant of $13,460 to the Kansas Bar Foundation for the implementation of Kansas' Interest on Lawyers' Trust Account (IOLTA) program. These funds will be awarded on a non-recurring basis under the authority of sections 1006(a)(1)(B) and 1006(a)(3) of the Legal Services Corporation Act of 1974, as amended in 1977. The grant will cover the period beginning November 19, 1984, and ending November 18, 1985. There will be no refunding rights for this one-time grant under section 1011 of the Legal Services Corporation Act or Part 1625 of the Corporation's Regulations. This public notice is issued pursuant to section 1007(f) of the Legal Services Corporation Act, with a request for comments and recommendations within a period of thirty (30) days from date of publication of this notice. The grant award will not become effective and grant funds will not be distributed prior to the expiration of this thirty-day period.

**DATE:** All comments and recommendations must be received by the Office of Program Development of the Legal Services Corporation within thirty (30) calendar days of publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Heidi J. Ackerman, Assistant Director, Office of Program Development, Legal Services Corporation, 733 Fifteenth Street, NW., Washington, D.C. 20005 (202) 272-4356.

**SUPPLEMENTARY INFORMATION:** This grant will be awarded pursuant to the Legal Services Corporation's announcement of the continued availability of funds to develop and implement Interest on Lawyers' Trust Account (IOLTA) programs (**Federal Register**, p. 22899, June 1, 1984). LSC intends these grants to foster IOLTA programs which will serve as a source of private sector funding to supplement federal funding for the direct delivery of civil legal services to poor individuals.

The Kansas IOLTA program is being implemented by Order of the Supreme Court of the State of Kansas. Pursuant to that Order, funds received by an attorney from a client or in a client related matter which, in the attorney's judgment, would only generate a nominal amount of interest if placed in a separate interest bearing trust account, may be "pooled" with similar funds held for other clients. The interest earned by these "pooled" funds, net of service charges, will be paid to the Kansas Bar Foundation. As an LSC IOLTA grant recipient, the Foundation is required to use its best efforts to expend at least two-thirds of the IOLTA proceeds (excluding administrative costs and a

reserve to the provision of civil legal services to poor individuals.

**Donald P. Bogard,**

*President, Legal Services Corporation.*

[FR Doc. 84-27650 Filed 10-18-84; 8:45 am]

BILLING CODE 6820-35-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[84-80]

### National Environmental Policy Act; Finding of No Significant Impact

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of finding of no significant impact.

**SUMMARY:** This assessment identifies the potential environmental effects of the Space Shuttle launch and operation of payloads. Under the Proposed Action, the Space Shuttle is scheduled to carry 928 payloads into space from 1982–1991. The major alternatives to the Proposed Action were identified as reasonable approaches to achieving the payload mission objectives. These included the use of expendable launch vehicles/ sounding rockets (Expendable Launch Vehicle/Sounding Rocket Alternative) and terrestrial systems (No-Action Alternative). Because of technical and operational constraints, many of the proposed missions could not be achieved under the two alternatives. In the case of the No-Action Alternative, for instance, about 40 percent of the unclassified missions (exclusive of National Security, Mid-deck experiments, and Get-Away-Specials) would have to forego anticipated benefits under the Proposed Action. Under the Expendable Launch Vehicle/ Sounding Rocket Alternative, many of the automated payload missions, such as satellite deployment and small research missions, could be achieved.

**SUPPLEMENTARY INFORMATION:** The proposed Action addressed in this document is the utilization of the Space Transportation System (STS) for the performance of missions in space. Potential missions span a number of areas, including science and applications, technology development, commercial applications and National Security applications, and involve varying degrees of services and associated support systems.

An STS Traffic Model provides a basis for estimating the future STS impacts and includes 928 payloads (exclusive of classified military missions), scheduled on 124 flights (exclusive of reflight opportunities and National Security flights) from 1982–1991.

The payload categorization is based on the potential space operations: Launch vehicle (i.e. Orbiter) integrated payloads and free-flying payloads. Launch vehicle integrated payloads include those which remain attached to the Orbiter throughout its operation; are deployed and retrieved on a single flight; or are returned to Earth. Mid-deck experiments, Spacelab, Get-Away-Specials, and Landsat retrieval are examples of payloads within this mission class. Free-flying payloads include those which are deployed from the cargo bay and remain detached permanently or are retrieved on a subsequent flight; or are retrieved, serviced, and deployed on a single flight. The Long Duration Exposure Facility, Gamma Ray Observatory, communication satellites, and planetary spacecraft are examples of payloads in this latter class.

The two alternatives to the Proposed Action are: (1) Continue the U.S. Space Program, but with the use of expendable launch vehicles (ELV); or (2) no-action, which would be to use terrestrial-based research and development, science and technology application, and communication systems. These two alternatives are described below.

One alternative to the Proposed Action is the use of expendable launch vehicles (ELV's) and sounding rockets tro achieve the payload mission objectives. The population of launch vehicles available encompasses both the U.S. and international countries; however a subset of this population was selected as a reasonble alternative.

As an alternative to the Space Transportation System, use of ELV's and sounding rockets offer a wide but limited capability for orbital and suborbital missions. All missions are automated and include scientific, commercial, and Department of Defense (DOD) applications.

The ELV's provide orbital launch capability and include a variety of solid and liquid-staged vehicles: Titan, Atlas-Centaur, Delta, Scout, and Ariane. The Titan, Atlas-Centaur, Delta, and Scout are U.S. rockets primarily launched from the Eastern Test Range (ETR), Florida, and the Western Test Range (WTR), California, and San Marco, Africa. Ariane is a European vehicle launched from the Centre Spatial Guyanais-Guiana Space Center (CSG) in French Guiana, South America, and is under the direction of the Centre National D'Estudes Spatiales (CNES) and the European Space Agency (ESA). For high energy missions, upper stages are coupled with the base vehicles. Typical upper stages include the Centaur, the Payload Assist Module (PAM), and the Inertial Upper Stage (IUS), among others. Sounding rockets provide a wide variety of suborbital and low-orbit mission capabilities. Both solid and liquid propellants are used for propulsion on these launch vehicles.

The No-Action Alternative is defined as the fulfillment of the mission objectives through groundbased or terrestrial systems. This implies that the system characteristics and operations are substantially similar to the system that is being substituted. For many of the payloads, space applications represent a substitute for, extension of, or advancement of terrestrial systems. Communications and many enviromental monitoring systems are examples of systems that, in most cases, have terrestrial equivalents.

Research and science and application payloads represent unique cases where terrestrial equivalents are virtually preempted. In these instances, the space environment characteristics are utilized for research, experiments, and testing and usually cannot be duplicated on earth. Examples of payloads in this class are life science and physical science experiments requiring long duration exposure to microgravity, or Earth observational measurements requiring synoptic views. There are also payload-related activities that are, by definition, space operations. Satellite servicing, maintenance and retrieval, and search and rescue misssions are examples of services that may be required for a payload. Based on these consideration, some payload characteristics and activities preclude the feasibility and practicality of a terrestrial equivalent. These include mission activities related to: (1) Payload servicing and maintenance; and (2) payload retrieving. These also include those missions with the characteristics/requirements of: (1) Long duration exposure to microgravity environment or other unique space environment parameters (e.g., ultra-high vacuum, high energy radiation, large volume of ionized gases); (2) viewing direction (e.g., synoptic views); and (3) other sampling and meaurements and/or validation requirements (physical, chemical, and spectroscopic), beyond terrestrial capabilities both technically and economically (e.g., highly accurate pointing and stability).

The environmental analysis addresses seven environmental categories (socioeconomics; space quality; air; land, and water quality; noise; biotic resources; human health; and resource use) under a normal-operation scenario. An eighth category, accidents, was

distinguished to address the possible environmental effects resulting from human error or mechanical/electrical failures of equipment and subsystems. The magnitude and type of impact, the duration, geographical context, and the potential for interactive and cumulative effects were considered for each of these aforementioned categories.

The process for analysis of the environmental effects from the launch vehicle and payload operations incorporated previous environmental assessments on launch vehicle related effects. Because of the tiering approach to this analysis, the launch vehicle and payload effects were evaluated on an independent basis initially, but then intergrated to establish the total mission effects.

The results of this analysis are summarized in matrix form for both the launch vehicles and payloads, and indicate that the launch vehicle impacts (documented in previous environmental studies) would essentially eclipse those associated with the payloads. Previous environmental studies addressing launch vehicle operational impacts (i.e., the Space Shuttle and ELV's) have been incorporated into this assessment and are summarized briefly here.

During the launch phase of the Shuttle from the Kennedy Space Center (KSC), hydrogen chloride (HCL) will be introduced into the stratosphere causing a small decrease in ozone. Temporary perturbations to the ionosphere will occur from the orbital maneuvering system firings and propellant dumps as well as during entry. As the orbiter descends, a low magnitude sonic boom will be produced along the groundtrack with the maximum overpressure occurring near the landing site at KSC. The sonic boom will effect approximately 500,000 people in a 60 kilometer × 120 kilometer area. The maximum overpressure will be 101 newtons/square meter over a 161 square kilometer area. The boom will expand the entire width of the state and will be audible as far north as Orlando and as far south as Sarasota. The overpressures are temporary and, in most cases, in the range of nuisance or annoyance. Effects of sonic booms on humans, animals, and marine life are expected to be limited to startle responses. Nonprimary structures or building may sustain minor damage at overpressure ranging from 48 to 144 newtons/square meter.

The alternate landing site is Edwards Air Force Base. Based on orbiter landings at this latter site on earlier missions, there have been no significant environmental impacts associated with the orbiter reentry. The maximum population affected by a sonic boom is about 50,000 in a sparsely populated region northwest of Los Angeles, California. Experiments on the effects of sonic booms indicate that wildlife reaction up to 300 newtons/square meter do not involve frantic or panic reaction. Several species specific studies on the effect of impulse noise (similar to that produced by the Shuttle) indicate little effect on physiology, reproduction, or nesting behavior.

From the perspective of payload, ground, and flight operations, no significant long-term, adverse impacts are anticipated under the Proposed Action. Specific findings of this analysis with respect to the payloads include:

(a) *Socioeconomics.*

(1) Employment levels associated with payload manufacture, support, and servicing, would be relatively small and geographically dispersed in comparison with launch vehicle systems. Of greater significance are the potential social (e.g., education and technology spinoffs) and customer (e.g., cost savings, research knowledge gains) benefits anticipated under the Proposed Action.

(2) The nation's support of and interest in the space program is clearly evidenced by the high media exposure and presence of observers at each STS launch. This interest in the success of each mission contributes to and fosters pride in national space efforts.

(3) The successful launch of the Shuttle and the completion of mission objectives provides a technical data base for continuous improvements in both the STS and the design and operation of payloads. The STS and future technology spinoffs are indispensable to performing future missions and maintaining leadership in space exploration.

(4) International cooperation on research efforts allows exchange of technical data and collaboration of experts in scientific fields on topics ranging from basic theories of space phenomena to payload design optimization. The sharing and contribution of space hardware, experimental results, and research talents are strong technology drivers which could accelerate developments and knowledge in basic science and applications (e.g., atmospheric and space plasma physics) and potential commercial ventures and spinoffs (e.g., materials processing, communications).

(5) The Get-Away-Specials are examples of a payload class that encourages a positive and ambitious viewpoint of science, engineering, and technology by youth. This attitude is essential not only to encouragement of careers in science and engineering, but also to maintenance of the U.S. lead in technology and space.

(6) The development and execution of commercialization opportunities is dependent on the fundamental research and development activities being initiated on the Shuttle over the next decade. Research and technology performance tests in such areas as materials processing (e.g., glass fibers, pharmaceuticals); communications and Earth resource satellites and measurements systems; satellite servicing and construction and assembly of subsystems in space are examples of the efforts being initiated that will affect the design, cost, and safety of spacecraft missions and operations.

(7) Spinoff is the emergence of new products and processes which have origins in technology originally developed to fulfill the goals of NASA aerospace programs. There have been thousands of such spinoffs, each contributing some measure of benefit to the material economy, productivity, or lifestyle. In the aggregate, they represent a substantial dividend on material investment in aerospace research. The payload missions identified in this report produce direct public and user benefits while simultaneously contributing indirect benefits (spinoff) by generating new technology which may lead to secondary applications in the future.

(8) The value of the benefits to the customers of the STS is inherently related to the nature of the payload mission—the technology, risk, system cost, and availability of equivalent systems. Consequently, the value of benefits for science and application, space processing, communications, and other free flying and integrated missions must be evaluated with respect to the mission requirements and compared to other alternatives. A partial listing of potential benefits is provided below.

(i) Lower transportation costs.

(ii) Reduced equipment cost, enhanced availability, and longer service life from STS maintenance and servicing capability.

(iii) Ability to react to unexpected or transient events.

(iv) Accelerated understanding and insights from real time involvement of payload specialists and crew in experiments.

(v) Ability to construct, assemble, and checkout systems that may be difficult to alter or modify.

(vi) Ability to simplify designs that involve complex deployment mechanism.

(vii) Production of higher quality/quantity products.

(9) With the use of alternative launch vehicles of ground-based systems many of these benefits would be markedly reduced or eliminated.

(b) *Space Quality*

(1) The present and future orbital debris population in Low Earth Orbit (LEO) and Geostationary Orbit (GEO) was analyzed with respect to the Traffic Model for the Space Shuttle from 1982 to 1991 to determine the collision probability of orbital debris with operational payloads. Conservative estimates indicate that by 1991, well over 900 objects would have to be released per one week mission to achieve a collision probability of $10^{-5}$.

(2) The Traffic Model includes 175 upper stages that are projected to be used for space missions over the next decade. The macroparticle debris generated in various orbits as a result of these space missions under the Proposed Action would be 184 objects. Use of expendable launch vehicles would raise this number to over 340 objects. Most of this additional debris would be associated with LEO.

(3) In both LEO and GEO, on-orbit collisions would adversely affect future space operations by increasing the likelihood of additional collisions and failures for operating spacecraft. While the threat to space operations from the debris population is not yet severe, continued use of space without regard to the consequences of populating the environment with additional objects may have a significant and adverse effect on space operations over the next 30 years. Programs to control the rate of debris deposition represent the most effective, near-term alternative to controlling the debris hazard.

(c) *Air, Land, and Water Quality.* The environmental effects on air, land, and water quality from payload manufacture through post-flight processing are expected to be negligible. Sources of these effects include: Payload manufacture (waste products from primary production and assembly operations); launch site processing and testing; and post-flight reprocessing (e.g., venting, purging, and cleaning operations). Adherence to regulatory and safety practices and procedures would limit the impact to air, land, and water quality from the storage, release, or use of materials and/or wastes.

(d) *Noise.* Noise effects from payloads are expected to occur in association with payload manufacture and launch site pre- or post-processing activities (e.g., engine test firings of upper stages). Relative to other noise sources and levels, these sources should not cause a major disturbance or annoyance to the general public. Occupational safety and health regulations limit worker exposure over a period of 8 hours to a sound level of 90 $dB_A$. These regulatory limits, implemented through engineering controls and safe practices, serve to protect worker health. Consequently, no adverse noise impacts are anticipated from payload manufacture or launch site operations.

(e) *Biotic Resources.* Based on the results of the analyses performed relative to the potential for waste steam generation from payload activities, no long-term or cumulative effects on flora or fauna are predicted. Most of these effects are traceable to the manufacturing process and, on a per payload basis, are negligible. Direct impacts on endangered or threatened species and critical habitat are not anticipated because of the small quantities of waste or low risk associated with the payload manufacturing and operational cycle.

(f) *Health.* Public and occupational health effects are expected to be insignificant. Payload ground and flight operations will not involve significant quantities of hazardous emissions or high risk operations which would affect the safety of crew or employees.

(g) *Resource Use.* Natural and cultural resource commitments are insignificant when compared to national data bases. Shuttle-related energy and material demands are significantly larger than payload commitments. On a cumulative basis, generic estimating techniques indicate that total energy commitments will require less than 0.1 and 0.0016 percent for the Shuttle launches and satellite payloads, respectively. Material commitments also are negligible on a national scale and primarily involve steel, aluminum, composites, titanium, and solid and liquid prepellants.

(h) *Accidents.* Under worst-case scenarios, some payloads and payload oprations could result in damage to the Space Transportation System equipment or personnel. The probability and severity of these events, however, are reduced or eliminated with appropriate hazard controls. NASA's Safety Policy and Requirements are directed at protecting flight and ground personnel, the STS, other payloads, the general public, and the environment from payload-related hazards.

In general, differences between the Proposed and Alternative Actions' environmental effects are not significant. The most noteworthy differences involve the reduced benefits to society and STS customers because of the more limited capabilities and services offered by alternative launch vehicles or ground-based systems. Reductions in environmental effects also would be commensurate with the number of missions that would have to be abandoned with the Expendable Launch Vehicle alternative, additional space debris would be generated over the Space Shuttle option for a given mission. The space debris issue is present regardless of the alternative examined and will require further monitoring and evaluation during the next decade.

The environmental assessment for the proposed action was completed by the National Aeronautics and Space Administration in May 1984.

*Conclusion:* The Shuttle launch of STS payloads from 1982–1991 will not result in any significant adverse environmental impacts. No environmental impact statement is required.

**EFFECTIVE DATE:** October 19, 1984.

**ADDRESS:** National Aeronautics and Space Administration, Code MVP, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Don Turner, (202) 453–2400.

Dated: October 5, 1984.

**C. Robert Nysmith,**

*Associate Administrator for Management.*

[FR Doc. 84-27607 Filed 10-18-84; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Decision and Management Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel on Decision and Management Science.

Date/Time: November 5–6, 1984, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, Room 523.

Contact Person: Dr. Trudi C. Miller, Program Director, National Science Foundation, Room 335—Phone (202) 357–7569.

Purpose of Advisory Panel: To provide advice and recommendations concerning research in Decision and Management Science.

Agenda: Closed: 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. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: October 16, 1984.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 84-27689 Filed 10-18-84; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50-440-OL and 50-441-OL; ASLBP No. 81-457-04 OL]**

### The Cleveland Electric Illuminating Co., et al.; Perry Nuclear Power Plant, Units 1 and 2; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *The Cleveland Electric Illuminating Co., et al.* (Perry Nuclear Power Plant, Units 1 and 2), Docket Nos. 50-440-OL and 50-441-OL, is hereby reconstituted by appointing Administrative Judge James P. Gleason in place of Administrative Judge Peter B. Bloch, who, because of a schedule conflict, is unable to service.

As reconstituted, the Board is comprised of the following Administrative Judges:

James P. Gleason, Chairman
Glenn O. Bright
Jerry R. Kline

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: James P. Gleason, Chairman, 513 Gilmoure Drive, Silver Spring, Maryland 20901.

Issued at Bethesda, Maryland, this 16th day of October, 1984.

**B. Paul Cotter, Jr.,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 84-27686 Filed 10-18-84; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-213]**

### Connecticut Yankee Atomic Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix R to 10 CFR Part 50 to Connecticut Yankee Atomic Power Company (the licensee), for the Haddam Neck Plant located in Middlesex County, Connecticut.

**Environmental Assessment**

*Identification of Proposed Action*

The exemption would grant relief in seven fire areas to the extent that redundant safe shutdown related cable and equipment are not separated and/or protected in accordance with Section III.G.2 of Appendix R. The seven fire areas are as follows: Service Building Switchgear Room Primary Plant Containment Vault, Primary Plant Auxiliary Feedwater Pump Room, Screenwell Pumphouse Pump Motor Room, Service Water Pump Cable Duct Bank, Charging Pump Pits, and RHR Pump and Heat Exchanger Areas. The exemption would also grant relief to the extent that the Control Room does not meet the fire protection measures of Section III.G.2 and the alternate shutdown measures of Section III.G.3.

The exemption is responsive to the licensee's applications for exemption dated March 1, July 16, and December 15, 1982, as supplemented by letters dated January 31, March 30, April 22, November 4, December 7, and December 21, 1983.

*The Need for the Proposed Action*

The proposed exemption is needed because the features described in the licensee's requests 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 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 Draft and Final Environmental Statements for the Haddam Neck Plant.

*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 the exemption dated March 1, July 16, and December 15, 1982, and supplements dated January 31, March 30, April 22, November 4, December 7, and December 21, 1983, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 16457.

Dated at Bethesda, Maryland this 15 day of October 1984.

For the Nuclear Regulatory Commission.

**Darrell G. Eisenhut,**

*Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 84-27688 Filed 10-18-84; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 21395; File No. SR-MSRB-84-16]**

### Municipal Securities Rulemaking Board; Filing and Immediate Effectiveness of Proposed Rule Change

October 15, 1984.

The Municipal Securities Rulemaking Board ("MSRB") on October 3, 1984, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to

amend rule G–5 of the rules of the MSRB to clarify the National Association of Securities Dealers Inc.'s ("NASD") authority to restrict the business of municipal securities brokers and dealers that are NASD members. The proposed rule change states that the NASD can restrict members' business if needed as if Section 38 of the Article III of the NASD's Rules of Fair Practice was specifically applicable to such brokers and dealers.[1]

Because the proposed rule change only clarifies rule G–5,[2] the rule change became effective upon its filing with the Commission pursuant to section 19(b)(3)(A) of the Act. At any time within sixty days of filing of this proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Publication of this notice is expected to be made in the **Federal Register** during the week of October 15, 1984. Interested persons are invited to submit written comments concerning the submission within 21 days from the date of publication in the **Federal Register.** Persons submitting written comments should file six copies with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments should refer to File No. SR–MSRB–84–16.

Copies of the submission and all related items, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the office of the MSRB.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Shirley E. Hollis,**

*Action Secretary.*

[FR Doc. 84–27629 Filed 10–18–84; 8:45 am]

**BILLING CODE 8010–01–M**

[1] Section 38 permits the NASD to prescribe remedial measures for certain NASD members which experience financial or operational difficulties.

[2] Specifically, this proposed rule change clarifies amendments to rule G–5 that were approved by the Commission on September 19, 1984. *See* MSRB–84–12, Securities Exchange Act Release No. 21331 (September 19, 1984).

**[Release No. 21396; File No. SR–OCC–84–15]**

## Options Clearing Corp.; Filing and Immediate Effectiveness of a Proposed Rule Change

October 15, 1984.

The Options Clearing Corporation ("OCC"), on September 11, 1984, submitted a proposed rule change under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). The proposal clarifies OCC fees for options risk disclosure documents. Specifically, OCC's proposal clarifies that a $0.35 fee will be charged for each risk disclosure document ordered from OCC, regardless of whether the order is a new order or a reorder.

OCC intends the proposal to prevent confusion on the part of firms ordering the documents for the first time. In the past, OCC charged $0.25 for risk disclosure documents. However, when OCC's initial supply of documents was exhausted, OCC purchased additional documents at a cost of $0.35 each. At that time, OCC raised its fee to $0.35 but used the term "reorders" in its rule change (SR–OCC–82–27). The $0.35 fee reflects OCC's actual printing costs for all risk disclosure documents now provided by OCC, whether or not the ordering firm has ordered previously.

OCC believes that because the fee is based on actual printing costs and is charged to all firms ordering the documents, the fee is allocated in an equitable manner among OCC's participants. OCC therefore believes that the proposal is consistent with Section 17A of the Act.

The rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Securities Exchange Act Rule 19b–4(e). The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Written comments may be submitted within 21 days after this notice is published in the **Federal Register.** Please refer to File No. SR–OCC–84–15 and file six copies of comments with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Material on the rule change, other than material that may be withheld from the public under 5 U.S.C. 552, is available at the Commission's Public Reference Room and at the principal office of OCC.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

**Shirley E. Hollis,**

*Acting Secretary.*

[FR Doc. 84–27630 Filed 10–18–84; 8:45 am]

**BILLING CODE 8010–01–M**

**[Release No. 21394; File No. SR–P5DTC–84–11]**

## Depository Trust Co.; Order Approving a Proposed Rule Change of Pacific Securities

October 15, 1984.

The Pacific Securities Depository Trust Company ("PSDTC") on August 17, 1984, submitted a proposed rule change to the Commission pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 74s(b)(1). Notice of the proposal was published in Securities Exchange Act Release No. 21281 (August 31, 1984), 49 FR 35455 (September 7, 1984). The Commission received no letters of comment on the proposal.

PSDTC's proposed rule change creates a new membership class, Municipal Comparison Only ("MCO") Participants, for municipal securities brokers and dealers who exclusively want to use PSDTC's National Institutional Delivery ("NID") System [1] for confirmation and affirmation of institutional trades in certain municipal securities.[2] PSDTC's

[1] PSDTC's NID System is linked with the Depository Trust Company ("DTC"), and through DTC, the Midwest Securities Trust Company and the Philadelphia Depository Trust Company. For a description of PSDTC's NID System, *see* Securities Exchange Act Release No. 19437 (January 18, 1983), 48 FR 3441 (January 25, 1983), which approved implementation of that System. *See also* Securities Exchange Act Release No. 21284 (August 23, 1984), 49 FR 34321 (August 29, 1984), which approved modifications to PSDTC's NID System to facilitate the automated confirmation, affirmation and settlement of municipal securities transactions.

[2] The proposed rule change is intended to assist municipal securities brokers and dealers in complying with recent changes in Municipal Securities Rulemaking Board ("MSRB") rules requiring the use of automated clearance and settlement systems for certain municipal securities transactions. *See* Securities Exchange Act Release No. 20365 (November 14, 1983), 48 FR 52531 (November 18, 1983), which approved changes to MSRB Rules G–12 and G–15 to establish a two-phased timetable for integrating municipal securities brokers and dealers into the National Clearance and Settlement System (the "MSRB Order"). As of August 1, 1984, each municipal securities broker and dealer who is, or whose agent is, a registered clearing agency participant must use clearing agency facilities to confirm and affirm certain delivery vs. payment or receipt vs. payment transactions. That municipal securities broker and dealer must use those clearing agency facilities if its customer or the customer's agent is a clearing agency participant or participates in a clearing agency linked to a clearing agency providing those

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proposed rule change establishes the first securities depository MCO program for the confirmation and affirmation of municipal securities.[3]

Under PSDTC's proposed rule change, only members or MCO members of PCC may become MCO participants of PSDTC. The proposal provides that all affirmed transactions submitted by MCO Participants will be processed on a trade-for-trade basis through the use of receive and deliver tickets. MCO Participants would not be entitled to use any other PSDTC service, including PSDTC's book-entry and envelope services. Therefore, all MCO participants must settle their trades outside of PSDTC's facilities, in accordance with MSRB rules.

PSDTC will not guarantee settlement of affirmed trades submitted by MCO participants. Because this limitation precludes PSDTC liability for trades by MCO participants, MCO participants will not be required to contribute to PSDTC's Participants Fund. Under PSDTC's proposal, however, MCO participants will be subject to applicable PSDTC rules, including those relating to financial condition, operational capibililty, experience, and competency.

PSDTC believes the proposed rule change will enable municipal securities brokers and dealers to comply with MSRB Rule G–15 which requires the automated confirmation and affirmation of certain municipal securities transactions. Accordingly, PSDTC believes that the proposed rule change is consistent with Section 17A of the Act in that it promotes the prompt and accurate clearance and settlement of municipal securities transactions.

The Commission believes that PSDTC's proposed rule change should be approved for the following reasons. First, the Commission believes that PSDTC's proposal will facilitate automated confirmation and affirmation of municipal securities transactions through registered clearing agencies. Accordingly, the proposal helps to achieve the goals of the MSRB Order. Second, PSDTC's MCO program should enable municipal securities brokers and dealers who are not full-settling members of PSDTC to enjoy some of the benefits of PSDTC's NID System. For example, use of the system's automated confirmation and affirmation features should significantly steamline customer-side settlement of municipal securities transactions. Furthermore, the proposal should reduce substantially the incidence of "DK's" in settling institutional municipal securities transactions, and, consequently, related financing costs incurred by municipal securities brokers and dealers should decline dramatically. Third, the Commission believes that the proposal will not adversely affect PSDTC's ability to safeguard securities and funds. PSDTC will not be guaranteeing settlement of municipal securities trades submitted for confirmation and affirmation by MCO participants. PSDTC also will not be allowing MCO participants to use any other PSDTC services that could expose PSDTC to financial risk. Thus, the Commission agrees that MCO participants should not be required to contribute to PSDTC's Participants Fund.

PSDTC requested accelerated approval of the proposal because of the August 1, 1984, deadline for municipal securities brokers and dealers to use automated confirmation and affirmation systems. However, because the Commission is not the appropriate regulatory agency ("ARA") for PSDTC under section 3(a)(34) of the Act, section 19(b)(4)(A) of the Act precluded the Commission from approving PSDTC's proposal on an accelerated basis without notification by PSDTC's ARA of its determination that the proposal is consistent with the safeguarding of funds and securities.

Such notice was not received. However, because the Commission seeks to maximize the use of automated clearing services by municipal securities brokers and dealers, the Commission, after consultation with PSDTC's ARA, authorized PSDTC to implement its proposal on a pilot basis pending final Commission determinations.[5]

It is therefore ordered, pursuant to section 19(b)(2) of the Act that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Shirley E. Hollis,**

*Acting Secretary.*

[FR Doc. 84–27631 Filed 10–18–84; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 34–21397, File No. SR–BSE–84–6]**

## Self-Regulatory Organizations; Proposed Change by Boston Stock Exchange, Inc.; Relating to an Amendment to the Fee Schedule of the Exchange.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S. C. 78s(b)(1), Notice is hereby given that on October 1, 1984 the Boston Stock Exchange, Incorporated filed with the Securities Exchange Commission the proposed changes as described in items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

The proposed rule filing establishes an Exchange operations fee of $500 applicable to each member conducting activity on the Trading Floor of the Exchange. The Operations fee shall cover the members post dues, space, basic quotron telephone and news service. In addition a post fee of $500 shall be imposed for each additional post space utilized by a member.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose and Statutory Basis for, the Proposed Rule Change*

(a) The proposed rule change incorporates modification of fees for

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services. In addition, as of February 1, 1985, municipal securities brokers and dealers and their agents will be required to book-entry settle certain municipal securities transactions through a registered clearing agency.

[3] Several registered clearing corporations have implemented MCO programs for the automated comparison of municipal securities. *See* Securities Exchange Act Release No. 20976 (May 18, 1984), 49 FR 22426 (May 29, 1984), which approved National Securities Clearing Corporation's ("NSCC") Municipal Bond Processing System, including its Municipal Bond Comparison Only ("MCO") program. *See* Securities Exchange Act Release No. 21120 (July 6, 1984), 49 FR 28490 (July 12, 1984), approving implementation of MCO programs established by Midwest Clearing Corporation and Pacific Clearing Corporation ("PCC"), PSDTC's sister clearing agency. *See also* Securities Exchange Act Release No. 21315 (September 12, 1984), 49 FR 36726 (September 19, 1984), which approved Stock Clearing Corporation of Philadelphia's MCO program.

[5] *See* Securities Exchange Act Release No. 21281 (August 31, 1984), 49 FR 35455 (September 7, 1984).

services and facilities provided to members conducting business on the Floor of the Exchange as specialists, traders or brokers. The change establishes an Exchange operations fee of $500 per member conducting specialist, trading or broker activity on the trading floor of the Exchange. Such fee shall cover the costs of dues, post space, a single basic quotation unit, one telephone, and news service. A post fee of $500 shall be imposed for each additional post space utilized by a member and shall entitle the member to additional telephone, quotation and news services.

The proposed rule change also provides each specialist with a credit of $50 per month per solely listed stocks for each stock in which it is registered. This credit recognizes the service provided by specialists making markets in the Exchange's solely listed stocks.

The purpose of this modification is to establish fees more accurately reflecting fixed expenses associated with facilities provided to members conducting business on the Trading Floor of the Exchange.

(b) The basis under the Act for the proposed Rule change is section 6(b)(4) of the Securities Exchange Act of 1934.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the changes will have minimal impact upon competition. Further such changes are necessary to more accurately reflect expenses associated with facilities utilized by members conducting business on the Floor of the Exchange.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

On April 26, 1984 the Board of Governors of the Exchange chartered the Special Committee on Specialists chaired by William F. Devin. During the succeeding five months Mr. Devin and the Committee solicited a broad range of comments from members and the investment community at large. The changes proposed in this filing represent the conclusions reached by that Committee.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S. C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street.NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 9, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 15, 1984.

**Shirley E. Hollis,**

*Acting Secretary.*

[FR Doc. 84–27718 Filed 10–18–84; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 34–21399; File No. SR–CBOE–84–28]**

## Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc.' Relating to Margins

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 26, 1984, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Text of the Proposed Rule Change**

Additions are italicized; deletions are bracketed.

*Margins*

Rule 24.11 (a)–(c) No Change

(d) No margin is required in respect of a call option contract on a market index carried in a short position where the customer has delivered promptly, after the options are written, to the Member Organization with which such position is maintained, a Market Index Option Escrow Receipt in a form satisfactory to the Exchange, issued by a bank or trust company pursuant to specific authorization from the customer which certifies that the issuer of the agreement holds [at least ten (10) qualified securities (each of which has been issued by a different entity) with a market value, at the time the option is written, of not less than 100% of the option aggregated current index value] for the account of the customer *(1) cash, (2) cash equivalents, (3) one or more qualified equity securities, or (4) a combination thereof; that such deposit has an aggregate market value, at the time the option is written, of not less than 100% of the aggregate current index value;* and that the issuer will promptly pay the Member Organization the exercise settlement amount in the event the account is assigned an exercise notice.

Interpretations and Policies

.01 The term "aggregate current index value" means the current index value times the index multiplier, the term "aggregate exercise price" means the [service] *exercise* price times the index multiplier; and the term "exercise settlement amount" means the difference between the aggregate exercise price and the aggregate current index value (as such terms are defined in Article XVII of the By-Laws of the Options Clearing Corporation).

.02 For purposes of rule 24.11(d) a bank or trust company is qualified to issue a Market Index Option Escrow Receipt if it is a corporation organized under the laws of the United States or a State thereof and is regulated and examined by federal or state authorities having regulatory authority over banks or trust companies. *The issuing bank or trust company must be approved by the Options Clearing Corporation if Market Index Option Escrow Receipts are to be forwarded to the Corporation for the purpose of meeting margin requirements.*

.03 A security is qualified if:

(a) Exchange securities: it is an equity security (with the exception of warrants, rights and options) traded on the New York Stock Exchange, the American Stock Exchange, or on another national securities exchange and it substantially meets the listing standards of the New York Stock Exchange or the American Stock Exchange; or

(b) OTC securities: it is an equity security (with the exception of warrants, rights and options) listed on the current list of Over-the-Counter Margin Stocks published by the Board of Governors of the Federal Reserve System.

.04 [No individual security may represent more than 15% of the collateral] *The term "cash equivalent" is defined in Regulation T § 220.8(a)(3)(ii) to mean securities issued or guaranteed by the United States or its agencies, negotiable bank certificates of deposit, or bankers' acceptances issued by banking institutions in the United States and payable in the United States with one year or less to maturity.*

.05 No change.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

Under the existing margin rules, a Market Index Option Escrow Receipt may be used to permit a customer to carry on a covered basis short call options contracts overlying a market index. In this instance no margin is deposited with the carrying broker-dealer. The bank or trust company issuing the escrow receipt certifies that it (1) holds at least ten (10) qualified equity securities of a fixed aggregate dollar value at trade date and (2) that it agrees to meet the customer's settlement obligation upon assignment.

Although appropriate in theory, this approach has proven impractical in certain respects. Current recordkeeping and segregation systems employed by issuing banks and trust companies are not adaptable to the "basket of securities" approach presently required. Further, resolution of assignments is complicated and delayed as no cash is readily available to the bank or trust company to meet cash settlement.

This rule-change proposal significantly reduces these operational difficulties and provides for greater flexibility by reducing the number of equity securities required to cover each short option contract and also through permitting the use of cash equivalents.

The statutory basis for the proposed rule change is Section 6(b)(5) under the Securities Exchange Act of 1934, in that the proposal will facilitate the use of index options.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that this proposed rule change will have any adverse effect on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed rule Change Received from Members, Participants or Others*

Although no written coments were solicited or received, in discussions with the Exchange staff, the user community commented favorably on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C.. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 9, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 15, 1984.

**Shirley E. Hollis,**

*Acting Secretary.*

[FR Doc. 27719 Filed 10-18-84; 8:45 am.]

BILLING CODE 8010-01-M

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**[Release No. 14198; (812-5910)]**

## Chevron Capital U.S.A. Inc.; Filing of Application for an Order Pursuant to Section 6(c) of the Act for Exemption From All Provisions of the Act

October 16, 1984.

Notice is hereby given that Chevron Capital U.S.A. Inc. ("Applicant"), an indirect, wholly-owned subsidiary of Chevron Corporation ("Chevron"), 225 Bush Street, San Francisco, CA, 94104, filed an application on August 1, 1984, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), for exemption from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations, which are summarized below, and to the Act for the text of its relevant provisions.

Applicant states that it was organized in Delaware as an indirect, wholly-owned subsidiary of Chevron, a major international oil company incorporated in Delaware. Applicant further states that all of its outstanding stock is owned by Chevron U.S.A. Inc., a wholly-owned subsidiary of Chevron. According to the application, Applicant intends to issue and sell long-term, intermediate-term, and short-term debt securities (the "Securities") in the United States and worldwide. The application states that Applicant will provide to Chevron U.S.A. Inc. substantially all of the proceeds of sales of the Securities. Those proceeds will be used for corporate purposes, including refinancing a portion of the debt associated with the acquisition of Gulf Corporation ("Gulf") by Chevron and

financing capital programs (the "Specified Uses").

Applicant represents that the operations of Chevron and its subsidiaries and affiliates (collectively, "Chevron") cover all phases of the petroleum industry. According to Applicant, Chevron also engages in real estate development and is involved in minerals exploration and projects related to synthetic fuels and alternate energy resources. Chevron is subject to the reporting requirements of the Securities Exchange Act of 1934.

According to the application, Applicant's business activities will consist of borrowing funds from third parties and providing such funds to Chevron U.S.A. Inc. for Specified Uses. Applicant represents that, as long as any Securities are outstanding, Applicant will not hold securities issued by any person other than Chevron, except for temporary investments in short-term, high quality instruments of the kind in which Chevron U.S.A. Inc. or Chevron customarily invest.

Applicant states that offerings of the Securities by the Applicant will take the form of either a public offering of securities registered under the Securities Act of 1933 ("1933 Act") or a sale of securities by means of transactions exempt from the registration requirements of the 1933 Act. Applicant further states that the payment of principal of and any premium or interest on the Securities will be guaranteed by Chevron as provided in the Indenture dated August 1, 1984, (the "Indenture") between Chevron Capital, Chevron, and The Chase Manhattan Bank (National Association) as Trustee (the "Trustee"). According to Applicant, Chevron's guarantee will be absolute and unconditional, irrespective of the happening of any event.

Applicant states that, in the case of an offering of Securities in the United States not requiring registration under the 1933 Act, Applicant and Chevron will undertake to provide to any offeree to whom they offer such Securities in the United States a memorandum at least as comprehensive as memoranda customarily used in such offerings of such Securities in the United States. Applicant further states that, in the event of subsequent offerings, the memorandum would be updated at the time thereof to reflect material changes in the financial position of Chevron. Applicant consents to having any order granting the relief requested under section 6(c) of the Act expressly conditioned upon its compliance with the undertakings regarding disclosure memoranda.

According to Applicant, as a result of advances or deposits of the proceeds of the proposed offering to Chevron U.S.A. Inc. by Applicant, Applicant may be deemed an investment company under the Act because its advances or deposits may be deemed "investment securities" under section 3(a) of the Act and would constitute more than 40% of the total assets of Applicant. Applicant states, however, having been organized solely for the purpose of providing funds to Chevron U.S.A. Inc. for the Specified Uses, it does not view itself as an investment company nor does it believe that the Act was intended to regulate companies such as itself. Accordingly, in order to eliminate any doubt that Applicant woudl be entitled, without registration under the Act, to issue and sell the Securities, Applicant is seeking an exemption pursuant to section 6(c) of the Act. Applicant believes that the granting of the exemption would be appropriate in the public interest.

Notice if further given that any interested person wishing to request a hearing on the application may, not later than November 9, 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, DC, 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Shirley E. Hollis,**

*Acting Secretary.*

[FR Doc. 84-27717 Filed 10-18-84; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

**[Delegation of Authority No. 1-A; Revision 12]**

### Delegation of Authority; Line of Succession to the Administrator

Delegation of Authority No. 1-A (Revision 11) (47 FR 4187) is hereby revised to read as follows:

(a) Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, authority is hereby delegated to the following officials in the following order:

(1) Associate Deputy Administrator for Management and Administration

(2) Associate Deputy Administrator for Special Programs

(3) General Counsel

to perform, in the event of the absence or incapacity of the Administrator and the Deputy Administrator any and all acts which the Administrator is authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 9(d) and 11 of the Small Business Act, as amended.

(b) An individual acting in any of the positions in Paragraph (a) remains in the line of succession only if he or she has been designated acting by the Administrator or Acting Administrator due to a vacancy in the position.

(c) This delegation is not in derogation of any authority residing in the above-listed officials relating to the operations of their respective programs nor does it affect the validity of any delegations currently in force and effect and not revoked or revised herein.

Effective date: October 19, 1984.

Dated: October 15, 1984.

**James C. Sanders,**

*Administrator.*

[FR Doc. 84-27664 Filed 10-18-84; 8:45 am]

BILLING CODE 8025-01-M

### Ohio; Region V Advisory Council Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Columbus, Ohio, will hold a public meeting at 1:00 p.m. on Thursday, November 8, 1984, at the U.S. Small Business Administration Cincinnati Branch Office, located at 550 Main Street, Cincinnati, Ohio 45202, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Frank D. Ray, District Director, U.S. Small Business Administration, 85 Marconi Boulevard, Fifth Floor, Columbus, Ohio 43215—(614) 469-7310.

Dated: October 15, 1984.

**Jean M. Nowak,**

*Director, Office of Advisory Councils.*

[FR Doc. 84-27663 Filed 10-18-84; 8:45 am]

BILLING CODE 8025-01-M

# Sunshine Act Meetings

Federal Register
Vol. 49, No. 204
Friday, October 19, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS



1

**SECURITIES AND EXCHANGE COMMISSION**

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** [49 FR 39008 10/2/84 and 49 FR 39265 10/4/84.]

**STATUS:** Closed meetings.

**PLACE:** 450 Fifth Street, NW., Washington, D.C.

**DATES PREVIOUSLY ANNOUNCED:** Thrusday, September 27, 1984. Monday, October 1, 1984.

**CHANGE IN THE MEETING:** Additional items.

The following item was considered at a closed meeting held on Tuesday, October 2, 1984, at 5:00 p.m.

Recommendation regarding enforcement matter.

The following additional item was considered at a closed meeting on Thursday, October 11, 1984, at 10:00 a.m.

Settlement of injunctive action.

Chairman Shad and Commissioner Treadway, Cox, Marinaccio and Peters determined that Commission business required the above changes and that no earlier notice thereof was possible.

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) 272-3085.

October 16, 1984.

**Shirley E. Hollis,**

*Acting Secretary.*

[FR Doc. 84-27720 Filed 10-16-84; 5:40 pm]

**BILLING CODE 8010-01-M**

Federal Register

Friday
October 19, 1984

Part II

# Department of Labor

**Employment Standards Administration, Wage and Hour Division**

**Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions, Notice**

## DEPARTMENT OF LABOR

### Employment Standards Administration, Wage and Hour Division

### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

#### Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order, 6–84. 49 FR 32473 (1989). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Government Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

#### New General Wage Determination Decisions

North Dakota: ND84–5032

#### Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

| | |
|---|---|
| Massachusetts: | |
| MA84–3007 | Apr. 6, 1984. |
| MA84–3010 | Do. |
| Michigan: MI 83–2008 | Feb. 11, 1983. |
| Oregon: OR83–5111 | June 10, 1983. |
| Pennsylvania | |
| PA84–3002 | Feb. 10, 1984. |
| PA84–3035 | Sept. 21, 1984. |
| Wisconsin: | |
| WI84–5016 | June 22, 1984. |
| WI84–5037 | Sept. 28, 1984. |

#### Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

| | |
|---|---|
| Alabama: | |
| AL81–1126(AL84–1031) | Dec. 30, 1980. |
| AL81–1129(AL84–1031) | Do. |
| Arkansas: AR84–4093(AR84–4100) | Jan. 13, 1984. |
| New Mexico: NM84–4027(NM84–4099) | May 18, 1984. |
| Wisconsin: | |
| WI83–2081(WI84–5035) | Oct. 14, 1983. |
| WI83–2082(WI84–5036) | Do. |
| WI83–2068(WI84–5038) | Sept. 2, 1983. |
| WI83–2084(WI84–5039) | Oct. 28, 1983. |

Signed at Washington, D.C. this 12th day of October 1984.

**James L. Valin,**

*Assistant Administrator.*

BILLING CODE 4510–27–M

DECISION NO. MA84-3007
MOD. NO. 5
(49 FR 13804 - April 6, 1984)
Berkshire, Franklin, Hampden, and Hampshire Counties, **Massachusetts**

CHANGE:
CARPENTERS; SOFT FLOOR LAYERS; DRYWALL CARPENTERS; LATHERS

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Area 1 | $14.29 | 2.99 |
| Area 2 | 15.91 | 4.25 |
| Area 3 | 15.40 | 3.07 |
| Area 4 | 15.53 | 2.92 |

DECISION NO. MA84-3010
MOD. NO. 3
(49 FR 13809 - April 6, 1984)
Essex, Suffolk, Middlesex, Norfolk, Bristol, Plymouth, Barnstable, Dukes, Nantucket Counties, Massachusetts

CHANGE:
CARPENTERS:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Area 2 | $16.06 | 4.32 |
| Area 3 | 15.91 | 4.47 |

DECISION NO. MI-83-2008 - MOD. #8
(48 FR 6456 - February 11, 1983)
Alger, Baraga, Chippewa, etc., Counties, Michigan

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Plumbers + Pipefitters | $14.97 | $4.30 |

DECISION NO. OR83-5111 - Mod #2
(48 FR 27001 - June 10, 1983)
Clackamas, Multnomah, and Washington Counties, Oregon

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Carpenters | $ 9.27 | $3.37 |
| OMIT: | | |
| Power Equipment Operators: | | |
| Backhoe, Loader | 13.94 | 2.77 |
| Truck Drivers: | | |
| Dump Truck under 6 cu yd | 10.92 | 2.88 |
| ADD: | | |
| Power Equipment Operators: | | |
| Dozer, Backhoe, Loader, Forklift, Pittman Crane | 10.37 | 4.60 |
| Truck Drivers | 9.74 | 4.57 |



DECISION NO. PA84-3002
MOD. NO. 5
(49 FR 5295 - February 10, 1984)
Adams & York Counties, Pennsylvania

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Carpenters | | |
| Adams County | $14.50 | 2.55 |
| Electricians: | | |
| Franklin, Carrol, Monoghan, and Fairview Townships in York County | 15.41 | 1.83+3½% |
| Remainder of York and Adams County in its entirety | 15.65 | 1.36+3% |
| Line Construction: | | |
| Linemen, Cable Splicers | 15.06 | .80+3 3/8% |
| Winch truck operator | 10.54 | .80+3 3/8% |
| Groundman | 9.04 | .80+3 3/8% |
| Laborers: | | |
| General Laborers | 10.40 | 1.57 |
| Operator of Jackhammer (etc.) | 10.60 | 1.57 |
| Wagon drill operator | 10.70 | 1.57 |
| Handling of all materials (etc.) | 10.65 | 1.57 |
| Laborers assisting tile (etc.) | 10.45 | 1.57 |
| Handling & using dynamite | 10.73 | 1.57 |
| Caisson work (top men) | 10.65 | 1.57 |
| Caisson work (bottom men) | 10.85 | 1.57 |
| Mixer man | 10.80 | 1.57 |
| Lathers | 14.50 | 2.55 |
| Millwrights: | | |
| Adams County | 16.57 | 2.55 |
| Painters: | | |
| Brush | 10.25 | .70 |
| Structural Steel | 11.00 | .70 |
| Spray | 11.10 | .70 |
| Roofers: | | |
| Composition | 13.75 | 1.74 |

DECISION NO. PA84-3035
MOD. NO. 1
(49 FR 27243 - September 21, 1984)
Lackawanna, Susquehanna, Wayne & Wyoming Counties, Pennsylvania

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Elevator Constructors | $15.585 | 3.29+ a+b |
| Elevator Constructors Helpers | 10.91 | 3.29+ a+b |
| Elevator Constructors Helpers (Prob.) | 7.79 | |
| Painter: | | |
| Brush & Roller | 13.65 | 1.45 |
| Spray | 15.15 | 1.45 |
| Steel | 14.65 | 1.45 |
| Pipefitters | 14.79 | 4.85 |

MODIFICATIONS P. 3

| DECISION NO. WI84-5037 - MOD. #1 (49-FR-38459 - September 28, 1984) Langlade, Lincoln and Marathon Counties Wisconsin | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Carpenters, Soft Floor Layers and Lathers | $13.61 | $2.21 |
| Elevator Contructors: | | |
| Mechanic | 16.56 | 3.00 |
| Helpers | 11.59 | 3.00 |
| Helpers (Prob.) | 8.28 | - |

| DECISION NO. WI84-5016 - MOD #3 (49 FR-25829 - June 22, 1984) Statewide, Wisconsin | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Ironworkers: Zone 1 | $14.08 | $3.00 |

NEW DECISION

STATE: NORTH DAKOTA
DECISION NUMBER: ND84-5032

COUNTIES: STATEWIDE
DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CARPENTERS | $9.64 | |
| CEMENT MASONS/Concrete Finishers | 8.20 | |
| ELECTRICIANS: | | |
| Cass and Grand Forks Counties | 12.95 | 10%+ 1.55 |
| Burleigh and Ward Counties | 14.00 | 10½+ 1.90 |
| IRONWORKERS; Structural Steel; Mercer County Only | 14.63 | 3.96 |
| WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental. | | |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LABORERS: | | |
| Group 1 | $5.75 | |
| Group 2 | 5.80 | |
| Group 3 | 5.95 | |
| Group 4 | 6.10 | |
| LINE CONSTRUCTION: | | |
| Lineman, Cable Splicer | 15.50 | 7⅓% 1.0 |
| Line Equipment Op. | 13.95 | 7⅓% 1.0 |
| Groundman | 8.93 | 7⅓% 1.0 |

LABORERS

Group 1: General Construction Laborer; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Tender; Salamander Heater and Blower Tender

Group 2: Semi Skilled Laborer; Bulk Cement Handler; Conduit Layer, telephone or electrical; Form Setter (pavement); Gas, electric or pneumatic tool operator; Chipping Hammer, Grinders and Paving Brakers (tamper-dirt Concrete Vibrator Operator; Chain Saw Operator; Concrete Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shoveler, Dumper Raker and Floater); Kettleman (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplate Pipe Layer; Culvert Pipe Layer; Concrete Finisher Tender, Carpenters Tenders

Group 3: Caisson Worker; Bottom Man (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water and gas lines); Drill Runner (includes Wagon Churn or Air Track); Powderman, gunite and sandblast, Nozzleman, reinforcing steel setter/tiers

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| POWER EQUIPMENT OPERATORS: | | |
| Group 1 | 11.62 | 2.05 |
| Group 2 | 11.45 | 2.05 |
| Group 3 | 11.28 | 2.05 |
| Group 4 | 11.22 | 2.05 |
| Group 5 | 10.93 | 2.05 |
| Group 6 | 10.06 | 2.05 |
| Group 7 | 8.98 | 2.05 |
| Group 8 | 8.80 | 2.05 |
| Group 9 | 8.68 | 2.05 |
| Group 10 | 8.28 | 2.05 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Single Axle | $8.57 | 1.00 |
| Tandem | 8.69 | 1.00 |
| Agitator, Dumpcrete: Lowboy; Off road heavy duty end dumps, 20 yards and under; Tandem, Semi | 9.00 | 1.00 |
| Euclid, over 20 yards | 9.77 | 1.00 |

POWER EQUIPMENT OPERATORS

Group 1: Cableway Operator
- Crane Operator with Over 135' Boom, All Types
- Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary)
- Gantry Crane Operator
- Helicopter Operator (Construction Work Only)
- Mole Operator, Including Power Supply or Tunnel Mucking Machine
- Power Shovel and/or other Equipment with Shovel Type Controls 3½ Cu. Yd. Mfg. Rated Capacity & Over

Group 2: Concrete Mixer Stationary Plan Operator Over 34E
- Dredge Operator or Engineer, Dredge Operator (Power) & Enginee
- Elevator Grader Operator
- Grader or Motor Patrol, Finishing Earth Work and Bituminous
- Hydro Crane Operator, 15 Ton and Over
- Locomotive Crane Operator
- Master Mechanic: The inclusion of the classification of Master Mechanic in this Agreement does not mean that a Master Mechanic must be employed, but if employed, that he shall perform manual work
- Mixer (Paving) Concrete Paving Operator, Road
- Power Shovels and/or other Equipment with shovel type controls up to 3½ Cu. Yd. Mfg. Rated Capacity
- Scraper Tandem
- Tandem Pusher Quad 9 or Similar
- Tractor Operator (Pipeline) Side Boom
- Truck Crane Operator



POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Dope Machine Operator (Pipeline)
- Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill
- Front End Loader Operator, Over 10 Cubic Yards
- Locomotive, All Types
- Mechanic, Heavy Duty
- Pipeline Wrapping, Cleaning & Bending Machine Operator
- Power Actuated Horizontal Boring Machine Over 6" Operator (Pipeline)
- Pumpcrete Operator
- Refrigeration Plant Engineer
- Slip Form Operator (Power Driven) (Paving)
- Tandem Scraper - Twin Engine, 50 Cu. Yds. Struck & Over

Group 4: Asphalt Paving Machine Operator
- Asphalt Plant Operator and Console Board Operator
- CMI Grading Operator
- Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator)
- Front End Loader Operator, 1 Cu. Yd up to 10 Cu. Yds.
- Rubber Tired Industrial Tractor with Backhoe Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction)
- Scraper Operator
- Tractor Type or Rubber Tired Dozer, Over 100 H. P.
- Trenching Machine Operator, Over 100 H. P.
- Turnapull Operator, (or Similar Type)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 5:

Bituminous Spreader and Bituminous Finishing Operator (Power)
Concrete Distributor and Spreader Operator, Finishing Machine
Longitudinal Float Operator, Ft. Machine Operator & Spray Operator
Concrete Mixer Operator on Job Site 16S or Over
Greaser (Truck or Tractor)
Grader Operator (Motor Patrol) (Haul Road)
Paving Breaker or Tamping Machine Operator including Machine with Power Shovel Attachments (Power Driven)
Power Actuated Augers & Boring Machine Operator
Power Actuated Jacks Operator
Power Plant Engineer, 100 K.W.H. & Over: When an Engineer is in charge of Crushing or Blacktop Plants with the Operator of these plants no Power Plant Engineer shall be required.
Push Tractor
Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving
Self-Propelled Traveling Soil Stabilizer
Slip Form, Curb & Gutter Operator (Electronic or Automatic Control)
Soil Cement Stabilizer
Tractor Type or Rubber Tired Dozer - Under 100 H.P.
Trenching Machine Operator, 35 H.P. - 100 H.P.
Truck Mechanic

Group 6: Concrete Batch Plant Operator (Cement, Rock and Sand) Electronic or Manual
Concrete Saw Operator (Multiple Blade) (Power Operated)
Fine Grade Operator
Sheepsfoot Packer with Dozer Attachment



POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Brakeman or Switchman
Concrete Mixer Operator on Job Site Under 16S
Crane Truck Oiler
Fireman or Tank Car Heater Operator
Gravel Screening Plant Operator (Portable not Crushing or Washing)
Gunite Operator Gunall
Hoist Engineer (Power)
Hydro Crane Operator, Under 15 Ton
Launchman (Tankerman or Pilot License)
Pick-up Sweeper, 1 Yd. and Over Hopper Capacity
Sheepsfoot Roller or Compactor (Self-Propelled)
Shouldering Machine Operator (Power) (Apsco or Similar Type) Including Self-Propelled Sand Chip Spreader Flaherty or Similar

Group 8: Boom Truck Operator
Crawler Type and/or Steiger or Similar Tractor Pulling Compaction or Areating Equipment
Farm Type Rubber Tired Tractor with Backhoe Attachment
Off-Road Self-Propelled Watering Equipment
Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving
Self-Propelled Vibrating Packer Operator Pad Type (35 H.P. and Over)
Trenching Machine Operator, Under 35 H.P.

Group 9: Form Trench Digger (Power)
Front End Loader Operator, up to 1 Cu. Yd.
Hyster Carrier or Forklift
Leverman
Mechanic's Helper or Greaser Helper
Oiler (Power Shovel, Crane, Dragline)
Pugmill Operator
Pump Operator (Well Points)
Self-Propelled Broom

Group 10: Conveyor Operator
Curb Machine Operator (Manual)
Dredge Deck Hand
Farm Tractors, Rubber Tired for Compacting & Areating
Front End Loader Operator (Farm Type Rubber Tired Tractor)
Paint Machine Striping Operator
Stump Chipper Operator
Tie Tamper and Ballast Machine Operator

SUPERSEDEAS DECISION

STATE: ALABAMA

COUNTIES: Autauga, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Hale, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Perry, Pike, Russell & Tallapoosa

DECISION NUMBER: AL84-1031

DATE: Date of Publication

Supersedes Decision No. AL81-1126 dated December 30, 1980 in 45 FR 86186, and Decision No. AL81-1129 dated December 30, 1980 in 45 FR 86187.

DESCRIPTION OF WORK: HEAVY CONSTRUCTION PROJECTS (includes SEWER AND WATER LINE CONSTRUCTION).

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| BOILERMAKERS - (Storage Tank Erection & Storage Tank Repairs only) | $12.96 | 3.375 |
| CARPENTERS | 6.75 | |
| ELECTRICIANS | 9.30 | .40 + 1% |
| IRONWORKERS | 8.25 | .87 |
| LABORERS | 3.91 | |
| PAINTERS | 8.00 | |
| PIPEFITTERS | 6.25 | |
| PIPELAYERS | 5.22 | |
| TRUCK DRIVERS | 4.00 | |
| POWER EQUIPMENT OPERATORS: | | |
| Backhoe | 6.48 | |
| Bulldozer | 6.00 | |
| Crane-Derrick-Dragline | 9.92 | |
| Front End Loader | 6.54 | |
| WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental. | | |
| Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses 29 CFR 5.5 (a)(1)(ii)). | | |

SUPERSEDEAS DECISION

STATE: ARKANSAS

COUNTY: PULASKI

DECISION NO. AR84-4100

DATE: Date of Publication

SUPERSEDES DECISION NO. AR84-4093 dated January 13, 1984 in 49 FR 1847

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Asbestos Workers | 15.78 | 2.27 |
| Bricklayers: | | |
| Bricklayers, Stonemasons, Pointers, Caulkers, Cleaners | 13.15 | 1.99 |
| Carpenters | 10.23 | 1.41 |
| Cement Masons, Finishers | 9.31 | |
| Electricians | 14.75 | 3-1/4% +2.30 |
| Elevator Constructors: | | |
| Journeyman | 13.55 | 3.00 +A |
| Helpers | 70%JR | 3.00 +A |
| Probationary helpers | 50%JR | |
| Glaziers | 9.08 | |
| Ironworkers | 10.93 | 2.46 |
| Laborers | 6.40 | |
| Lathers | 12.50 | 1.00 |
| Marble, Tile & Terrazzo Workers | 11.40 | .80 |
| Metal Building Erector | 6.03 | |
| Painters: | | |
| Painters, paperhangers & steam cleaners, sheetrock finishers & wall cover hangers | 11.75 | .63 |
| Spray gun operators & sand blasters | 12.35 | .63 |
| Plasterers | 13.25 | .64 |
| Plumbers & Pipefitters: | | |
| (Including the setting & erecting of all piping in heating-ventilating and air conditioning systems): | | |
| Within 10 miles from Pulaski County Courthouse | 14.30 | 2.05 |
| Over 10 miles from Pulaski County Courthouse | 14.60 | 2.05 |
| Roofers | 11.91 | .30 |
| Sheet Metal Workers: (Including the installation, dismantling, conditioning, adjustment, alteration, repairing & servicing of all air-veyor & air handling systems, testing & balancing of all air handling equipment of duct work) | 12.58 | 2.02 |
| Sprinkler Fitters | 13.03 | 3.23 |
| Truck Drivers | 7.04 | |
| Power Equipment Operators: | | |
| Backhoe Operator | 10.48 | 1.40 |
| Bulldozer Operator | 9.13 | 1.40 |
| Cherry Picker | 10.48 | 1.40 |
| Motor Patrol | 9.13 | 1.40 |

FOOTNOTES:
A - 6 mos to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate; plus seven paid holidays.

PAID HOLIDAYS:
A - New Year's Day; B- Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Day after Thanksgiving; G - Christmas Day.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW MEXICO

COUNTY: STATEWIDE (excluding Eddy & Lea Cos. for building construction)

DECISION NO.: NM84-4099

DATE: Date of Publication

SUPERSEDES DECISION NO. NM84--4027, dated 5/18/84 in 49 FR 21263.

DESCRIPTION OF WORK: GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION shall include the construction, alteration, repair and demolition of buildings, including office buildings, warehouses, industrial and commercial buildings, institutional and public buildings, and all air conditioning, conduit, heating and other mechanical and electrical works and site preparation for building or heavy engineering projects under this classification, stadia; and shall include electrical, gas, water, sewer lines, and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building or heavy engineering structure, whichever is closer, provided, however, regard to electrical utilities such construction shall include construction from the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure; and include construction, alteration, repair and demolition of heavy engineering work such as power generating plants, pump stations, natural gas compressing stations; covered reservoirs and covered sewage and water treatment facilities; concrete linings for canals, ditches and channels; concrete dams; earth dams of one million (1,000,000) cubic yards or over; radio towers, ovens, furnaces, kilns, silos, shafts and tunnels (other than highway shafts and tunnels), hydro-electric projects; and well drilling, telephone and electrical transmission lines which are part of GENERAL BUILDING & HEAVY ENGINEERING PROJECTS: mining appurtenances such as tipples, washeries and loading and discharging chutes, and specialized structures for testing, launching and recovering space and other rocket-type missiles.



| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS: | | |
| ZONE I | $16.78 | 3.56 |
| ZONE II | 17.30 | 2.37 |
| BOILERMAKERS | 14.43 | 4.25 |
| BRICKLAYERS-STONEMASONS: | | |
| ZONE I | 14.11 | 1.82 |
| ZONE II | 15.61 | 1.82 |
| ZONE III | 16.36 | 1.82 |
| ZONE IV | 13.96 | 1.72 |
| ZONE V | 15.48 | 1.72 |
| ZONE VI | 14.41 | 1.52 |
| ZONE VII | 15.91 | 1.52 |
| ZONE VIII-A | 13.91 | 1.62 |
| ZONE VIII-B | 15.41 | 1.62 |
| ZONE XI | 15.64 | 1.42 |
| ZONE X | 13.89 | 1.42 |
| CARPENTERS/LATHERS/PILEDRIVERMEN: | | |
| Construction,erection, alteration,repair,modification,addition to or improvement in whole or in part of structures for which the major support system is wood frame construction and will also include all apartments over 4 stories, all convenience stores,fast food restaurants,automobile service stations & motels up to 2 stories high | 8.00 | 1.20 |
| All other work | 13.15 | 3.45 |
| CEMENT MASONS: | | |
| BUILDING CONSTRUCTION: | | |
| AREA I: | | |
| Construction,erection, repair,modification, addition to or improvement in whole or in part of structures for which the major support system is wood frame & will also include all apartments over 4 stories,convenience stores,fast food restaurants,automobile service stations & motels up to 2 stories high regardless of type of construction | 8.00 | 1.20 |
| All other work | 11.99 | 2.22 |
| CEMENT MASONS (CONT'D): | | |
| BUILDING CONSTRUCTION: | | |
| AREA II: | | |
| Apartments over 4 stories | $ 8.08 | 1.12 |
| All other work | 11.99 | 2.22 |
| HEAVY CONSTRUCTION | 11.99 | 2.22 |
| COMPOSITION & MACHINE OPERATORS | 12.24 | 2.22 |
| ELECTRICIANS: | | |
| ZONE I: | | |
| AREA I-A | 17.00 | 2.20+ 3.75% |
| AREA I-B | 18.53 | " |
| AREA I-C | 19.55 | " |
| AREA I-D | 21.42 | " |
| ZONE II | 19.55 | " |
| ZONE III: | | |
| 3-A | 14.20 | .80+ 3.5% |
| 3-B | 15.65 | " |
| ZONE IV: | | |
| 4-A | 16.30 | 1.64+3% |
| 4-B | 16.75 | 1.64+3% |
| 4-C | 16.90 | 1.64+3% |
| 4-D | 17.15 | 1.64+3% |
| CABLE SPLICERS: | | |
| ZONE I: | | |
| AREA I-A | 18.70 | 2.20+ 3.75% |
| AREA I-B | 20.23 | " |
| AREA I-C | 21.25 | " |
| AREA I-D | 23.12 | " |
| ZONE II | 21.25 | " |
| ZONE III: | | |
| 3-A | 14.45 | .80+ 3.5% |
| 3-B | 15.90 | " |
| ZONE IV: | | |
| 4-A | 16.65 | 1.64+3% |
| 4-B | 17.10 | 1.64+3% |
| 4-C | 17.25 | 1.64+3% |
| 4-D | 17.70 | 1.64+3% |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ELEVATOR CONSTRUCTORS: | | |
| AREA I: | | |
| Mechanics | $16.44 | 3.00+a |
| Helpers | 70%JR | 3.00+a |
| Helpers (Prob.) | 50%JR | |
| AREA II: | | |
| Mechanics | 12.38 | 2.69+a |
| Helpers | 70%JR | 2.69+a |
| Helpers (Prob.) | 50%JR | |
| a-Employer contributes 8% of basic hourly rate for over 5 years service & 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Seven Paid Holidays - New Years' Day,Memorial Day,Independence Day,Labor Day,Thanksgiving Day, the Friday after Thanksgiving Day & Christmas Day | | |
| GLAZIERS | 12.69 | 1.40 |
| IRONWORKERS: | | |
| ZONE I: | | |
| Construction,erection, alteration,repair,modification, addition to or improvement in whole or in part of structures for which the major support system is wood frame construction & will include apartments over 4 stories, convenience stores, fast food restaurants, automobile service stations,motels up to 2 stories high regardless of the type of construction,all pre-engineered metal buildings except the structural portion of said buildings with eave height in excess of 40 ft. & all steel fencing | 8.07 | 1.43 |
| All other work | 14.10 | 3.28 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| IRONWORKERS (CONT'D): | | |
| ZONES II & III: | | |
| Construction,erection, alteration,repair,modification,addition to or improvement in whole or in part of structures for which the major support system is wood frame construction & will also include apartments over 4 stories, convenience stores, fast food restaurants, automobile service stations,motels up to 2 stories high regardless of the type of construction,all pre-engineered metal buildings except the structural portion of said buildings with eave height in excess of 30 ft. & all steel fencing | $ 8.23 | .95 |
| All other work: | | |
| ZONE II | 13.55 | 2.95 |
| ZONE III | 14.55 | 2.95 |
| LABORERS: | | |
| GROUP 1 | 8.75 | 1.91 |
| GROUP 2 | 9.25 | 1.91 |
| GROUP 3 | 9.80 | 1.91 |
| LEADBURNERS: | | |
| ZONE I | 17.29 | 3.43 |
| ZONE II | 18.04 | 3.43 |
| ZONE III | 19.54 | 3.43 |
| ZONE IV (SPECIFIC AREA) | 18.09 | 3.43 |



| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| COMMERCIAL LINE WORK: | | |
| AREA A: | | |
| Linemen-Technicians: | | |
| ZONE I | $17.00 | 2.00+ 3.5% |
| ZONE II | 18.53 | " |
| ZONE III | 19.55 | " |
| ZONE IV | 21.42 | " |
| Cable splicers: | | |
| ZONE I | 18.70 | " |
| ZONE II | 20.23 | " |
| ZONE III | 21.25 | " |
| ZONE IV | 23.12 | " |
| Equipment Op.(includes helicopter op.): | | |
| ZONE I | 16.15 | " |
| ZONE II | 17.68 | " |
| ZONE III | 18.70 | " |
| ZONE IV | 20.57 | " |
| Equipment mechanic (include helicopter mech.) & powderman: | | |
| ZONE I | 14.79 | " |
| ZONE II | 16.32 | " |
| ZONE III | 17.34 | " |
| ZONE IV | 19.21 | " |
| Groundman-Jackhammer op: | | |
| ZONE I | 12.07 | " |
| ZONE II | 13.60 | " |
| ZONE III | 14.62 | " |
| ZONE IV | 16.49 | " |
| AREA B: | | |
| Linemen-Technicians: | | |
| ZONE I | 14.20 | .80+ 3.5% |
| ZONE II | 15.65 | " |
| Cable splicers: | | |
| ZONE I | 14.45 | " |
| ZONE II | 15.90 | " |
| Equipment op. (includes helicopter ops.): | | |
| ZONE I | 12.35 | " |
| ZONE II | 13.62 | " |
| Equipment mechanic (including helicopter mechanic) | | |
| ZONE I | 12.35 | " |
| ZONE II | 13.62 | " |
| Powderman: | | |
| ZONE I | 11.93 | " |
| ZONE II | 13.15 | " |
| Jackhammer-Groundman: | | |
| ZONE I | 10.08 | " |
| ZONE II | 11.11 | " |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| COMMERCIAL LINE WORK(CONT'D): | | |
| AREA C: | | |
| Lineman-Technicians: | | |
| ZONE I | $17.10 | .80+ 3.5% |
| ZONE II | 17.55 | " |
| ZONE III | 17.70 | " |
| ZONE IV | 17.95 | " |
| Cable splicers: | | |
| ZONE I | 17.45 | " |
| ZONE II | 17.90 | " |
| ZONE III | 18.05 | " |
| ZONE IV | 18.30 | " |
| Equipment Op. & mechanics (includes helicopter op.& mechanics: | | |
| ZONE I | 14.88 | " |
| ZONE II | 15.33 | " |
| ZONE III | 15.48 | " |
| ZONE IV | 15.73 | " |
| Powderman: | | |
| ZONE I | 14.36 | " |
| ZONE II | 14.81 | " |
| ZONE III | 14.96 | " |
| ZONE IV | 15.21 | " |
| GROUNDMAN-JACKHAMMER: | | |
| ZONE I | 12.14 | " |
| ZONE II | 12.59 | " |
| ZONE III | 12.74 | " |
| ZONE IV | 12.99 | " |
| MARBLE, TILE & TERRAZZO WORKERS | 12.90 | 1.02 |
| MARBLE, TILE & TERRAZZO FINISHERS | 10.89 | 1.02 |
| MILLWRIGHTS: | | |
| ZONE I | 14.30 | 3.45 |
| ZONE 2 | 15.80 | 3.45 |
| ZONE 3 | 16.55 | 3.45 |
| PAINTERS: | | |
| ZONE I: | | |
| Mines,mills,power plants,energy plants,refineries,coal gassification plants,nuclear related facilities & all steel work incidental thereto including stacks of all description: | | |
| Brush,roller,pot tender,sandblaster | | |
| grinder operator: | | |
| New work | 13.15 | 2.10 |
| Repaint/remodel | 11.18 | 2.10 |
| Spray: | | |
| New work | 13.65 | 2.10 |
| Repaint/remodel | 11.68 | 2.10 |

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| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PAINTERS (CONT'D): | | |
| ZONE I (CONT'D): | | |
| Mines, mills, etc. (Cont'd): | | |
| Drywall finisher & ames tool op.: | | |
| New work | $13.65 | 2.10 |
| Repaint/Remodel | 11.60 | 2.10 |
| Handfinisher, machine textures: | | |
| New work | 13.45 | 2.10 |
| Repaint/remodel | 11.43 | 2.10 |
| Paperhangers: | | |
| New work | 14.15 | 2.10 |
| Repaint/remodel | 12.03 | 2.10 |
| All other work: | | |
| Brush & roller, hand texture: | | |
| New work | 11.85 | 2.10 |
| Repaint/remodel | 10.07 | 2.10 |
| Spray: | | |
| New work | 12.35 | 2.10 |
| Repaint/remodel | 10.57 | 2.10 |
| Special coating applicator, sandblaster, steel painter: | | |
| New work | 12.35 | 2.10 |
| Repaint/remodel | 10.50 | 2.10 |
| Paperhanger: | | |
| New work | 12.85 | 2.10 |
| Repaint/remodel | 10.92 | 2.10 |
| Ames tool op.: | | |
| New work | 12.43 | 2.10 |
| Repaint/remodel | 10.57 | 2.10 |
| Hand finisher, machine texture: | | |
| New work | 12.18 | 2.10 |
| Repaint/remodel | 10.35 | 2.10 |
| ZONE II: | | |
| Building Construction: | | |
| Brush, roller, paperhanger, tapers | 8.96 | 1.02 |
| Steel after erection, power driven tools | 9.105 | 1.02 |
| Spray | 9.38 | 1.02 |
| Sandblast, swing stage, striping machine | 10.11 | 1.02 |
| Ames tools | 9.105 | 1.02 |
| Heavy Construction: | | |
| Brush, roller | 9.52 | 1.02 |
| Spray, sandblast, swing stage, steam cleaning, power driven tools | 10.11 | 1.02 |
| Water tanks, towers, smoke stacks | 10.26 | 1.02 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PLASTERERS: | | |
| Construction, erection, alteration, repair, modification, addition to or improvement in whole or in part of structures for which the major support system is wood frame construction & will also include all apartments over 4 stories, convenience stores, fast food restaurants, automobile service stations & motels up to 2 stories high regardless of type of construction: | | |
| AREA I | $ 7.04 | 2.16 |
| AREA II | 8.08 | 1.12 |
| All other work: | | |
| AREAS I & II | 13.15 | 2.12 |
| PLUMBERS & PIPEFITTERS: | | |
| AREA I | 16.54 | 3.43 |
| AREA II | 17.54 | 3.43 |
| AREA III | 19.04 | 3.43 |
| Specific Area | 17.59 | 3.43 |
| POWER EQUIPMENT OPERATORS: | | |
| BUILDING CONSTRUCTION: | | |
| GROUP I | 11.08 | 1.95 |
| GROUP II | 12.22 | 1.95 |
| GROUP III | 12.30 | 1.95 |
| GROUP IV | 12.51 | 1.95 |
| GROUP V | 12.57 | 1.95 |
| GROUP VI | 12.67 | 1.95 |
| GROUP VII | 12.77 | 1.95 |
| GROUP VIII | 13.95 | 1.95 |
| HEAVY CONSTRUCTION: | | |
| GROUP I | 11.03 | 2.15 |
| GROUP II | 12.17 | 2.15 |
| GROUP III | 12.25 | 2.15 |
| GROUP IV | 12.46 | 2.15 |
| GROUP V | 12.52 | 2.15 |
| GROUP VI | 12.62 | 2.15 |
| GROUP VII | 12.72 | 2.15 |
| GROUP VIII | 13.90 | 2.15 |
| ROOFERS | 10.62 | .50 |

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| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| SHEET METAL WORKERS: | | |
| ZONE I-A | $16.67 | 3.52+3% |
| ZONE I-B | 18.67 | 3.52+3% |
| ZONE I-C | 19.92 | 3.52+3% |
| ZONE I-D | 19.92 | 3.52+3% |
| ZONE II-A | 14.30 | 2.17+3% |
| ZONE II-B | 15.80 | 2.17+3% |
| ZONE II-C | 16.55 | 2.17+3% |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| SOFT FLOOR LAYERS | 11.55 | 2.10 |
| SOUND INSTALLERS: | | |
| SOUNDMAN: | | |
| ZONE I | 13.55 | 1.55+ 3.5% |
| ZONE II | 15.24 | " |
| ZONE III | 18.63 | " |
| TECHNICIANS: | | |
| ZONE I | 10.84 | " |
| ZONE II | 12.53 | " |
| ZONE III | 15.92 | " |
| SOUND INSTALLERS: | | |
| ZONE I | 8.81 | " |
| ZONE II | 10.50 | " |
| ZONE III | 13.89 | " |
| TRUCK DRIVERS: | | |
| BUILDING CONSTRUCTION: | | |
| ZONE I | | |
| GROUP I | 9.93 | 1.79 |
| GROUP II | 10.20 | 1.79 |
| GROUP III | 10.28 | 1.79 |
| GROUP IV | 10.40 | 1.79 |
| GROUP V | 10.45 | 1.79 |
| GROUP VI | 10.55 | 1.79 |
| GROUP VII | 10.65 | 1.79 |
| GROUP VIII | 10.79 | 1.79 |
| GROUP IX | 10.94 | 1.79 |
| ZONE II | | |
| GROUP I | 11.68 | 1.79 |
| GROUP II | 11.95 | 1.79 |
| GROUP III | 12.03 | 1.79 |
| GROUP IV | 12.15 | 1.79 |
| GROUP V | 12.20 | 1.79 |
| GROUP VI | 12.30 | 1.79 |
| GROUP VII | 12.40 | 1.79 |
| GROUP VIII | 12.54 | 1.79 |
| GROUP IX | 12.69 | 1.79 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| TRUCK DRIVERS (CONT'D): | | |
| BUILDING CONST. (CONT'D): | | |
| ZONE III | | |
| GROUP I | $12.18 | 1.79 |
| GROUP II | 12.45 | 1.79 |
| GROUP III | 12.53 | 1.79 |
| GROUP IV | 12.65 | 1.79 |
| GROUP V | 12.70 | 1.79 |
| GROUP VI | 12.80 | 1.79 |
| GROUP VII | 12.90 | 1.79 |
| GROUP VIII | 13.04 | 1.79 |
| GROUP IX | 13.19 | 1.79 |
| HEAVY CONSTRUCTION: | | |
| ZONE I | | |
| GROUP I | 10.08 | 1.54 |
| GROUP II | 10.35 | 1.54 |
| GROUP III | 10.43 | 1.54 |
| GROUP IV | 10.55 | 1.54 |
| GROUP V | 10.60 | 1.54 |
| GROUP VI | 10.70 | 1.54 |
| GROUP VII | 10.80 | 1.54 |
| GROUP VIII | 10.94 | 1.54 |
| GROUP IX | 11.09 | 1.54 |
| ZONE II | | |
| GROUP I | 11.38 | 1.54 |
| GROUP II | 11.50 | 1.54 |
| GROUP III | 11.58 | 1.54 |
| GROUP IV | 11.70 | 1.54 |
| GROUP V | 11.75 | 1.54 |
| GROUP VI | 11.85 | 1.54 |
| GROUP VII | 11.95 | 1.54 |
| GROUP VIII | 12.09 | 1.54 |
| GROUP IX | 12.24 | 1.54 |
| ZONE III | | |
| GROUP I | 11.63 | 1.54 |
| GROUP II | 11.75 | 1.54 |
| GROUP III | 11.85 | 1.54 |
| GROUP IV | 11.95 | 1.54 |
| GROUP V | 12.00 | 1.54 |
| GROUP VI | 12.10 | 1.54 |
| GROUP VII | 12.20 | 1.54 |
| GROUP VIII | 12.34 | 1.54 |
| GROUP IX | 12.49 | 1.54 |

## CLASSIFICATION AREAS AND ZONES DEFINITIONS

ASBESTOS WORKERS
ZONE I - Statewide except Union, Harding, Curry, Roosevelt & Quay Counties
ZONE II - Union, Harding, Curry, Roosevelt & Quay Counties

BRICKLAYERS-STONEMASONS
ZONE I - Bernalillo County, townships of Bernalillo & Rio Rancho in Sandoval Co. & townships of Los Lunas & Belen in Valencia Co.
ZONE II - Santa Fe County
ZONE III - Catron, Colfax, Cibola, Harding, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval (excluding townships of Bernalillo & Rio Rancho), San Juan, San Miguel, Socorro, Taos, Torrence, Union & Valencia (excluding townships Los Lunas & Belen) Counties
ZONE IV - Curry & Roosevelt Counties
ZONE V - DeBaca, Guadalupe & Quay Counties
ZONE VI - Chaves County
ZONE VII - Lincoln County
ZONE VIII-A - Eddy & Lea Cos. (except at mine & refinery sites outside municipal limits)
ZONE VIII-B - Eddy & Lea Cos. (employees at mine & refinery sites outside municipal limits)
ZONE XI - Grant (excluding Communities of Silver City, Bayard, Central, Hurley & town site of Tyrone), Hidalgo, Luna, Otero (excluding Community of Alamogordo (Area Residents))& Sierra Counties
ZONE X - Dona Ana, Communities of Silver City, Bayard, Central, Hurley & town site of Tyrone in Grant Co. & Community of Alamogordo (Area Residents) in Otero Co.

CEMENT MASONS
AREA I - Bernalillo, Catron, Chaves, Cibola, Curry, DeBaca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Lea, Lincoln, Luna, McKinley, Otero, Quay, Roosevelt, Sandoval, Sierra, Socorro, Torrance, Union & Valencia Counties
AREA II - Colfax, Harding, Los Alamos, Mora, Rio Arriba, San Juan, San Miguel, Santa Fe & Taos Counties

ELECTRICIANS - CABLE SPLICERS
ZONE I
AREA I - Bernalillo, Santa Fe, Torrance, DeBaco, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra, San Juan, Chaves, Curry, Lincoln, Cibola & Roosevelt Counties
AREA I-A
From nearest basing point cities, towns & mileage from main post office in the following towns:

| | |
|---|---|
| Albuquerque - 15 miles | Portales - 12 miles |
| Santa Fe - 10 miles | Carrizozo - 12 miles |
| Las Vegas - 8 miles | Clovis - 12 miles |
| Farmington - 6 miles | Gallup - 10 miles |
| Raton - 6 miles | *Pojoaque - 2 miles |
| Tucumri - 6 miles | *All areas adjacent to Pojoaque |
| Aztec - 6 miles | are over 2 miles distant from |
| Roswell - 12 miles | main post office in that town |
| Ruidoso - 12 miles | will be zoned out of Santa Fe |



## CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

ELECTRICIANS - CABLE SPLICERS (CONT'D):
AREA I-B
Extending up to 20 miles beyond Area 1-A
AREA 1-C
Extending up to 30 miles from Area 1-A
AREA 1-D
Anything beyond 30 miles from Area 1-A
ZONE II - Los Alamos County
ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 3-A - Within 10 miles radius from the Post Office in Las Cruces and within a 5 m. radius from the Post Office in Alamorgordo
Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 3-A)
ZONE IV
Eddy & Lea Cos. the following zones shall be designated from the main post office in Artesia, Carlsbad, Hobbs & Lovington
Zone 4-A - 0 to 12 miles
Zone 4-B - 12 to 22 miles
Zone 4-C - 22 to 40 miles
Zone 4-D - Over 40 miles

ELEVATOR CONSTRUCTORS:
AREA I
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties.
AREA II
Chaves, Hidalgo, Dona Ana, Grant, Luna, Otero and Sierra Cos.

IRONWORKERS:
ZONE I
Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, Taos, McKinley, Mora, Rio Arriba, San Juan, San Miguel, Sandoval, Santa Fe, Socorro, Torrance, Cibola & Valencia Counties
ZONE II
Dona Ana County with the exception of that portion of county that lies within the White Sands Missile Range; Chaves County, Eddy Co., except that Potash Basin & defined as the area 10 rd. miles on Highway 62 & Highway 180, east of Carlsbad
ZONE III
Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero & Sierra Cos. also White Sands & McGregor Missile Ranges, Potash Basin

LABORERS
GROUP 1 - Building & common laborers; chainmen; stake drivers; demolition; heater tender; pick & shovel work; window cleaning & cleanup
GROUP 2 - Carpenter tender; concrete workers; concrete buggy operators
GROUP 3 - Air & power tool operator; asphalt raker; chain saw operators; cutting torch operators; gunite reboundmen; fog machine operators; power buggy operators; sandblasters (potmen); window washers; wagon, core & diamond driller tenders (outside); pumps under 6"; asbestos removal; concrete burner; cement mason tenders; hod carriers; mortar mixers; plaster spreader operators; plaster tenders; gunite nozzlemen; pipelayer; pumpcrete nozzlemen; powderman; blaster

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

LEAD BURNERS BASING POINTS AND AREA DEFINITIONS

BASING POINT CITIES OR TOWNS:

Albuquerque, Alamorgordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lovington, Portales, Raton, Socorro, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari & Truth or Consequence

ZONE I - Shall include a distance of 7 rd. mi. inclusive beyond the city or town limits

ZONE II - Shall extend a distance of 4 rd. mi. inclusive beyond the outer perimeter of Area I

ZONE III -Shall apply to all areas not within I or II, or not within the specific areas

ZONE IV (SPECIFIC AREA) - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds

COMMERCIAL LINE WORK

AREA A

Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia & White Sands Missile Range & that portion of Fort Bliss in New Mexico

AREA A

ZONE I

Cities & Towns Basing Points - Miles from Main Post Offices

| | |
|---|---|
| Albuquerque - 15 miles | Aztec - 6 miles |
| Santa Fe - 10 miles | Roswell - 12 miles |
| Las Vegas - 8 miles | Ruidoso - 12 miles |
| Farmington - 6 miles | Clovis - 12 miles |
| Raton - 6 miles | Gallup - 12 miles |
| Tucumari - 6 miles | |

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe

ZONE II

Extending up to 20 miles beyond Zone I

ZONE III

Extending up to 30 miles beyond Zone I

ZONE IV - Anything beyond 30 miles from Zone I

Las Alamos County - Use ZONE III RATES

AREA B

Applies to switching stations and sub-stations adjacent to power plants in Zone I & Zone II in Luna, Dona Ana, Otero & Hidalgo Cos., exclusive of White Sands Missile Range & that portion of Fort Bliss in New Mexico

ZONE I

That area within 25 miles radius from the downtown Post Office of El Paso, Texas. Fort Bliss & Biggs Fields; the area within a five mile radius of any city, town or municipality within which an employer established or maintains his place of business; the area within ten mile radius from the PO In Las Cruces & within a 5 mile radius from the PO in Alamogordo

ZONE II

All other areas of the jurisdiction except those specified in Zone I

AREA C

Applies to switching stations adjacent to power plants in Eddy & Lea Cos.; the following zones listed shall be designated from post office of Artersia, Carlsbad, Hobbs & Lovington:

ZONE I - o to 12 miles

ZONE II - 12 to 22 miles

ZONE III - 22 to 40 miles

ZONE IV - 40 miles and beyond



CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

MILLWRIGHTS

BASING POINT - FROM ALBUQUERQUE CITY LIMITS:

ZONE 1 - o to 15 road miles from basing point

ZONE 2 - 15 to 35 raod miles from basing point

ZONE 3 - Over 35 road miles from basing point

PAINTERS

ZONE I

San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Eddy, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Lea, Hidalgo, Curry, Sandoval.Colfax, Harding, Los Alamos, Mora, San Miguel, Rio Arriba, Taos, Union & Santa Fe Counties

ZONE II

Luna, Otero & Dona Ana Counties

PLASTERERS

AREA I

Bernalillo, Catron, Chaves, Cibola, Curry, DeBaca, Dona Ana, Eddy Grant, Guadalupe, Hidalgo, Lea, Lincoln, Luna, McKinley, Otero, Quay, Roosevelt, Sandoval, Sierra, Socorro, Torrance, Union & Valencia Counties

AREA II

Colfax, Harding, Los Alamos, Mora, Rio Arriba, San Juan, San Miguel, Santa Fe & Taos Counties

PLUMBERS-PIPEFITTERS AREA DEFINITIONS

BASING POINT CITIES OR TOWNS:

Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari, Truth or Consequence & Socorro

AREA I

Shall include a distance of 7 road miles inclusive beyond the city or town limits

AREA II

Shall extend a distance of 4 road miles inclusive beyond the outer perimeter of Area I

AREA III

Shall apply to all areas not within Areas I & II or not within the specific area

SPECIFIC AREA

Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves & Lincoln Counties, and the Oro Grande Range Camp and Dona Ana & Otero Cos.

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS - BUILDING & HEAVY CONSTRUCTION

GROUP I
Fireman, oiler, screedman, scale op. such as bin-a-batch, rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridgetype), helper (mechanic, welder, grease truck)

GROUP II
Rollers, sheepsfoot or pneumatic self-propelled w/o dozer, concrete conveyors, service truck op. (head oiler), air compressor (300 DFM & over), pumps (6" & over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor farm type (under 50 HP w/attachments), motorman and industrial locomotive op., winch truck, front end loaders (under 2 CY), power plants which generate over 15 KW., welding machines

GROUP III
Bituminous distributors, boilers, retort & hot oil heaters, concrete mixers (1 CY & over), conc. paver-single drum, drilling equip.; (refrigeration, slusher, jumbo forms), trenching machines (all types), pumpcrete & gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, conc. slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants

GROUP IV
Front end loaders (2 thru 10 CY), rollers steel wheeled-all types, bulldozers, scrapers (motor or towed), elevating graders, concrete batching plants, self-propelled rollers -- equipped w/dozer, twin-bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate, three bowl scraper (60¢ over basic rate).

GROUP V
Hydraulic cranes-with less than 50 feet of boom (20 tons and under), concrete paver-double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader

GROUP VI
Mucking machines-all types, motor grader (finish) mechanic welder

GROUP VII
Steam engineers, loader (front end over 10 CY), concrete pump (snorkel type)

GROUP VIII
All shovel type equipment; cranes, draglines, backhoes, derricks, guy & stiff leg, pipemobile (No. 2 operator), piledriver, hydraulic cranes (20 tons & over), mine hoist, belt loader ("C.M.I." Type), boom and jibs 150 ft. through 199 ft. - 25¢ per hour above base pay 200 ft. and over-50¢ per hour above base pay. Shovel (wheel type), boring machine (tunnel or shaft mole), pipe mobile

HEET METAL WORKERS ZONE AND CLASSIFICATION DEFINITIONS

ZONE I
Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arribo, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties.



CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

SHEET METAL WORKERS (CONT'D)

ZONE IA - An area including 10 miles each direction east & west of Interstate 25 & extending north & south terminating with but including Santa Fe & Socorro. An area including 10 miles each direction north & south Interstate 40 & extending west from Albuquerque, terminating with but including Grants, New Mexico. Tucumcari, Gallup, Clovis, Portales, Las Vegas & Espanola;an area identified by cornerreference points beginning at and including Pojoaque, to Chimayo, to Velarde, to Abiquiu and back to Pojoaque; an area identified by corner reference points beginning at and including Farmington to Aztec, to Bloomfield and back to Farmington

ZONE IB - Los Alamos County

ZONE IC - San Juan (except that area in Zone IA)

ZONE ID - All areas not in Zones IA, IA or IC

ZONE II
Dona Ana, Grant, Hidalgo, Luna, Sierra, Otero, Eddy & Lea Counties

ZONE IIA - Any area within a 5 mile radius of the city limits of Carlsbad, Las Cruces, Artesia, Alamogordo, Hobbs & Sunland Park

ZONE IIB - White Sands, including Holloman, McGregor & Lyndon B. Johnson

ZONE IIC - All areas not in Zones IIA or IIB

SOUND INSTALLERS

ZONE I
Thirty mile radius of main post office in Albuquerque

ZONE II
Remainder of Valencia, Sandoval, Santa Fe, Torrance, Cibola & Socorro Cos., the hourly rates of pay shall be increased for twelve & one-half (12.5) percent of journeymen rate of pay for Zone I

ZONE III
Chaves, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arribo, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Cos. the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeymen rate of pay for Zone I

TRUCK DRIVERS ZONE PAY BASING POINTS AND DEFINITIONS LISTED BELOW FOR BUILDING AND HEAVY CONSTRUCTION - BASING POINTS ARE AS FOLLOWS:
Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rose, Silver City, Socorro, Taos, Tucumcari

ZONE I
Shall be jobs or projects within 15 road miles from the starting points listed above

ZONE II
Shall be jobs or projects which are more than 15 road miles, but less than 35 road miles from base points, also, includes all of Los Alamos County

ZONE III
Shall be those jobs or projects which are 35 road miles or more from the base points

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

TRUCK DRIVERS (BUILDING & HEAVY CONSTRUCTION)

GROUP I
Pickup 3/4 ton and under, lubrication, light tire repair and washer, swamper, 2 or 4 and up.

GROUP II
Dump or batch truck under 8 C.Y.W.L.C.: flat bed (bobtail) 2 ton and under; warehouseman including material checker, fork lift under 5 tons MRC.

GROUP III
Dump trucks (including all highway and off highway) 8 up to 16 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons.

GROUP IV
Distributor driver, heavy tire repair, lumber carrier driver, young buggy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment, scissor truck, bulk cement bobtail 2 or 3 axles, semi-trailer flatbed or van single axle, forklift 5 ton and over M.R.C.

GROUP V
Dumpsters and dumpcrete driver; water, fuel or oil truck 3,000 to 6,000 gallons; lowboys and light equipment driver; euclid type tank wagon under 6,000 gallons

GROUP VI
Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

GROUP VII
Transit mix or agitator semi or 4 axle equipment driver; flaherty truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" frame; dump truck (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.

GROUP VIII
Euclid diesel power turnarocker; terra coba-DW20-Le-Tourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster-lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gallons and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all

GROUP IX
Lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving.

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Green Lake, Marquette, Waupaca, Waushara, & Winnebago

DECISION NO. WI84-5035

DATE: Date of Publication

Supersedes Decision No.: WI83-2081, dated October 14, 1983 in 48 FR 46924

DESCRIPTION OF WORK: BUILDING CONSTRUCTION (excluding single family homes and garden type apartments up to and including four stories).

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS (except Marquette Co.) | $17.65 | 2.01 |
| Marquette County | 17.10 | 3.38 |
| BOILERMAKERS | 17.345 | 3.25 |
| BRICKAYERS & STONEMASONS | 12.85 | 2.44 |
| CARPENTERS & SOFT FLOOR LAYERS | 13.66 | 2.11 |
| CEMENT MASONS | 12.35 | 2.44 |
| ELECTRICIANS (all but lower part of Marquette and Green Lake Cos. | 15.78 | 1.55 +6% |
| Southern Parts of Green Lake & Marquette Cos. | 15.54 | 1.66+ 12- 3/4% |
| ELEVATOR CONSTRUCTORS: | | |
| Constructors | 17.08 | 3.00 |
| Helpers | 11.96 | 3.00 |
| Helpers (Prob.) | 8.54 | |
| IRONWORKERS: | | |
| Extreme East Part of Co. Including Lake, Winnebago, Menasha, & Meenah Counties | 14.81 | 5.55 |
| Remainder of Counties | 14.08 | 3.00 |
| LATHERS | 12.61 | 3.16 |
| MILLWRIGHTS & PILEDRIVERMEN | 14.06 | 2.11 |
| PAINTERS: | | |
| Brush & Structural Steel | 13.35 | 1.55 |
| Spray & Sanblasting | 14.10 | 1.55 |
| PLASTERERS | 12.85 | 2.44 |
| PLUMBERS: | | |
| Waupaca & Townships of Menasha & Weenah | 16.04 | 3.35 |
| Marquette County | 12.22 | 4.48 |
| Remainder of Counties | 14.47 | 4.36 |
| ROOFERS | 11.75 | 2.60 |
| SHEET METAL WORKERS | 14.16 | 5.37 |
| TILE SETTERS & TERRAZZO MECHANICS | 12.85 | 2.44 |
| LABORERS: | | |
| General | 11.03 | 1.43 |
| Plaster Tenders | 11.13 | 1.43 |
| Jackhammer | 11.28 | 1.43 |
| POWER EQUIPMENT OPERATORS: | | |
| Group 1 | 15.72 | 3.42 |
| Group 2 | 15.22 | 3.42 |
| Group 3 | 14.44 | 3.42 |
| Group 4 | 13.88 | 3.42 |
| Group 5 | 13.41 | 3.42 |
| WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental. | | |

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h. p.), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch).

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor.

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Juneau
DECISION NUMBER: WI84-5036 DATE: Date of Publication
Supersedes Decision No. WI83-2082, dated October 14, 1983 in 48 FR 46925
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories)

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $17.10 | 2.94 |
| BOILERMAKERS | 17.345 | 3.25 |
| BRICKLAYERS | 15.18 | 3.95 |
| CARPENTERS: | | |
| South of HWY 321 & East of County Trunk #80: | | |
| Carpenters and Soft Floor Layers | 13.66 | 2.11 |
| Millwrights & Pile-drivermen | 14.06 | 2.11 |
| Camp Douglas, Huster, Elroy & Vic.: | | |
| Carpenters and Soft Floor Layers | 13.66 | 2.11 |
| Millwrights & Pile-drivermen | 14.06 | 2.11 |
| N. E. Section of County above Camp Douglas: | | |
| Carpenters & Soft Floor Layers | 13.66 | 2.11 |
| Millwrights & Pile-drivermen | 14.06 | 2.11 |
| CEMENT MASONS | 14.38 | 1.50 |
| ELECTRICIANS | 15.13 | .75+ 11%% |
| ELEVATOR CONSTRUCTORS: | | |
| CONSTRUCTORS | 15.22 | 2.465 |
| Helpers | 10.65 | 2.465 |
| Helpers (Prob.) | 7.61 | |
| GLAZIERS | 15.08 | 1.58 |
| IRONWORKERS | 14.08 | 3.00 |
| LABORERS: | | |
| General | 11.62 | 1.43 |
| Mortar Mixer | 11.77 | 1.43 |
| Jackhammer Operator | 11.77 | 1.43 |
| LATHERS | 13.76 | 1.91 |
| PAINTERS: | | |
| Brush | 12.53 | 1.00 |
| Structural Steel | 12.80 | 1.00 |
| Swing Stage | 12.85 | 1.00 |
| PLASTERERS | 13.08 | .90 |
| PLUMBERS & STEAMFITTERS | 16.50 | 2.75 |
| ROOFERS | 13.50 | a |
| SHEET METAL WORKERS | 14.41 | 1.56 |
| TILE SETTERS | 13.75 | 1.60 |
| POWER EQUIPMENT OPERATORS: | | |
| Group 1 | 15.72 | 3.42 |
| Group 2 | 15.22 | 3.42 |
| Group 3 | 14.44 | 3.42 |
| Group 4 | 13.88 | 3.42 |
| Group 5 | 13.41 | 3.42 |
| WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental. | | |

FOOTNOTES:
a. Employed for 1 year-1 week vacation at regular pay, employed for 7 years - 2 weeks vacation at regular pay, employed for 10 years 3 weeks vacation at regular pay.

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h. p.), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch).

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor.

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Wisconsin

Counties: Milwaukee, Ozaukee, Waukesha, and Washington Counties, Wisconsin

DECISION: WI84-5038

DATE: Date of Publication

Supersedes Decision No. WI83-2068 dated September 2, 1983 in 48 FR 40096

DESCRIPTION OF WORK: Building Construction (Including Residential Construction)

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $17.10 | 2.88 |
| BOILERMAKERS | 17.345 | 3.25 |
| BRICKLAYERS | 15.63 | 3.50 |
| CARPENTERS | 14.65 | 4.03 |
| Millwrights | 16.79 | 4.29 |
| Piledrivermen | 15.82 | 4.16 |
| CEMENT MASONS | 13.82 | 3.86 |
| ELECTRICIANS | 15.02 | 2.04+ 14% |
| ELEVATOR MECHANIC | 17.08 | 3.00 |
| Helpers | 11.96 | 3.00 |
| Prob. Helpers | 8.54 | |
| GLAZIERS | 15.13 | 3.33 |
| IRONWORKERS: | | |
| Structural, Ornamental & Reinforcing | 14.81 | 5.55 |
| LATHERS | 14.65 | 4.03 |
| LINE CONSTRUCTION: | | |
| Lineman | 16.09 | 1.00 + 9½% |
| Heavy Equipment Operators | 14.48 | 1.00 + 9½% |
| Light Equipment Operators | 12.87 | 1.00 +9½% |
| Heavy Groundman, Truck Driver | 11.26 | 1.00 + 9½% |
| Light Groundman, Truck Driver | 10.46 | 1.00 + 9½% |
| Groundman | 8.85 | 1.00 + 9½% |
| PAINTERS: | | |
| Brush | 13.10 | 3.76 |
| Structural Steel | 13.45 | 3.76 |
| Spray | 13.60 | 3.76 |
| PLASTERERS | 13.85 | 4.12 |
| PLUMBERS | 16.06 | 4.14 |
| STEAMFITTERS | 16.40 | 3.35 |
| ROOFERS | 14.00 | 3.44 |
| SHEET METAL WORKERS | 15.38 | 4.63 |
| Residential | 11.54 | 4.63 |
| SPRINKLER FITTERS | 17.62 | 3.30 |
| SOFT FLOOR LAYERS | 13.55 | 3.91 |
| TERRAZZO MECHANIC | 14.60 | 3.88 |
| TILE SETTERS | 14.65 | 3.00 |
| TRUCK DRIVERS: | | |
| Building Material 2 Axle | 11.92 | 98.50 per wk |
| Building Material 3 Axle | 11.97 | 98.50 per wk |
| POWER EQUIPMENT OPERATORS: | | |
| Group 1 | 15.72 | 3.42 |
| Group 2 | 15.22 | 3.42 |
| Group 3 | 14.44 | 3.42 |
| Group 4 | 13.88 | 3.42 |
| Group 5 | 13.41 | 3.42 |
| LABORERS: | | |
| Group 1 - General Laborers | 12.17 | 3.49 |
| Group 2 - Air & Electric Equipment & Power Buggies, Mortar Mixers, fork Lift Operator, Scaffold Builder etc. | 12.28 | 3.49 |
| Group 3 - Barco Tamper, Jackhammer Operator Gunite Machinemen | 12.39 | 3.49 |
| Group 4 - Caisson Worker Topman | 12.48 | 3.49 |
| Group 5 - Nozzleman | 12.68 | 3.49 |
| Group 6 - Scaffold Builder & Erector between 75' & 100 | 12.78 | 3.49 |
| Group 7 - Caisson Work | 12.83 | 3.49 |
| Group 8 - Scaffold Builder & Erector on Swing Stages over 100' | 13.03 | 3.49 |
| LABORERS: | | |
| Landscapers | 9.00 | 1.75 |
| COMMUNICATION SYSTEMS: | | |
| Installer | 11.88 | 3.59 |
| Insulators | 12.50 | 3.91 |
| WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental | | |

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h. p.), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch).

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor.

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Racine
DECISION NO. WI84-5039 DATE: Date of Publication
Supersedes Decision No. WI83-2084, dated October 28, 1983 in 48 FR 50001
DESCRIPTION OF WORK: Building and Residential Construction

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | 17.10 | 2.94 |
| BOILERMAKERS | 17.345 | 3.25 |
| BRICKLAYERS | 15.47 | 2.35 |
| CARPENTERS: | | |
| (West of Hwy. #75) | | |
| Carpenters & soft Floor Layers | 15.69 | 2.51 |
| Millwrights | 15.84 | 2.51 |
| Piledirvermen | 16.29 | 2.51 |
| Carpenters: | | |
| (Remainder of County) | | |
| Carpenters & Soft Floor Layers | 14.71 | 1.96 |
| Millwrights | 15.00 | 1.96 |
| Piledrivermen | 14.80 | 1.96 |
| CEMENT MASONS | 13.67 | 1.65 |
| ELECTRICIANS | 17.50 | .85+ 3% |
| ELEVATOR CONSTRUCTORS: | | |
| Constructor | 17.08 | 3.00 |
| Helpers | 11.96 | 3.00 |
| Probationary Helpers | 8.54 | 3.00 |
| IRONWORKERS | 14.81 | 5.55 |
| LABORERS: | | |
| General | 11.97 | 2.53 |
| Plasterer Laborer | 12.10 | 2.53 |
| Air Spade and Jackhammer Operator | 12.29 | 2.53 |
| PAINTERS: | | |
| Brush & Roller | 13.60 | 2.15 |
| Structural Steel | 13.75 | 2.15 |
| Spray | 14.35 | 2.15 |
| PLASTERERS | 12.91 | 1.65 |
| PLUMBERS & STEAMFITTERS | 16.71 | 3.42 |
| ROOFERS | 14.07 | 1.90 |
| SHEET METAL WORKERS | 15.16 | 3.76 |
| TERRAZZO MECHANIC | 14.60 | 3.88 |
| TILE SETTER | 11.96 | 2.97 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| POWER EQUIPMENT OPERATORS: | | |
| Group 1 | 15.72 | 3.42 |
| Group 2 | 15.22 | 3.42 |
| Group 3 | 14.44 | 3.42 |
| Group 4 | 13.88 | 3.42 |
| Group 5 | 13.41 | 3.42 |
| WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental | | |

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h. p.), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch).

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor.

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 84-27498 Filed 10-18-84; 8:45 am]

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federal register

Friday
October 19, 1984

Part III

# Department of the Treasury

Customs Service

19 CFR Parts 4, 6, 7 et al.
Revision of Customs Bond Structure; Final Rule

**DEPARTMENT OF THE TREASURY**

**Customs Service**

**19 CFR Parts 4, 6, 7, 10, 11, 12, 18, 19, 24, 54, 101, 112, 113, 114, 123, 125, 127, 132, 133, 134, 141, 142, 144, 145 146, 147, 148, 151 162, 172, 174, and 191**

**[T.D. 84-213]**

## Customs Bond Structure; Revision

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations to revise the Customs bond structure by consolidating and reducing the number of bond forms in use. The purpose of the revision is to simplify transactions between Customs and the importing public and to facilitate establishment of an efficient computerized bond control system.

**EFFECTIVE DATE:** This rule is effective on February 18, 1985. The Customs bond forms and bond riders listed in Appendix A are abolished on February 18, 1985.

**FOR FURTHER INFORMATION CONTACT:**

*Operational Aspects:* Joseph C. Goody, Regulatory Audit Division (202-566-2812).

*Legal Aspects:* William Rosoff, Carriers, Drawback and Bonds Division (202-566-5856).

*Legal and Operational Aspects Relating to Delinquent Sureties:* Ron Gerdes, Office of Chief Counsel (202-566-2482).

U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

**SUPPLEMENTARY INFORMATION:**

### Background

When merchandise other than noncommercial merchandise accompanying a traveler arrives in the United States, it ordinarily remains in Customs custody until the importer, consignee, or the authorized agent of either establishes ownership and complies with the applicable Customs laws and regulations or laws and regulations enforced by Customs for other Federal and state agencies. In some instances, especially in the case of duty-free noncommercial importations, the merchandise may be released to the importer, consignee, or an authorized agent merely upon furnishing proof of ownership, and no formal documentation is required. However, in most cases involving commercial importations, formal documentation is required to obtain release of the merchandise. The Customs transaction releasing the merchandise to the importer is referred to as an "entry".

As a part of the entry documentation the importer, consignee, or an authorized agent usually is required to file a bond with Customs. The bond, among other things, guarantees that proper entry summary with payment of estimated duties and taxes when due, will be made for imported merchandise and that any additional duties and taxes subsequently found to be due will be paid. The bond also guarantees redelivery of imported merchandise to Customs custody if found not to comply with applicable laws and regulations. Redelivery may be required as a result of a failure to properly mark, label, clean, or fumigate the imported merchandise; or a failure to destroy or export the imported merchandise, if appropriate.

A bond also may provide, as a condition of its satisfaction, for the production of any missing invoices, declarations, certificates, or other documents required in connection with the entry of imported merchandise, in the form and within the time limits required by regulations.

Bonds are used to secure other Customs transactions besides those of importers. For example, carriage of imported merchandise that has not been examined or appraised by Customs must be secured by a bond to guarantee performance of various obligations to Customs. Those performance bonds are required from bonded carriers, bonded cartage and lighterage operators, and persons who are authorized to carry merchandise when bonded carrier facilities are not reasonably available. Among other things, those persons are contractually bound to safely deliver that merchandise to Customs at the destination. They are also bound to report arrival of the merchandise to Customs at the destination so that it can be examined for Customs purposes. Further, they are bound not to deliver that merchandise to the ultimate consignee until Customs determines that it can be released. If the bond principal fails to perform as agreed, the principal and surety become liable to Customs for payment of liquidated damages.

A similar situation exists for operators of Customs bonded warehouses, container stations, and foreign-trade zones. A bond is needed to protect the Government from any loss as a result of their operation. Generally, imported merchandise is placed in such places before the amount of duty has been determined. Moreover, until that merchandise is withdrawn for consumption no duty is paid by the importer. The bond given by the operators serves as a guarantee that the stored merchandise will be kept safely and that it will be released only when authorized by Customs.

Other bonds are required in special instances. For example, persons who use the accelerated drawback program are required to file a bond to guarantee repayment of any money paid in excess of what is finally determined to be due. Another special bond is that required of copyright owners who claim that an imported article infringes their copyright and request Customs to detain that article pending a final determination on the infringement claim. The bond insures that any damages caused to the importer by detention will be reimbursed.

Presently, there are approximately 50 different forms of Customs bonds and 16 bond riders in use (see Appendix A). Part 113, Customs Regulations (19 CFR Part 113), sets forth a description of the various bonds and the general requirements applicable to Customs bonds. It contains the general authority and powers of the Commissioner of Customs to require, bonds, the classes of bonds, procedures for their approval and execution, general and special bond requirements, requirements which must be met to be either a principal or a surety, requirements concerning the production of documents, and the authority and manner of assessing damages of cancelling the bond or charges against a bond.

In an effort to (1) modernize the Customs bond structure by reducing and consolidating the number of bond forms in use, (2) modify the archaic bond language, (3) simplify transactions between Customs and the importing community, and (4) facilitate establishment of an efficient computerized bond control system, Customs published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on May 26, 1981 (46 FR 28172), to afford the public a meaningful opportunity to participate at an early stage in the revision process by submitting comments on the merits of the proposal and by suggesting alternatives to the proposed bond format, coverages, and conversion approaches. Numerous comments were received in response to the ANPRM. The comments overwhelmingly supported the revision concept.

After a thorough review of the comments received and further refinement of the concept, on March 15, 1983, Customs published a notice of proposed rulemaking (NPRM) in the **Federal Register** (48 FR 11032). As with

the ANPRM, numerous comments were received in response to the NPRM. Likewise, the commenters enthusiastically supported the revision concept. Following is a discussion of the comments received and changes made in the proposed rule as a result of the comments and Customs review of the proposal.

**Discussion of Comments**

*Part 4—Vessels in Foreign and Domestic Trades*

Sections 4.30 (f) and (g), Customs Regulations (19 CFR 4.30 (f), (g)), provide that the district director may issue a term permit on Customs Form 3171 for any period up to 1 year, but not longer than the period of the supporting bond, to unlade merchandise, passengers, or baggage during official hours. The NPRM proposed to remove the time limitation relating to the period of the supporting bond. Based upon internal Customs review it has also been determined that since bonds will be either single entry or continuous there is no reason to retain the 1 year time limitation also contained in the section for continuous bonds. Accordingly, the language of § 4.30 (f) and (g) has been modified to state that the term permit will remain in effect until revoked by the district director, terminated by the carrier or automatically cancelled by termination of the supporting continuous bond.

*Part 113—Customs Bonds*

1. Several commenters objected to the provisions of proposed § 113.12(a) relating to the single entry bond application. The commenters felt the application procedure would be burdensome, cause delays in the release of goods, cause storage charges to be incurred, would congest piers and cargo terminals, and was duplicative and inconsistent with the present procedures whereby importers can make application and file a bond in the same motion.

The commenters appear to have misread proposed § 113.12(a). The language is discretionary with the district director. The provisions of the section would only be used where adequate information is not provided by the importer. For example, it would not be used when the bond is filed with the entry summary or with the entry when the entry summary is filed at the time of entry. In these situations, the documentation provided is generally adequate to insure a proper determination as to bond sufficiency. When adequate information is not provided the district director must have the means of obtaining that information. However, to allay the fears of the importing public, the section has been modified to indicate that when a proper bond in sufficient amount is filed with the entry summary or with the entry when the entry summary is filed at the time of entry, an application will not be required.

Another commenter indicated that there is a need for Customs to improve the means of verifying that a bond is on file.

Customs is aware of the difficulties encountered in the current methods of bond verification. Improvement in this area is one of the benefits of the on-line bond system which will support this redesigned bond structure. Based upon the user functional requirements developed for this system, an on-line query by the user will provide the means to immediately verify that a bond is on file. In addition, Customs offices responsible for the bonding functions will periodically produce computer printouts with local computer equipment listing all bonds on file.

Several commenters suggested that in addition to having bond information available by bond number, Customs should also provide access on an alphabetical basis as is the case with the ABIS (Automated Bond Information System) where bond information can be accessed either alphabetically from a printout or by importer number. One commenter recommended an on-line alphabetical cross index to the bond number be established which would be similar to the Automated Commercial System (ACS) project currently under development by Customs. Another commenter urged Customs to prepare an alphabetical listing regularly and frequently rather than periodically as stated in the NPRM.

Customs will, as stated in the NPRM (48 FR 11035, 11036), provide for an on-line query by Customs bond control number and periodically generate print-outs of bond information both in alphabetical order by principal name and by bond number in numerical sequence. These print-outs will serve as back-up to the computer system and as a manual query mechanism for Customs locations not having ready access to the on-line computer system. The decision to generate the print-outs periodically rather than regularly and frequently is based on the view that the turnover rate of bonds under the continuous bond concept implemented by this revision will be considerably less than the rate under the current term bond concept. Further, Customs expects the on-line query of the bond system to be the method most commonly used to obtain information regarding bonds.

With respect to the use of an on-line alphabetical cross index for the bond module, Customs is of the opinion that such a system would prove to be inefficient since if the query by principal name were not exactly the same as the name contained in the bond data file a no record response would be received. Trying to identify the exact spelling would result in multiple queries of the bond file and thus increase costs. However, as a part of the total ACS the capability already exists to do a partial key search on importer name. The user is able to "browse" through the file and find the correct importer name and then would be able to query the bond file.

2. Several individuals and organizations with differing concerns commented on proposed § 113.12(b) relating to the continuous bond application.

One commenter, a broker, in discussing the information requirements of proposed § 113.12(b)(1)(ii) indicated it would have difficulty in determining the amount of duties and taxes paid the previous year and estimating the amount that will be paid in the next year because its accounting methods do not differentiate between duties and taxes paid under its own bond and duties and taxes paid under an importer's bond. The commenter believed Customs should provide this information to brokers.

Customs has in the past forbid use of a General Term Bond for Entry of Merchandise, Customs Form 7595, by a customhouse broker in its brokerage business. In the ANPRM Customs indicated that it would continue the policy of not allowing brokers to have a national type bond in their capacity as brokers. The policy which dated back to 1952 existed in part, because the amounts for General Term Bonds were based on 10-percent of the importer's prior year's duty payments. A broker, unlike an importer, can radically change its business by changing its clients. This could thus result in inadequate coverage during the current year. Another reason for not allowing brokers to have a national type bond was that a broker, unlike an importer, often lacks sufficient assets to go against in case of a loss. Since under the proposal set forth in the NPRM, Customs would be in a better position to monitor bond sufficiency, the basis for continuing the policy appeared to be unnecessary. Accordingly, Customs proposed to eliminate the prohibition against brokers having a national type bond in their capacity as brokers. The commenter's statements,

however, give rise to concern in this area. Upon further reflection, Customs believes the commenter is probably not truly representative of all brokers. Accordingly, brokers will still be allowed to have a continuous bond. However, Customs will closely monitor the use of the continuous bond by brokers. Any broker who cannot comply with the requirements of § 113.12(b) will be denied a continuous bond. An accurate statement with respect to the information required by § 113.12(b) is necessary for the district director to set proper bond amounts. In view of the requirements set forth in Part 111, relating to recordkeeping, Customs does not believe there will be a problem for the vast majority of brokers in compiling this required data.

One commenter believed that the requirement for periodic updating of the bond information contained in proposed § 113.12(b)(2) and the independent periodic review by Customs officers in proposed § 113.13(c) is not frequent enough to ensure bond sufficiency. Since specific times at which this is to be done are not set forth, it is believed by the commenter that the review will not be done. It was also indicated that administrative sanctions are not available and import activity outside a district director's particular district is not known to the district director.

The requirement for periodic review of bond sufficiency is imposed upon Customs officers by proposed section 113.13(c). The frequency of the review can and will be established by internal Customs directive rather than in the regulations. If an importer does not periodically review its bond sufficiency or update its application when changed events dictate a larger bond amount, the district director can always impose the requirement for additional security (see proposed § 113.13(d)). The district director also has the option of requiring a single entry bond for a particular entry if it is believed that a continuous bond is inadequate. A district director need only exercise this option once and the importer should update its bond application. As far as the district director not having knowledge of import activity outside the district director's particular district, it is anticipated that the data processing system will contain data relating to all charges against each bond. Any district director will be able to access this information and obtain information on all bond charges wherever the charges may have occurred.

An association representing air cargo carriers indicated that the provisions of proposed § 113.12(b), relating to continuous bond applications, appear to be directed to importers and if air cargo carriers are required to comply with its provisions it would be a significant burden.

If air cargo carriers act as importers there is no reason to distinguish them from other importers of merchandise or to exempt them from the obligations placed on other importers.

3. One commenter noted that an applicant for a bond must provide a certification that the factual information contained in the application is true and accurate and asked by what means or how the certification should be made.

The provisions of proposed § 113.12(c) set forth what is required and how the certification will be accomplished. Specific certification language which must be included in the application is also set forth in this section.

4. Virtually every commenter expressed concern with the provisions of proposed § 113.13(b) relating to guidelines for determining the amount of the bond. While they did not object to the proposed language of the section, it was the general consensus that specific monetary amounts or a specific formula should be used to determine the bond amount.

Customs agrees that the criteria set forth in proposed § 113.13(b) should be supplemented with more objective guidelines. However, it is not believed that specific monetary amounts or a formula should be set forth in the regulations. Based upon the commenter's concerns Customs will formulate specific guidelines to be used in conjunction with those set forth in proposed § 113.13(b). These guidelines will be issued under the Customs Issuance System at least 45 days before the effective date of this document.

5. Customs received two other comments on proposed § 113.13(c), relating to periodic review of bond sufficiency, in addition to the comment discussed under proposed § 113.12(b)(2).

One commenter believed that Customs should notify the principal, surety, and the person who filed the bond if Customs determines the bond amount is inadequate.

Customs does not agree. The bond is security posted by the principal. Only the principal needs to be informed because it is the principal's contract. It is up to the principal to decide what to do (e.g. get a new bond with a different surety, file single entry bonds, etc.). In addition, Customs is not equipped to perform the principal's administrative tasks once the determination of inadequacy is made by Customs personnel.

The commenter also expressed concern about notification of bond insufficiency being directed to the wrong address.

If the principal places a complete address on the bond there will be no problem with timely notification at the proper address. Many problems experienced in the past in this area have been the result of incomplete or insufficient addresses on the bond forms.

Both commenters expressed concern with the 30-day time period set forth in proposed § 113.13(c) in which to remedy a bond deficiency and suggested a 60 or 90-day time period.

Because the bond is given to secure the principal's Customs transactions, immediate action must be taken to remedy inadequate bond coverage. It is believed any time greater than 30 days is excessive. Further, it is Customs responsibility to determine the amount of security it needs on a bond. This is not a function shared with bond obligors. It should be noted that in certain instances even 30 days may be excessive. Accordingly, Customs retains the right to, at any time, demand additional security (see § 113.13(d)).

6. One commenter asked that the use of abbreviations be authorized for names, addresses, etc., which appear on bonds because it would be awkward to attempt to "crowd" unabbreviated data onto the bond form.

One of the goals of the redesigned bond structure was to improve communications between Customs and principals and sureties with regard to bonding matters. A way to accomplish this is through the use of complete names and addresses on the bond form. If the use of abbreviations was authorized, Customs would have no effective way to control what abbreviations are used. As no standard can be devised in this regard, the use of any abbreviations would hamper our efforts to improve communications. Accordingly, the proposed Customs Bond, Customs Form 301, set forth in the NPRM as Appendix A, has been modified to provide more space for names and addresses thus eliminating the need for abbreviations (see Appendix B).

7. Several comments were received on various aspects of proposed § 113.24, relating to bond riders.

One commenter objected to the references to "unincorporated principal" and "unincorporated units of a principal" in proposed § 113.24(a)(4) and (c)(4). The commenter stated unincorporated units are not legal

entities and a document submitted by them is without legal effect.

The commenter has completely misread proposed § 113.24. The term "unincorporated principal" is not used in either cited section. Further, proposed § 113.24(a)(4) specifically recognizes the fact that "unincorporated divisions of a corporate principal" do "not have a separate and distinct legal status". Finally, riders under § 113.24 will not be submitted in the name of an unincorporated division of a corporate principal. They will be submitted by the principal and under the provisions of proposed § 113.24(c) "shall be signed, sealed, witnessed, executed, include a certificate as to corporate principal, if applicable, and otherwise comply with the requirements" of Part 113.

Another commenter notes that proposed § 113.24(a)(4) and (c)(4) authorize the addition of a trade name but do not provide for removal of a trade name.

Customs can see no valid reason for not allowing a rider to be used to remove a trade name or an unincorporated division of a corporation. Accordingly, appropriate changes have been made to proposed § 113.24(a)(4) and (c)(4) to authorize use of a rider to remove a trade name or an unincorporated division of a corporation.

Another commenter asked whether or not unincorporated divisions of a corporate principal authorized to use the bond by the principal must sign the bond or bond rider.

Customs will not require signatures of these entities. No useful purpose would be served since only the bond obligors will be liable for breach of the bond.

One commenter felt that all riders contained in proposed § 113.24 could be listed on one form and the appropriate rider checked off.

This idea was explored and rejected during the development of the NPRM. Because the riders are not long, it was felt a separate Customs form was unnecessary. The individual riders can be quickly prepared by the principal and surety as needed. In addition while the language at the beginning of each rider is similar it is not the same and difficulty was encountered in trying to conform them so that a check off form could be used.

A commenter asked if strangers (unrelated persons) may join as co-principals on a bond.

There is no prohibition against two unrelated persons acting as co-principals on a bond. Conceptually this would be no different than having co-sureties, which is authorized by Customs under § 113.37(f).

Another commenter asked if an unincorporated division must be specifically listed on the bond in order to use it. If the answer is yes, the commenter wanted to know how the importer number should be listed when the unincorporated division chooses to use the parent corporation IRS number without an identifying suffix.

If the unincorporated division will use the bond in the name of the principal, there is no need for the unincorporated division to be listed in Section III of the bond. Unincorporated divisions must be listed along with their importer number if they will use the bond in their own name, as though they are a separate entity. The use of a suffix (see § 24.5(d), Customs Regulations (19 CFR 24.5(d)) for explanation of suffix) is not relevant for Customs bonding purposes. It is relevant for billing purposes and for that reason will be required. When the unincorporated division attempts to use the parent's bond with the unincorporated division's own name and IRS number for a specific Customs transaction, Customs will verify the unincorporated division's right to use the bond by accessing the bond data file in the computer. The unincorporated division's IRS number will be cross-referenced to the bond of the parent corporation and Customs will be able to verify that the unincorporated division has been authorized to use the bond shown on the transaction document.

Based upon further Customs review it has been decided that the addition of a co-principal after execution of the bond is such a major change that it should not be accomplished by a rider but by the execution of a new bond. Accordingly, the provisions of proposed § 113.24(a)(2) and (c)(2) have been deleted. The other provisions of this section have been renumbered to adjust for this deletion. A new § 113.34 relating to co-principals has been added to subpart D relating to principals and sureties. Proposed §§ 113.31, 113.32, 113.33 and 113.34 have been redesignated as §§ 113.30, 113.31, 113.32 and 113.33 respectively, to accommodate the new section.

8. One commenter objected to the inclusion of proposed §113.25, relating to seals, in the regulation since "most" states have abolished the requirement for seals.

The provision is needed because all states have not abolished seals. Absent this requirement Customs would be required to check into each state's current requirement in this area. This is an undesirable administrative burden. In any event, unless the principal executes the bond in a state which requires seals or the corporate charter requires a seal, the provision is without regulatory effect. Customs bond approval officers need not review corporate charters to determine whether a seal is needed.

9. Proposed § 113.26 relates to termination of the bond and, in certain instances, provides for a 10-day delay in the date on which the termination becomes effective. One commenter asked whether there would be a "waiting period" before a new bond would be effective and whether it could be effective before the effective date.

Bonds and riders will be effective on the effective date listed on the bond or rider, provided the bond or rider is received at the bond desk in the district office by the effective date. Naturally, some time has to be allotted to the administrative review of the documentation and to enter the bond or rider into the computer. Because this is an on-line system this time will be minimal. The delay to review the documentation and update Customs computer files should be no more than one business day. Thus, the bond or rider will be available for use after the close of business one business day following the day the bond or rider is reviewed at the district office, unless the principal is notified otherwise by Customs. In order to ensure timely availability, a bond rider may be prefiled up to 30 days before the effective date and entered into the computer. However, transactions against the bond or rider will be rejected before the effective date. The NPRM did not contain a provision relating to effective dates of bonds and riders. Accordingly, a new § 113.26 relating to effective dates has been added. Proposed § 113.26 relating to termination of bonds has been redesignated as § 113.27.

Another commenter stated that the automated system should identify the district in which the bond is terminated.

The user functional requirements developed for the on-line bond system which will support the redesigned bond structure provide for the identification of the district in which the bond was terminated.

Finally, one commenter suggested that if the principal cancels the bond, the principal or the district director, or both, should advise the surety of the cancellation.

While it would be prudent for the principal to notify the surety if it cancels the bond, we do not believe Customs should interfere in a matter which is between the principal and surety. Nor do we believe Customs should gratuitously assume this administrative burden. Because Customs will not accept transactions against a terminated

bond the surety is not at risk. The only disadvantage it suffers is that its records are not current. In any event, the former principal's refusal to pay the next premium charge should effectively alert the surety of the cancellation.

10. Proposed § 113.32(b) relates to the same party as attorney in fact for both the principal and the surety. One commenter believes the section should be modified to require that both the principal and surety know of and assent to the dual relationship.

Customs does not believe it is necessary to incorporate this suggestion into the regulations. If a question arises in this area it can be handled as a part of the bond approval process without dealing with the matter in the regulations other than to show, as has been done in the past, that such a relationship is acceptable. The language of proposed § 113.32 has been substantially unchanged since the dual relationship was first authorized in 1898 (T.D. 19105, see also Article 1309, Customs Regulations, 1908; Article 1249, Customs Regulations, 1931; Article 1263, Customs Regulations, 1937).

11. Three commenters noted that on March 22, 1983, Customs published a notice of proposed rulemaking in the **Federal Register** (48 FR 11955) to modify § 141.38, Customs Regulations (19 CFR 141.38), to eliminate seals and the corporate certification on Customs powers of attorney. On April 25, 1984, the final rule on this matter was published in the **Federal Register** (49 FR 17753) as T.D. 84-93. The commenters suggested that proposed § 113.34(c) relating to bonds executed by an officer of a corporation, and proposed § 113.34(d), relating to bonds executed by an attorney in fact, be conformed with the March 22, 1983 proposal.

Customs agrees and has modified proposed § 113.34(c) and proposed § 113.34(d) (redesignated in the final rule as § 113.33 (c) and (d)).

12. One commenter stated that proposed § 113.34(e), relating to subsidiaries as co-principals (redesignated in the final rule as § 113.33(e)) requires that they comply with all the provisions of the regulations relating to corporations, including the signing of the bond. The commenter noted that the proposed Customs Form 301, Customs Bond, does not have a place for the co-principal to sign.

Customs has modified the form to include a place for the co-principal's signature.

Another commenter asked if a subsidiary of a parent principal must be wholly owned in order to be named on a bond as co-principal or if a partially owned subsidiary may be made co-principal.

A partially owned subsidiary may be a co-principal.

The same commenter asked if two separate corporations owned by a common owner may be named as co-principals on the same bond.

Two separate corporations may be co-principals on the same bond and it makes no difference whether they have a common owner.

13. Several commenters raised matters concerning proposed § 113.38, relating to delinquent sureties, and proposed § 113.39, relating to procedures to remove a surety from Treasury Department Circular 570. Because the comments overlap they will be discussed together.

Several commenters believed that *Old Republic Insurance Company, et al.*, v. *Pittman, et al.*, USCIT No. 81-7-00891, a court case arising out of the refusal of the District Director, Miami, to accept bonds from a particular surety, precludes Customs from promulgating regulations in this area.

This case was settled on August 22, 1983, and the settlement agreement specifically recognized Customs right to promulgate regulations authorizing Customs officers to refuse to accept surety bonds for reasons related to the performance of the surety companies.

Three commenters offered comments to the effect that either the total rights of the Secretary of the Treasury to discipline delinquent sureties are contained in Title 6, United States Code (Now, 31 U.S.C. 9301, *et seq.*) and 31 CFR Part 223 (Treasury Department Circular 570), or that the rights and remedies of the Treasury Department as contained in 31 CFR Part 223 were sufficient to negate the need for additional sanctions in proposed § 113.38. A review of these arguments and the relationship of 31 U.S.C. 9301 *et seq.* to section 623, Tariff Act of 1930, as amended (19 U.S.C. 1623), has led Customs to the following conclusions:

A. The possession of a certificate of authority issued to a surety under the provisions of 31 CFR Part 223 is merely intended to allow corporations to be "accepted" as sureties. The certificate does not constitute the "approval" required from the head of a Department, etc., in 31 U.S.C. 9304 (former section 6 U.S.C. 6), nor does it give the corporation a *right* to do business with any agency of the Federal Government. Under section 1 of the Act of August 13, 1894 (Chapter 282, 53rd Congress, Sess. II, 28 Stat. 279; the predecessor statute to 6 U.S.C. 6 and 31 U.S.C. 9304), the certificate of authority granted by the Secretary of the Treasury merely authorized a corporation *to be approved* by the head of a department, court, judge, etc. It is clear that under the intent of this original statute (which is unchanged in the subsequent codification of that statute), any federal agency retains the authority to accept or reject a proferred surety performance bond regardless of the fact that the surety company has obtained a certificate of authority from the Secretary of the Treasury. See *Concord Casualty and Surety Company* v. *United States*, 69 F. 2d. 78 (1934).

B. Under 19 U.S.C. 1623, the Secretary of Treasury has special authority, without regard to any general provision of law, to fix and to approve the sureties on Customs bonds and to prescribe the conditions of the bond.

C. By Treasury Department Order No. 165, revised, the Secretary of the Treasury delegated all of his rights, privileges, powers, and duties, under 19 U.S.C. 1623 to the Commissioner of Customs, with authority to redelegate.

D. The promulgation of regulations concerning surety certificates of authority in 31 CFR Part 223 was never intended to preempt the Secretary's (and therefore the Commissioner's) authority under 19 U.S.C. 1623.

The promulgation of regulations by this document constitutes formal delegation of certain rights and responsibilities heretofore vested in the Commissioner under Treasury Department Order No. 165, revised, to the named Customs field officers.

Several commenters questioned whether the proposed procedures afford the surety adequate due process prior to a decision to refuse to accept new bonds written by the surety.

We note that any decision made under section 113.38 will apply only to "new bonds" underwritten by the surety. Such a decision will not put a surety "out of business" as suggested by the commenters for the simple reason that all previously approved bonds will still be accepted even in the district where a sanction is being imposed. Consequently, even a decision on a national level made by the Commissioner, will not put a surety out of business. The regulations are merely designed to allow an appropriate Customs officer to avoid new and burdensome contracts with surety companies who have not evidenced a willingness to abide by contracts made by them for the express benefit of the United States. Upon a review of the comments and the proposed regulation, Customs has determined that the proposed procedures providing for formal notice to the surety of the

specifics concerning their alleged defective performance of obligations and providing the surety opportunity to respond to those specific allegations will provide "due process" to the surety under the Constitution of the United States and all applicable laws. While one commenter suggested that the 10-day period set forth in the sample letter to delinquent sureties (Appendix F, NPRM, 48 FR 11073) was insufficient time for a surety to respond, we note that this is 10 business days and that this is the minimum time which will be granted the surety by the appropriate Customs officer. Where a surety requires additional reasonable time due to circumstances beyond its control, it may, of course, request additional time to respond.

Finally, several commenters suggested that the decision to sanction a surety should not rest with a district director but at a minimum should be vested in the regional commissioner or his/her designee.

In the NPRM it was specified in the narrative that the district director will, under internal operating directives, be required to inform the appropriate regional commissioner and regional counsel of the proposed action before it is initiated (48 FR 11042.) Consequently, appropriate contact and coordination with regional Customs officers will be required. Further, it should be noted that § 113.38(c)(1) provides for requests for internal advice to the Director, Carriers, Drawback and Bonds Division, on any legal issues. The comments did bring to our attention that the proposed regulation did not provide for a level of sanction between that of the district director and the Commissioner. Consequently, the final rule includes a new § 113.38(c)(2) which will allow the regional commissioner to make the determination to reject bonds of a surety where the alleged delinquency extends beyond one district within the region.

For the purpose of clarification, it should be noted that the national sanction to be determined by the Commissioner may be taken for reasons including, but not limited to:

A. The failure of a surety to adequately resolve disputes with district directors or regional commissioners where the Commissioner determines that the surety response to the district or regional notices fails to provide adequate justification for the failure to meet obligations under the bond,

B. The payment record of the surety indicates a national problem requiring the Commissioner's attention, or

C. The sums owed by the surety are of such an amount as to raise doubts as to the surety's ability to meet its obligations.

14. One commenter stated that under the proposal Customs is not required to include a copy of the entry and related documents when sending a demand for payment to a surety. The commenter was of the opinion Customs should provide this information.

From the references in the comment, we believe the commenter is referring to the background portion of the NPRM (48 FR 11036) which stated that one commenter on the ANPRM suggested that the bond language include a requirement that Customs supply sureties with copies of appropriate bonds, entries and other documents in connection with claims or demands for payment. Customs response was that such language is not germane to a bond contract between a surety and principal. Accordingly, Customs does not believe it appropriate to include such a condition in the bond. Contrary to the commenter's statement, this language does not indicate that copies of entries and related documents will not be sent to a surety with a demand for payment. The surety is generally provided this information when a claim arises. It should be noted that the NPRM, Appendix F, contained a sample letter to delinquent sureties which indicated that "where you have not already received them we have enclosed copies of the originating documents (i.e., entry, request for reimbursable services, etc.) and applicable Customs bond numbers for bonds secured by you."

15. Two commenters noted that proposed § 113.41 discusses use of the Customs Form 5101 for missing documents. They stated that since the Customs Form 7501, presently being revised by Customs, will, among other things, result in elimination of the Customs Form 5101, the section should be revised to eliminate reference to the form.

The commenters are correct in stating that the revised Customs Form 7501 will result in elimination of the Customs Form 5101. On June 4, 1984, a final rule was published in the **Federal Register** (49 FR 23038) as T.D. 84–129 which revised the Customs Form 7501 and amended § 113.41. The amendments made to that section have been incorporated into this document. The section has been further modified to eliminate the references to the Customs Forms 7551 and 7553.

16. Several comments were received which concerned the provisions of proposed § 113.62, relating to the basic importation and entry bond conditions.

One commenter suggested that a set of bond conditions be included in the regulations and an activity code be included on the bond to cover both dumping and countervailing duties.

Customs does not have any authority with respect to dumping and countervailing duties. This authority is vested in the Secretary of Commerce. Customs bonds are used to cover those duties because the Secretary of Commerce has so authorized. Accordingly, it is not within Customs authority to establish separate activity codes on the bond or a separate set of bond conditions to cover those duties. However, the proposed basic importation and entry bond conditions are broad enough in scope to cover the imposition of dumping and countervailing duties when imposed by the Secretary of Commerce. If dumping or countervailing duties are imposed and the district director believes the current bond is in an amount insufficient to cover potential liability, additional security may be demanded or single entry bonds required which contain the basic importation and entry bond conditions.

Another commenter suggests that the detailed language of bond rider B (T.D. 73–198), relating to deferred payment of internal revenue taxes, be incorporated into the basic importations and entry bond conditions set forth in proposed § 113.62.

The basic importation and entry bond conditions set forth in proposed § 113.62 and all the other bond conditions in proposed Subpart G, Part 113, were intentionally drafted in broad terms to emphasize that the bond conditions merely secure obligations imposed by regulations or law. Most current Customs bonds, in addition to containing obligations for failure to comply with the law and regulations, impose additional obligations under the bond contract which are not found in the regulations. It was Customs intent to eliminate these additional contract obligations when the bond conditions were redrafted and incorporate them into the regulations. Accordingly, we have not adopted the commenter's suggestion.

However, based upon internal Customs review, it has been determined that several conditions contained in the warehouse proprietor's bonds set forth in T.D. 82–204, published in the **Federal Register** on November 1, 1982 (47 FR 49355), do not have counterpart provisions in the regulations. Because the basic custodial bond conditions set forth in § 113.63 do not contain these provisions for the reasons set forth above, it was necessary to modify §§ 19.11(d); 19.12(a)(1)(3), (4) and (5);

19.12(b)(6); 19.13(g); 19.14(e); 19.15(j); 19.17(f); and 19.21(b); (19 CFR 19.11(d); 19.12(a)(1), (3), (4), (5); 19.12(b)(6); 19.13(g); 19.14(e); 19.15(j); 19.17(f); 19.21(b)) and add new §§ 19.13a and 19.13(h) to incorporate the language of the eliminated bond conditions.

Another commenter suggested that the bond conditions in proposed Subpart G be amended to include a requirement for interest so they will be compatible with the Customs proposal published in the Federal Register on March 10, 1983 (48 FR 10077), relating to interest on delinquent accounts.

As indicated in the previous comment, the bond language is intentionally drafted very broadly. It is Customs belief that, if we proceed to a final rule on the proposal to charge interest on delinquent accounts and incorporate a substantive requirement to that effect into the regulations, the bond conditions set forth in subpart G, Part 113, are sufficiently broad to cover interest charges without further amendment.

A surety company pointed out that by including the bond conditions in the regulations, any change in their terms would be subject to notice and public comment and if the change is ultimately adopted it would be prospective in nature.

Customs agrees. However, because of the broad wording of the conditions it is not anticipated that changes will be necessary.

The same commenter objects to the inclusion of the clause in each of the bond conditions relating to exoneration of the United States and its officers from any risk, loss or expense arising out of a particular transaction. The commenter finds it "peculiar" and indicates such a clause "has no place in a bond contract."

This particular condition is included in most current Customs bonds. The surety industry, including the commenter, has for many years been underwriting this risk without objection.

Another surety organization indicated that, while they believed the bond revision to be desirable, their ability to manage the risk within the various categories of activity will be affected.

Customs recognizes that there will be some impact on risk management. As the commenter stated, a principal will be able to use the bond at any port for the full range of activities covered by the particular set of bond conditions, if it has the required licenses and permits. However, Customs does not believe the increased risk will be significant. Further, the surety will know if increased activity is taking place by an expansion of business because this increased activity will require a larger bond. The bond amount the surety will write for a principal is the primary control over risk.

17. Proposed § 113.63 contains the basic custodial bond conditions. One commenter stated that the section does not contain conditions relevant to the issuance of temporary identification cards to a cartman's employees.

The temporary identification card regulation for cartman's employees is found in § 112.49, Customs Regulations (19 CFR 112.49). A bond is required under paragraph (d) of that section. Two basic conditions in addition to the liquidated damages clause are found in the bond. The first is a condition requiring return of the card to Customs upon demand by Customs or upon the issuance of a permanent card. The second condition is a hold harmless and exoneration clause. The bond conditions set forth in paragraph (d), § 112.49, are removed by this document. However, the exoneration and hold harmless clause has been incorporated into paragraph (f), the reimbursement and exoneration of the United States clause of the basic custodial bond conditions set forth in proposed § 113.63. The other eliminated bond provision is found in paragraph (e) of the basic custodial bond condition which relates to compliance with licensing and operation requirements. That paragraph states that the principal agrees to comply with all Customs laws and regulations relating to the principals facilities, conveyances, and employees. There is a regulatory requirement found in paragraph (b), § 112.49 which requires that the holder of the temporary identification card or the cartman return the card to the district director when the permanent card is issued or the privileges granted by the issuance of the temporary card are withdrawn. Accordingly, if the cartman does not comply with this requirement found in § 112.49, he is in violation of condition (e) of the basic custodial bond conditions and may be assessed liquidated damages. However, there is a need for a clause in the basic custodial bond to fix the consequences for failure to return the card. Accordingly, clause (g) of the basic bond conditions has been modified in the final rule to include such a provision (see § 113.63(g)(3)). A review of the other bond conditions found in Subpart G, Part 113, has revealed that provision has not been made for liquidated damages for breach of bond conditions not relating to merchandise. The proposed consequences of default provision establishes the claim for liquidated damages as a multiple of the value of the merchandise involved in the default. Accordingly, a condition has been included in §§ 113.62(i)(3), 113.66(c)(3), 113.67(b)(2) and 113.73(a)(2) to cover these other situations. Whether the default involved merchandise is determined solely by Customs.

Another commenter notes that the basic custodial bond conditions in § 113.63 include all custodial activities. The commenter asks whether a separate bond is required to support warehouse and cartage activities by the same party.

A separate bond is not required.

One commenter, in discussing the provisions of proposed § 113.63(d) relating to redelivery of merchandise to Customs, stated that since the carrier has the responsibility of redelivery to Customs under proposed § 4.38(a), it appears that proposed § 113.63(d) is superfluous.

Customs does not agree. The regulatory requirement is established by proposed § 4.38(a). The bond obligation is created by proposed § 113.63(d) and the consequences of default are fixed by proposed § 113.63(g). All three elements are necessary ingredients of the bonding scheme.

18. Customs review of proposed § 113.64(g), relating to the international carrier bond conditions, revealed several problems which necessitate changes to the provisions.

As proposed, § 113.64(a) states in part that, "If any vessel, vehicle, or aircraft incurs a penalty, duty, tax or other charge provided by law or regulation, the obligors agree to pay * * *." However, no provision is made for payment of penalty, duty, tax or other charge incurred by the master, the owner, or the person in charge of the vessel, vehicle, or aircraft. Many statutes provide for penalties against one or more of those persons (e.g. 46 U.S.C. 91, 277, 289, 315, 316, and 883, and 19 U.S.C. 1453, 1454, and 1584).

Customs Form 7567, Vessel, Vehicle, or Aircraft Bond (Single Entry) and Customs Form 7569, Vessel, Vehicle, or Aircraft Bond (Term), two of the bonds being replaced by section 113.64, provide in condition (1) for the payment of "any duties, charges, exactions, penalties, or other sums found legally due the United States from any master or other proper officer or owner of said vessel, vehicle, or aircraft on account of said vessel, vehicle or aircraft." Customs omitted a similar provision in proposed § 113.64 when the provisions were drafted.

The payment of penalties, duties, taxes, and charges is one of the conditions imposed by 46 U.S.C. 91 which must be met prior to the issuance of a clearance to a vessel. One of the functions of the bond is to protect the

Government from loss if a penalty is found to be due after a violator has exhausted his administrative appeals provided by 46 U.S.C. 7 or 19 U.S.C. 1618 and 1623(c) and the vessel is outside of the jurisdiction of the United States.

In light of the foregoing, proposed § 113.64(a) has been revised to read as follows:

(a) *Agreement to Pay Penalties, Duties, Taxes, and Other Charges.* If any vessel, vehicle, or aircraft, or any master, owner, or person in charge of a vessel, vehicle or aircraft incurs a penalty, duty, tax or other charge provided by law or regulation, the obligors agree to pay the sum upon demand by Customs.

Section 113.64(c), covering delivery of export documents, as proposed covers only vessels and vehicles. The requirement that aircraft file export documents is contained in 15 CFR 30.20(a) and 30.21(b) which were promulgated under the authority of 13 U.S.C. 302. Under 13 U.S.C. 304, the Secretary of Commerce has the authority to state that period within which export documents may be filed. The provisions of 15 CFR 30.24 were issued under that authority and provide for penalties against aircraft identical to those against vessels and vehicles. Accordingly, proposed § 113.64(c) has been modified to include aircraft.

One commenter recommended that the word "international" be deleted from the title and text of proposed § 113.64. The commenter suggested that use of the word would seem to restrict the condition to "common" carriers and exclude private carriers.

The word "international" was used to distinguish those carriers who engage in transportation in international commerce from other types of carriers. The use of the word has no other connotation and would not bar a private carrier from use of a bond containing the international carrier bond conditions.

Another commenter stated that it appears from the proposed bond form that in order to obtain the bond coverage for instruments of international traffic which appear in proposed § 113.66 and on the bond as activity code 3a, the principal must also obtain international carrier coverage which appears in proposed § 113.64 and on the bond as activity code 3. The commenter suggests that the instruments of international traffic provisions be an independent coverage.

The commenter apparently misread the instructions to section II of the Customs Form 301, Customs Bond, which state that activity code 3a, instruments of international traffic coverage, may be obtained independently or in conjunction with activity code 3, international carrier coverage. It should also be noted that activity code 1a, drawback payment refunds coverage, may be checked independently or in conjunction with activity code 1, importer or broker coverage.

Three commenters voiced objection to the increased liability for liquidated damages under the proposed bond conditions. They noted that §§ 10.31(f), 10.39(d)(3), and 18.8, Customs Regulations (19 CFR 10.31(f), 10.39(d)(3), 18.8), presently provide for lesser amounts and are in conflict with the proposed bond conditions.

In light of the comments, Customs is conducting a complete review of the various liquidated damages provisions currently found in the Customs Regulation. Upon completion of this review a notice of proposed rulemaking will be published in the **Federal Register** to provide the public an opportunity to comment on any proposal to modify the various liquidated damages provisions. In the meantime Customs has modified the consequences of default condition in proposed §§ 113.62(i), 113.63(g), 113.66(c), 113.67(b), and 113.73 to indicate that if another amount is established by law or regulation (e.g. the amounts currently set forth in §§ 10.31(f), 10.39(d)(3), 18.8, Customs Regulations) that amount shall govern the extent of liability for liquidated damages. In addition, the bond conditions found in §§ 113.62(i), 113.63(g), 113.64(b), 113.67, and 113.73(a) of the final rule have been modified to indicate that liquidated damages will be in an amount equal to the value of the merchandise involved in the default or three times the value of the merchandise involved in the default if the merchandise is restricted merchandise or alcoholic beverages. Customs will issue instructions to the various district directors before the effective date of this final rule which defines the scope of restricted merchandise to include merchandise subject to quota, visa restrictions, food and drug restrictions, EPA/DOT vehicle restrictions and similar restricted merchandise. Further, the various bond conditions have been modified to indicate that the quantity and value of merchandise involved in a default is determined by Customs and that value as used in the bond conditions is determined under the provisions of 19 U.S.C. 1401a.

Finally, § 113.68 relating to the wool and fur products labeling acts has been modified to include within its scope the provisions of the Fiber Products Identification Act (15 U.S.C. 70 *et seq.*).

Another commenter stated that historically the amount of liquidated damages under a term bond has been limited to the amount which would have applied under a single entry bond. The commenter believes this principle should be continued under the continuous bonds.

The extent that the limitation of liability for liquidated damages is set forth in the regulations, the limitation will continue (see the previous comment in this respect). If a limitation is not set forth in the regulations (exclusive of the limitations set forth in the bond conditions contained in Subpart G, Part 113) the consequences of default provisions of the bonds will govern. However, further restrictions on the ultimate amount of liquidated damages collected may be established at a later date by regulation amendments or through the use of mitigation guidelines.

19. Another commenter requested that Customs either retain the existing Air Carrier Blanket Bond, Customs Form 7605 (which incorporates by reference the conditions of the Carrier's Bond, Customs Form 3587, Vessel, Vehicle, or Aircraft Bond (Term), Customs Form 7569, Bond for the Control of Certain Instruments of International Traffic, Customs Form 7587, and the General Term Bond for Entry of Merchandise, Customs Form 7595) or establish another activity code for air carriers on the Customs Form 301, Customs Bond, which would encompass all of the transactions covered by the Air Carrier Blanket Bond. The commenter's reason for the request is concern that having separate bonds would increase the total amount of bond coverage and require the filing of several bonds. The commenter also objected to air carriers being required to file the bond applications under the provisions of proposed § 113.12.

After reviewing all the comments, Customs is of the opinion that the separate bond coverage for each activity should be retained and that a consolidation of activities for the benefit of one segment of the trade community is not warranted. Customs believes this is the most equitable approach and most beneficial to the trade community. It also serves to make air carriers, when they act as importers, aware of their responsibilities in this area. While it may be true that bond coverage will increase for some air carriers, Customs believes it will decrease for many. For those whose bond increases, Customs believes the increase will be warranted and that it will serve to highlight that under the present system Customs was not in a position to adequately check on bond sufficiency. This is a problem the redesigned bond system was intended to

correct. Further, Customs is of the opinion that all persons engaged in the importation or entry of merchandise should be required to file a bond application under the provisions of proposed § 113.12(b). If this were not the case, Customs would not be in a position to adequately determine the bond amount required to protect the revenue and ensure compliance with the laws and regulations.

*Part 142—Entry Process*

One commenter notes that § 142.24, Customs Regulations (19 CFR 142.24), relating to term special permits provides for a one year term special permit for immediate delivery. The commenter states that, traditionally, application for the permit is made when the term bond is filed, and that the term of the permit and the bond are the same. The commenter opined that the special permit was limited to one year because the bond was so limited and suggested that under the new bond structure there is no need for a time limitation.

Customs agrees and has made appropriate conforming amendments.

**Discussion of General Comments**

1. One commenter objected to not including the bond conditions on the bond form or at least as an attachment to the bond form. The commenter suggested that the regulations are not easily accessible to many persons engaged in the various Customs transactions and having the conditions is necessary to know the bond obligations and the consequences of failure to meet those obligations.

Customs disagrees with the commenter's underlying premise that persons engaged in Customs transactions do not have access to the regulations or know their requirements. Clearly, custodians of Customs bonded merchandise, international carriers, drawback claimants who want accelerated payment or to use summary export procedures, persons who use instruments of international traffic, licensed public gaugers and the other persons who use Customs bonds know what is required of them under the regulations. While many importers may not be familiar with bond obligations or regulations requirements, they are not filing the entry. They generally use a broker who is or should be familiar with bond obligations and the regulations. Importers who file entry in their own name are, we believe, generally familiar with what is required of them. Thus, while the commenter's suggestion has surface appeal, upon reflection it is not believed to be necessary to include the bond conditions on the bond form or as an attachment to the bond form.

In addition, it should be remembered that as a part of the redesigned bond structure it was Customs intention to broadly word the bond conditions to avoid the need to constantly amend the provisions. Without also knowing what are the specific requirements of the regulations, having the broadly worded bond conditions would not be of great benefit.

2. One commenter stated that to prevent undue hardship and excessive expense for the importer, a bond currently in effect should not be required to be renewed until it has expired.

We believe the commenter means that a bond should not be required in the new format until the anniversary date of the current bond since under the present bond structure some bonds never expire. Under the proposed system the continuous bond will remain in effect until terminated by one of the parties to the contract. In light of this and the transition method set forth in the NPRM, we fail to understand how there would be a hardship or excessive expenses. Only persons with multiple bonds of the type covered by the same Customs activity under the redesigned bond system would be faced with terminating one or more bonds early.

In the NPRM it was stated that, after considering all of the comments in response to the ANPRM, Customs had decided it would be best to phase in the new bond structure over a one year period beginning 60 days after publication of the final rule in the Federal Register. On the sixtieth day after publication, all new bonds, single entry and continuous, would be required to be on the new Customs form 301 and contain the appropriate bond conditions set forth in proposed Subpart G, Part 113. The NPRM further stated that all existing term, consolidated, and continuous bonds will be converted to the new system on their anniversary date. If a principal has more than one bond for the same type of activity (e.g., bonds which will, under the new system, be encompassed by the "Basic Importation and Entry Bond Conditions" contained in § 113.62) all will be converted to the new system on the anniversary date of the bond with the earliest anniversary date. The responsibility for identification of the bonds affected and their anniversary dates will be with the principals. Under the above approach all bonds will be converted within one year.

If the above conversion approach were not adopted, Customs would be in the position of demanding additional security from a person engaged in a particular activity each time the anniversary date of a bond of the same type of activity occured. This would undoubtedly lead to greater confusion and expense than the conversion approach proposed and adopted in this document.

Several commenters objected to the proposal to make the new bond system effective 60 days after the final rule is published in the Federal Register. They indicated that not enough time was provided to print and distribute the new forms.

The vast majority of the commenters believed a 120 day delayed effective date was more appropriate. Customs agrees and has provided for a 120 day delayed effective date in this document but will adopt the conversion approach set forth in the NPRM as restated above.

3. One commenter objected to Customs issuing a "Courtesy Bond Renewal Notice".

The commenter apparently misread the NPRM discussion on this point. While a courtesy notice was proposed in the ANPRM, it was rejected in the NPRM based upon the comments received in response to the ANPRM and Customs review of the matter.

4. Another commenter indicated it would be helpful if the old and new bond forms were correlated and instructions issued explaining how the bond is to be completed for each transaction.

The old bond forms and, in some cases, specific conditions of the bond forms were correlated with the proposed bond conditions grouped by activity set forth in proposed Subpart G, Part 113. This information was listed in Appendix B of the NPRM, and it is reproduced as Appendix C to this document.

With respect to the second part of the comment, the Customs Form 301 is completed the same way for every type of activity or transaction. There are short concise instructions at the beginning of each section of the form and explanatory notes at the end of the form. Customs does not believe any further explanation is necessary.

5. One commenter stated that in a data processing environment forms requiring information on both front and reverse sides pose problems.

Customs recognized this as a potential problem in designing the new bond form and for that reason space was provided on the front of the form for all information required for bond control and data processing purposes. Only when an individual engaging in a Customs transaction lists numerous

tradenames or unincorporated divisions permitted to use the bond if there is a problem. If the space in section III of the Customs Form 301 is insufficient, only then is it necessary for data processing purposes to go to the reverse of the form. Based upon Customs experience the number of principals who will have to use the continuation portion of section III on the reverse of the form will be minimal.

6. Another individual inquired whether a check in block 2, Section II, Customs Form 301, means that all of the activities shown under the conditions for "custodian of bonded merchandise" are covered by the one bond.

All activities are covered. However, it must be kept in mind that just because a bond principal has a bond covering all the activities, the principal has not necessarily been given the authority to transact the business of the other activities. As under existing regulations, such authority is conveyed only by the issuing by Customs of the appropriate permit, license, etc. after compliance with the appropriate regulatory provisions.

7. One commenter stated that under the existing bond structure large importers are able to divided their total bond liability among several sureties so that the total financial commitment for any one surety is not large in relation to the principal's financial condition. The commenter further indicated that both the warehouse bond and the consumption entry bond are two of the bonds which frequently are split among several sureties. The recommendations was made that Customs, under the revised bond structure, permit more than one bond covering the same group of transactions (e.g. basic custodial bond conditions) to be filed by the same principal and secured by different sureties.

Two of the objectives of the redesigned bond structure were to reduce the excessive bond coverage burden on those persons conducting Customs business and to reduce the administrative burden and costs associated with controlling a multiplicity of bonds for both Customs and the trade community. Customs believes that if the type of situation suggested by the commenter were authorized it would negate the cost and burden savings this aspect of the restructured bond system was designed to realize. This restriction is no different than that which presently exists under the General Term Bond for Entry of Merchandise, Customs Form 7595. Further, as with the present bond structure, there is nothing to preclude a person from supplementing bond coverage with a single transaction bond when required. However, only one continuous bond will be authorized for a particular activity. In order to ensure that this is understood by all parties, a provision to this affect has been added to § 113.11.

8. Another commenter inquired as to what information is to be placed in the blocks labeled "Surety Agents" and "Identification No." which appear at the bottom of the proposed Customs Form 301, Customs Bond. The commenter suggested that this matter could be clarified by footnotes. The commenter also questioned the need for two blocks for this information.

The explanatory footnotes 5 and 6 on the back of the proposed Customs Form 301 discuss these two data blocks. (These footnotes appear as 8 and 9, respectively, in the final Customs Form 301, Appendix B). Through inadvertence the footnote numbers were not placed on the front of the form next to the blocks. This has been corrected in the final rule. With respect to the commenter's second comment, two blocks were included on the form for the surety agent's name and identification number to accommodate co-sureties represented by different agents.

9. Several commenters were of the opinion that Customs was proposing to discontinue the use of IRS employer identification numbers. They expressed strong disapproval of this action.

Customs did not propose to discontinue the use of the IRS employer identification numbers (known for Customs purposes as IRS numbers or importer numbers). The IRS number is a critical data element in other Customs automated systems, in addition to the bond system. The IRS number will be one of the key data elements used to interface the bond system with these other systems.

Customs Form 301, requires an importer number, to be placed by the principal in the "Importer No., Signature" block located on the bottom and front of the form. Explanatory footnote 2 on the back of the bond form (footnote 3 in the final Customs Form 301, Appendix B) states that the importer number is the Customs identification number filed pursuant to § 24.5, Customs Regulations (19 CFR 24.5). Section 24.5 sets forth three numbers that may be used by a person, business or firm that intends to transact Customs business. These numbers include the IRS number, the Social Security Number, or a Customs assigned number. These numbers, also referred to as importer numbers, will provide Customs with the means of identifying a bond principal.

10. Another commenter recommended that more space be provided on the Customs Bond, Customs Form 301, for inserting the limit of liability.

Sufficient space has been included to accommodate $999 million in coverage including space for all the commas. Customs believes that amount of space is sufficient to accommodate the needs of a person engaging in any of the various Customs transactions covered by the bond.

11. Two comments raised a question regarding the Customs broker's bond liability as a result of a provisional release procedure in use along the United States-Canadian border. Under this procedure a broker obtains release of merchandise in its own name as importer or allows its name to be listed by another on the release documentation as the importer. As a result Customs has ruled that the broker's bond obligation remains unsatisfied unless estimated duties are deposited with the entry documentation. The commenters proposed that Customs authorize a procedure to allow the broker to transfer liability from the broker's bond to the actual owner's bond, or if the actual owner does not have a bond that the broker obtain a single entry bond in the actual owner's name.

The pivotal issue is whether 19 U.S.C. 1505(a) prohibits the transfer of the importer of record's liabilities prior to the filing of the entry summary. Section 1505(a) allows the Secretary of the Treasury to prescribe the time for depositing estimated duties by regulation. This has been set at 10 days after release in §§ 141.101(a), 142.12(c), and 142.33, Customs Regulations (19 CFR 141.101(a), 142.12(c), 142.33). Amendments made by Pub. L. 97–446 to the entry statutes have not affected section 1505(a). Customs is therefore of the opinion that the transfer of the liability to deposit estimated duties is not proscribed by statute.

This matter has been the subject of a test initiated in Blaine, Washington, on October 3, 1983. The test procedure permits a broker to obtain release of goods using the broker's bond. After release a broker may file a modified Declaration of Actual Owner, Customs Form 3347, and charge the importer's bond or provide a single entry bond in the importer's name. At the conclusion of the test and after evaluation of the results, a decision will be made regarding whether to implement the procedure nationwide. If it is decided to authorize the use of the procedure a notice of proposed rulemaking will be published in the **Federal Register** giving

the public an opportunity to comment on the proposal. Accordingly, it would be premature to act on the commenter's suggestion at this time.

12. Several comments were generated with respect to bond filing procedures and bond numbering.

One commenter indicated that it files its bonds with Customs either by mail or hand delivery. The commenter suggested that after Customs approval, if the bond was mailed to Customs, the principal and surety copies of the bond be mailed to the respective parties or, if hand delivered to Customs, the approved bond could either be mailed to the principal and surety or both copies could be returned to the party that delivered the bond to Customs. Another commenter indicated that the surety copy of the bond should not be returned to the party who submitted it, but should be returned to the surety.

Customs has no problem with the use of any of the suggested procedures. However, because different parties prefer different ways of handling the matter, as is demonstrated by the comments, Customs does not believe this should be the subject of regulations. However, if the parties make their wishes known in this area when the bonds are filed, and the requests are reasonable, Customs will comply. The parties can make their wishes known by providing stamped, self-addressed envelopes at the time of filing. When stamped, self-addressed envelopes are not provided with the submission of the bond, copies of the approved bond will be returned to the party that submitted the bond to Customs.

One commenter requested that space be provided on the bond for the surety to place its bond number, or the surety be permitted to annotate the form with its bond number in the margin. Another commenter requested that Customs allow the surety to pre-number bonds with the first three digits as a surety code followed by a unique number.

Customs will not provide an information block on the form for the surety's bond number. However, Customs has no objection to the surety placing its number on the bond form, providing the placement of that number does not interfere with any of the information areas or blocks on the Customs bond. To insure that there will be no problems in this area, any surety wanting to pre-number the bond forms with their own number should send a letter to the Director, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, describing the placement of the surety bond number and requesting approval. While approval is not necessary, it will insure a bond is not rejected by Customs field personnel because of pre-numbering.

One commenter indicated that if the objective of the numerical bond control is to have a system whereby both the surety and Customs can expeditiously locate bonds in their respective files, a dual numbering system (i.e. Customs bond number and surety bond number) should be implemented. Under such a system, Customs computer would include a data file containing the surety bond numbers which would not exceed 20 spaces, either numerical or alpha-numerical including punctuation.

One of the alternatives considered by Customs for bond control during the initial stages of the development of the redesigned bond structure was a dual numbering system. This approach was rejected because of (1) the additional data storage required, (2) additional input requirements, and (3) the lack of a standard bond control system within the surety industry for bonds. This latter reason is a major obstacle for adoption of this approach. Without standardization there is no efficient way for the computer to edit and validate the surety bond numbers. Without such edits and validations, there is no assurance that the surety bond numbers entered into the system are correct. Customs has no control over the numbering schemes the sureties use. For a dual numbering control to be viable, Customs would have to develop and maintain computer edit and validation routines for each individual surety bond numbering system. This would be prohibitive. Accordingly, the suggestion cannot be adopted.

Another commenter objected to the bond numbering system, stating that an importer could have a different bond number for every port of entry, thereby significantly increasing the demands on the system. The commenter opined that Customs is already overloaded with numbers and that the importer number in conjunction with the surety code should provide an adequate method of identifying bonds.

The commenter apparently misread the NPRM. An importer will not have a bond for each port of entry. Only one bond which is valid nationwide for each activity will be authorized. The importer number in conjunction with the surety code, as stated in the NPRM (48 FR 11035, 11036), is not a unique number. If such a system were used, more than one bond could have the same number. For example, a person who is an importer of merchandise would be required to have a bond containing the basic importation and entry bond conditions (see § 113.62). If this same person was also a cartman a basic custodial bond would also be required (see § 113.63). By using the same surety both bonds would have the same numbers. If the person also engaged in other Customs activities or posted more than one single entry bond for the production of a bill of lading many bonds with the same number could exist. Accordingly, the commenter's suggestion cannot be adopted.

**Miscellaneous Matters**

1. No comments were received relating to the proposed corporate surety power of attorney form, which was set forth as Appendix C to the NPRM (48 FR 11069, 11070). Further, Customs review has not revealed any need to modify the form from that proposal. Accordingly, the form, which is reprinted as Appendix D to this document, is adopted.

2. Under the provisions of section 22.20a, Customs Regulations (19 CFR 22.20a), which was redesignated as § 191.72(b) by T.D. 83–212 published in the **Federal Register** on October 14, 1983 (48 FR 46740), the regional commissioners have the authority to approve the Bond for Accelerated Payment of Drawback (Single Entry), Customs Form 7609, and Bond for Accelerated Payment of Drawback (Term), Customs Form 7611. While the NPRM proposed to substitute a reference to the Customs Form 301, containing the bond conditions set forth in § 113.65, relating to repayment of erroneous drawback payment, for the two Customs bonds, in § 22.20a, the authority of the regional commissioners to approve the bond was not recognized in proposed Part 113. Accordingly, § 113.13 has been modified to reflect this authority. Conforming amendments were also required to §§ 113.15, 113.26, 113.32, 113.37 and 113.40. The NPRM proposed amendments to §§ 22.7(d)(2), 22.20a and 22.28(b), Customs Regulations (19 CFR 22.7(d)(2), 22.20a, 22.28(b)). These provisions, as a result of T.D. 83–212, now appear in §§ 191.53(d), 191.72(b) and 191.133(b), Customs Regulations (19 CFR 191.53(d), 191.72(b), 191.133(b)). The substance of the conforming amendments to Part 22 in the NPRM has been incorporated into the above referenced Part 191 sections by this document.

3. One commenter suggested, as a means of ensuring that entries reflect correct and current bond information, that a section be added to the regulations permitting brokers access to all bond information in Customs files.

The provisions of the Freedom of Information Act (5 U.S.C. 552) and 18 U.S.C. 1905, limit the disclosure of confidential commercial information to third parties. While it would be permissible for Customs to provide brokers access to bond information relating to their own clients, under no circumstances would a broker be allowed unrestricted access to the entire bond file. There are presently insufficient administrative controls built into the system to ensure that commercial or financial information would not be released if brokers were given access to the system.

Any system developed to prevent improper disclosure must not burden Customs or the brokers using the system and be able to provide verification of the client-broker relationship. The problems in developing such a system involve other automated data processing areas outside of the revised bond structures. Accordingly, Customs has determined that the release of bond information should be considered in the implementation effort of the more comprehensive Automated Commercial System (ACS) and not as a part of this document.

### Executive Order 12291

This regulation is not a "major rule" as defined by section 1(b) of executive Order 12291. Accordingly, a regulatory impact analysis is not required under E.O. 12291.

### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604), are applicable to this proposal. An initial regulatory flexibility analysis was prepared and included in the NPRM as Appendix D. A final regulatory flexibility analysis is attached to this document as Appendix. E.

### Paperwork Reduction Act

The NPRM, Customs Bond (Customs Form 301), and Corporate Surety Power of Attorney (Customs Form 5297), were sent to the Office of Management and Budget (OMB) prior to publication. The OMB filed comments to the NPRM which expressed concern that small importing and brokerage firms could be adversely affected in comparison to large firms and requested to be advised of any public comments received relating to this issue. As indicated earlier in this document, numerous comments were received from both small and large entities. The comments, all of which were discussed in the "Discussion of Comments" portion of this document, overwhelmingly supported the revision concept. Changes made as a result of those comments were discussed and reasons were given for rejecting certain comments as required by 44 U.S.C. 3504(h)(3). None of those comments, however, suggested that the proposed revised bond structure would adversely affect small importing and brokerage firms in comparison to large firms. On this basis, Customs, pursuant to 44 U.S.C. 3504(h)(3), has determined to reject the comments filed by OMB. The final rule has been submitted to OMB for review pursuant to 44 U.S.C. 3504(h)(5)(C).

### Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

### List of Subjects

*19 CFR Parts 4, 6, 7, 10, 54, 114, 123, 127, 132, 133, 134, 141, 146, 191*

Bonds, Customs duties and inspection, Exports, Imports.

*19 CFR Parts 11, 12, 24, 101, 112, 142, 144, 147, 151, 162*

Bonds, Customs duties and inspection, Imports.

*19 CFR Parts 18, 19, 113, 125*

Bonds, Customs duties and inspection, Exports, Imports, Surety bonds.

*19 CFR Part 145*

Bonds, Customs duties and inspection, Imports, Warehouses.

*19 CFR Part 148*

Airmen, Customs duties and inspection, Foreign officials, Government employees, Imports, International organizations, Seamen, Taxes.

*19 CFR Part 172*

Bonds, Customs duties and inspection, Liquidated damages.

*19 CFR Part 174*

Bonds, Customs duties and inspection, Imports, Protests.

### Amendments to the Regulations

Parts 4, 6, 7, 10, 11, 12, 18, 19, 24, 54, 101, 112, 113, 114, 123, 125, 127, 132, 133, 134, 141, 142, 144, 145, 146, 147, 148, 151, 162, 172, 174, and 191, Customs Regulations (19 CFR Parts 4, 6, 7, 10, 11, 12, 18, 19, 24, 54, 101, 112, 113, 114, 123, 125, 127, 132, 133, 134, 141, 142, 144, 145, 146, 147, 148, 151, 162, 172, 174, 191), are amended as set forth below.

Approved: August 17, 1984.

**William von Raab,**

*Commissioner of Customs.*

**John M. Walker, Jr.,**

*Assistant Secretary of the Treasury.*

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

**§ 4.10 [Amended]**

1. Section 4.10 is amended by removing the words "Customs Form 7567 or 7569" in the fourth sentence and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter".

**§ 4.13 [Amended]**

2. Section 4.13(b) is amended by removing the words "Customs Form 7593" and inserting, in their place, the words "Customs Form 301, containing the bond conditions relating to international carriers set forth in § 113.64 of this chapter in an amount equal to twice the potential duty liability".

**§ 4.14 [Amended]**

3. Section 4.14(b)(1) is amended by removing the words "Customs Form 7567 or 7569" in the fourth sentence and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter".

**§ 4.16 [Amended]**

4. Section 4.16(a) is amended by removing the words "a bond on Customs Form 7567 in such penal sum as the district director of Customs deems sufficient but not less than $1,000, or the usual term bond on Customs Form 7569" and inserting, in their place, the words "a single entry of continuous bond on Customs Form 301 containing the bond conditions set forth in § 113.64 of this chapter, in such amount as the district director deems appropriate but not less than $1,000".

**§ 4.30 [Amended]**

5. Section 4.30(c) is amended by removing the words "bond,[62] on Customs Form 7567 or 7569, has been received" in the first sentence and inserting, in their place, the words "bond has been filed on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers[62]".

6. Section 4.30(c) is further amended by removing the words "Customs Form 3587" in the second sentence and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in § 113.63 of this

chapter relating to basic custodial bond conditions".

7. Section 4.30 (f) and (g) are amended by removing the words "for any period up to 1 year, but longer than the period of the supporting bond," and inserting, in their place, the words ", which will remain in effect until revoked by the district director, terminated by the carrier, or automatically cancelled by termination of the supporting continuous bond,".

8. Section 4.30(i)(2) is amended by removing the words "A vessel bond, on Customs Form 7567 or 7569" and inserting, in their place, the words "A bond on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers".

**§ 4.32 [Amended]**

9. Section 4.32(b) is amended by removing the words "Customs Form 7567" and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers".

**§ 4.34 [Amended]**

10. Section 4.34(h) is amended by removing the words "vessel bond" in the third sentence and inserting, in their place, the words "bond on Customs Form 301, containing the bond conditions relating to international carriers set forth in § 113.64 of this chapter".

11. Section 4.38(a) is amended by adding four sentences at the end of the paragraph to read as follows:

**§ 4.38 Release of cargo.**

(a) * * * when merchandise is released without proper permit before entry has been made, the district director shall issue a written demand for redelivery. The importing carrier shall redeliver the merchandise to Customs within 30 days after the demand is made. The district director may authorize unentered merchandise brought in by one carrier for the account of another carrier to be transferred within the port to the latter carrier's facility. Upon receipt of the merchandise the latter carrier assumes liability for the merchandise to the same extent as though the merchandise had arrived on its own vessel.

* * * * *

**§ 4.75 [Amended]**

12. Section 4.75(a) is amended by removing the words "Customs Form 7567 or Customs Form 7569" in the first sentence and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers".

**§§ 4.85 and 4.88 [Amended]**

13. Sections 4.85(a) and 4.88(a) are amended by removing the words "vessel bond (Customs Form 7567 or 7569)" in the first sentence of each paragraph and inserting, in their place, the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers".

14. Section 4.90(e) is revised to read as follows:

**§ 4.90 Simultaneous vessel transactions.**

* * * * *

(e) When a single entry bond, containing the bond conditions set forth in § 113.64, relating to international carriers, is filed at any port and it is applicable to the current voyage of the vessel, it shall cover all other transactions engaged in on that voyage of a like nature and another bond containing the international carrier bond conditions need not be filed.

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 6—AIR COMMERCE REGULATIONS

**§ 6.2 [Amended]**

1. Sections 6.2 (e) and (f) are amended by removing the words ", but not longer than the period of the supporting bond," in the first sentence of each paragraph.

2. Sections 6.2 (e) and (f) are further amended by removing the words ", on Customs Form 7567 or 7569," in the last sentence of paragraph (e) and the second sentence of paragraph (f).

3. Section 6.2(g) and the first and second sentences of § 6.9(a) are amended by removing the words "on Customs Form 7567 or 7569" and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers".

**§ 6.8 [Amended]**

4. Section 6.8 is amended by removing the words "proper bond is given" in the fourth sentence of paragraph (a) and inserting, in their place, the words "bond is filed on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter".

5. Section 6.8 is further amended by removing the words "pursuant to the bond" in the fourth sentence of paragraph (a).

6. Section 6.8 is further amended by removing the words "the 4-day bond period" in the fourth sentence of paragraph (e) and inserting, in their place, the words "the 4-day period after departure".

7. The first three sentences of § 6.20(c) are revised to read as follows:

**§ 6.20 Conditions for transportation of transit air cargo.**

* * * * *

(c) Transit air cargo may be transported to another port only when receipted for by an airline designated as a common carrier, for the transportation of bonded merchandise, which has on file a bond on Customs Form 301, containing the bond conditions set forth in section 113.63 of this chapter for such transportation. Transit air cargo may be exported from the port of arrival only when covered by a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter relating to exportation of merchandise. The importing airline, whether registered in the United States or a foreign country, if it has been designated as a carrier of bonded merchandise as set forth above, may receipt for the air cargo, obligate its bond if it contains the bond conditions set forth in § 113.63 of this chapter, and deliver the air cargo to an authorized domestic carrier for in-bond transportation beyond the port of arrival under the importing airline bond. * * *

* * * * *

**§ 6.22 [Amended]**

8. Section 6.22(e) is amended by removing the words "common carrier's bond" in the first sentence and inserting, in their place, the words "bond containing the bond conditions set forth in § 113.63 of this chapter".

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

Section 7.8(c) is revised to read as follows:

**§ 7.8 Insular possessions of the United States other than Puerto Rico.**

* * * * *

(c) When merchandise excluding any shipments valued at $100 or less, arrives unaccompanied by a certificate of origin or a declaration of the shipper, or when any other document necessary to complete entry is lacking, a bond containing the bond conditions set forth in section 113.62 of this chapter, for the production thereof may be taken on Customs Form 301. A bond for

production of a bill of lading shall be taken on Customs Form 301 and contain the bond conditions set forth in section 113.69 of this chapter.

* * * * *

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

**§ 10.24 [Amended]**

1. Section 10.24(f) is amended by removing the words "an appropriate bond" and inserting, in their place, the words "a bond on Customs Form 301 containing the bond conditions set forth in § 113.62 of this chapter".

2. Section 10.31(f) is amended by removing the words "Customs Form 7563" in the first sentence and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

3. Section 10.31(f) is further amended by revising the third sentence to read as follows:

**§ 10.31 Entry; bond.**

* * * * *

(f) * * * If appropriate a carnet, under the provisions of Part 114 of this chapter, may be filed in lieu of a bond on Customs Form 301 (containing the bond conditions set forth in § 113.62 of this chapter). * * *

* * * * *

**§ 10.31 [Amended]**

4. Section 10.31(g) is amended by removing the words "the bond period" in the second sentence and inserting, in their place, the words "the period of time during which the merchandise may remain in the Customs territory of the United States under bond".

**§ 10.36 [Amended]**

5. Sections 10.36(b) and (c) are amended by removing the words "the period of the bond" in the first sentence of each paragraph and the words "the bond period" in the second sentence of each paragraph, and, in each instance inserting, in their place, the words "the period of time during which the merchandise may remain in the Customs territory of the United States under bond".

6. Section 10.36(b) is further amended by removing the word "bonds" in the second sentence and inserting, in its place, the word "bond".

7. The second sentence of § 10.36a(a) is revised to read as follows:

**§ 10.36a Vehicles, pleasure boats and aircraft brought in for repair or alteration.**

(a) * * * The bond, prescribed by section 10.31(f), filed to support entry under this section shall be without surety or cash deposit, except as provided by this paragraph and paragraph (d) of this section. * * *

* * * * *

8. The section heading and the first sentence of § 10.37 are revised to read as follows:

**§10.37 Extension of time for exportation.**

The period of time during which merchandise entered under bond under schedule 8, part 5, subpart C, Tariff Schedules of the United States (19 U.S.C. 1202), may remain in the Customs territory of the United States, may be extended for not more than two further periods of 1 year each, or such shorter period as may be appropriate. Extensions may be granted by the district director at the port where the entry was filed upon written application on Customs Form 3173, provided the articles have not been exported or destroyed before the receipt of the application, and liquidated damages have not been assessed under the bond before receipt of the application. Any untimely request for an extension of time for exportation shall be referred to the Director, Carriers, Drawback and Bonds Division, Customs Headquarters, for disposition. Any request for relief from a liquidated damage assessment in excess of the district directors delegated authority shall be referred to the Director, Entry Procedures and Penalties Division, Customs Headquarters, for disposition.* * *

**§10.38 [Amended]**

9. Section 10.38(a) is amended by removing the words "a temporary importation bond" in the first sentence and inserting, in their place, the words "schedule 8, part 5, subpart C, Tarriff Schedules of the United States (19 U.S.C. 1202)".

**§10.39 [Amended]**

10. Section 10.39 is amended by removing the word "bonds" in the section heading and inserting in its place the words "bond charges".

11. Section 10.39 is further amended by removing the word "Bonds" in the first sentence of paragraph (a) and inserting, in its place, the words "Charges against bonds".

12. Section 10.39 is further amended by removing the word "bond" the first time it is used in the third sentence of paragraph (a) and inserting, in its place, the words "bond charge,".

13. Section 10.39 is further amended by removing the words "the bond period" in the third sentence of paragraph (a), in the first sentence of paragraph (b), in the first sentence of paragraph (d)(1), in the first sentence of paragraph (e)(2), and in the first sentence of paragraph (e)(3) and, in each instance inserting, in their place, the words "the period of time during which the articles may remain in the Customs territory of the United States under bond".

14. Section 10.39(d)(1) is amended by removing the words "to the entire amount of the bond. If the entry covering the articles is charged against a term bond, the demand shall be limited to an amount equal" in the first and second sentences.

**§10.40 [Amended]**

15. Section 10.40(b) is amended by removing the words "the bond period" in the first sentence and inserting, in their place, the words "the period of time during which articles may remain in the Customs territory of the United States under bond".

**§10.41a [Amended]**

16. Section 10.41a(c) is amended by removing the words "on Customs Form 7587" in the first and fifth sentences and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.66 of this chapter".

17. Section 10.41a(c) is further amended by removing the words ", as provided for in § 113.14(p) of this chapter" in the fifth sentence and ", Customs Form 7587," in the sixth sentence.

18. Section 10.41b(h) is revised to read as follows:

**§10.41b Clearance of serially numbered substantial holders or outer containers.**

* * * * *

(h) A continuous bond containing the conditions set forth in § 113.66 of this chapter shall be filed with the district director. If the conditions are violated the district director shall issue a claim for liquidated damages equal to the domestic value of the holder or container established in accordance with section 606, Tariff Act of 1930, as amended (19 U.S.C. 1606). If the domestic value exceeds the amount of the bond the claim for liquidated damages will be equal to the amount of the bond.

* * * * *

**§ 10.49 [Amended]**

19. Section 10.49(a) is amended by removing the words "on Customs Form 7565" in the first sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

20. Section 10.49(a) is amended by adding a sentence at the end of the paragraph to read as follows:

**§ 10.49 Articles for exhibition; requirements on entry.**

* * * * *

(b) * * * The society or institution shall file, within 6 months after the date of filing the entry, any document or proof demanded by the district director in connection with the entry.

**§10.59 [Amended]**

21. Section 10.59(e) is amended by removing the words "on Customs Form 7603" in the second sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§10.60 [Amended]**

22. Section 10.60 is amended by removing the word "bonds" in the section heading and inserting in its place, the word "bond".

23. Section 10.60 is further amended by removing the words "on Customs Form 7561 or other appropriate form" in paragraph (c) and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

24. Section 10.60 is further amended by removing the words "on Customs Form 7557, 7559, or 7595" in the first and second sentences of paragraph (f) and inserting in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

25. Section 10.60 is further amended by removing the words "on Customs Form 7603 in lieu of any other bond" in paragraph (g) and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in §113.62 of this chapter".

26. Section 10.64(a) is amended by removing the words "the warehouse or rewarehouse entry bond or the bond identified in § 10.60 (c) or (f) for articles withdrawn under section 309, Tariff Act of 1930, as amended, for use as supplies, equipment, or for repair of a vessel" in the first sentence and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

27. Section 10.64(a) is further amended by adding a sentence between the first and second sentence to read as follows:

**§10.64 Crediting or cancellation of bonds.**

(a) * * * The withdrawer shall cause the merchandise to be delivered to the lading vessel, and shall provide such evidence of lading as required by the district director within 30 days after lading, except as provided in this section. * * *

**§10.65 [Amended]**

28. Section 10.65(c)(3) is amended by removing the words "The bond on Customs Form 7561 or other appropriate form" in the third sentence and inserting, in their place, the words "A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 10.66 [Amended]**

29. Section 10.66(b) is amended by adding the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" after the word "bond" in both the first and second sentences.

**§ 10.67 [Amended]**

30. Section 10.67(b) is amended by adding the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" after the word "bond" in the second sentence.

**§ 10.71 [Amended]**

31. Section 10.71 is amended by removing the words "on Customs Form 7551 or 7553" in the first sentence of paragraph (a), in the second sentence of paragraph (e), and in first sentence of paragraph (f) and, in each instance inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

32. Section 10.71 is further amended by removing the word "Such" in paragraph (b) and inserting, in its place, the words "Charges against the".

**§ 10.80 [Amended]**

33. Section 10.80 is amended by removing the words "on Customs Form 7561 or other appropriate form" in the sixth sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 10.81 [Amended]**

34. Section 10.81(b) is amended by removing the words "on Customs Form 7561 or other appropriate form when necessary" in the second sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 10.83 [Amended]**

35. Section 10.83(a) is amended by adding the words "charges against the" after the words "the district director may cancel the".

36. Section 10.90(f) is revised to read as follows:

**§ 10.90 Master records and metal matrices.**

* * * * *

(f) A bond on Customs Form 301, containing the bond conditions set forth in section 113.62 of this chapter shall be filed for importations under this section.

* * * * *

**§ 10.92 [Amended]**

37. Section 10.92 is amended by removing the word "penalty" in the section heading and inserting, in its place, the words "liquidated damages".

38. Section 10.92 is further amended by removing the words "single entry bond on Customs Form 7547, unless the transaction is charged against a term bond on Customs Form 7549, or other appropriate form" in the first sentence of paragraph (a) and inserting, in their place, the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

39. Section 10.92 is further amended by removing the words "The penalty of the" in the second sentence of paragraph (a) and inserting, in their place, the word "A".

40. Section 10.92 is further amended by removing the words "The penalty of the term bond" in the third sentence of paragraph (a) and inserting, in their place, the words "The amount of a continuous bond".

41. Section 10.92 (b) and (c) are amended by removing the word "term" in paragraph (b) and in the first and second sentences of paragraph (c) and, in each instance inserting, in their place, the word "continuous".

**§ 10.108 [Amended]**

42. Section 10.108(b) is amended by removing the words "as provided for in section 141.66 of this chapter" in the last sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in section 113.62 of this chapter".

**§ 10.135 [Amended]**

43. Section 10.135 is amended by removing the last sentence.

**§ 10.173 [Amended]**

44. Section 10.173(a)(3) is amended by removing the words "Customs Form 7551, 7553, or 7595" in the first sentence and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in section 113.62 of this chapter,".

45. Section 10.173(a)(3) is further amended by removing the second sentence.

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66 1623, 1624))

## PART 11—PACKING AND STAMPING; MARKING

**§ 11.12 [Amended]**

1. Section 11.12(c) is amended by removing the words "the usual customs single entry or term bond in such amount as is prescribed for such bonds in § 113.14 of this chapter" and inserting, in their place, the words "bonds on Customs Form 301, containing the bond conditions set forth in § 113.62 and/or § 113.68 of this chapter, as appropriate, in such amount as the district director may require".

**§ 11.12a [Amended]**

2. Section 11.12a(c) is amended by removing the words "the usual customs single entry or term bond in such amounts as is prescribed for such bonds in § 113.14 of this chapter" and inserting, in their place, the words "bonds on Customs Form 301, containing the bond conditions set forth in § 113.62 and/or § 113.68 of this chapter, as appropriate, in such amount as the district director may require".

**§ 11.12b [Amended]**

3. Section 11.12b(c) is amended by removing the words "the usual customs single entry or term bond in such amount as is prescribed for such bonds in § 113.14 of this chapter" and inserting, in their place, the words "bonds on Customs Form 301, containing the bond conditions set forth in § 113.62 and/or § 113.68 of this chapter, as appropriate, in such amount as the district director may require".

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 12—SPECIAL CLASSES OF MERCHANDISE

**§ 12.3 [Amended]**

1. Section 12.3 is amended by removing the words "on Customs Form 7551, 7553, or 7595, containing a condition for the return of the merchandise, or any part thereof, to Customs custody upon demand of the district director of Customs" in the second sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 12.8 [Amended]**

2. Section 12.8 is amended by removing the words "on Customs Form 7551, 7553, or other appropriate form" in the third sentence of paragraph (a) and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

3. Section 12.8 is further amended by removing the words "of bonds" in the first sentence of paragraph (b) and inserting, in their place, the words "of a bond".

**§ 12.12 [Amended]**

4. Section 12.12 is amended by removing the words "on Customs Form 7551, 7553, or other appropriate form" and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

5. Section 12.16(c) is amended by placing a period after the word "bond" the first time it is used in the paragraph, and removing the remainder of the paragraph.

6. Section 12.16(c), is further amended by adding two sentences at the end of the paragraph to read as follows:

**§ 12.16 Joint regulations of the Secretary of the Treasury and the Secretary of Agriculture.**

* * * * *

(c) * * * The bond shall be filed with the district director on Customs form 301 and contain the bond conditions set forth in § 113.62 of this chapter. In case of default the district director shall issue a claim for liquidated damages under the bond.

7. Section 12.26(e) is amended by revising the third and fourth sentences to read as follows:

**§ 12.26 Importations of wild animals, fish, amphibians, reptiles, mollusks, and crustaceans; prohibited and endangered and threatened species; designated ports of entry; permits required.**

* * * * *

(e) * * * The shipment may be immediately released if a bond is filed with the district director on Customs Form 301, containing the bond conditions set forth in section 113.62 of this chapter, in an amount equal to the entered value plus estimated duties. If the bond conditions are violated the district director shall issue a claim for liquidated damages under the bond. In lieu of filing a bond the merchandise may be left in Customs custody at the risk and expense of the importer pending issuance of the permit.

* * * * *

8. Section 12.26(h) is amended by removing the words "the bond shall be forfeited" in the last sentence and inserting, in their place, the words "a claim for liquidated damages shall be issued under the bond".

**§ 12.33 [Amended]**

9. Section 12.33 is amended by removing and reserving paragraph (c).

**§ 12.39 [Amended]**

10. Section 12.39(b)(2) is amended by removing the words "a special rider to existing entry bonds, as described in § 113.14(z) of this chapter" in the first sentence and inserting, in their place, the words "a single entry bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter in an amount determined by the International Trade Commission".

11. Section 12.39(b)(3) is amended by removing the word "rider" in the third sentence.

**§ 12.73 [Amended]**

12. Section 12.73(c) is amended by removing the words "on Customs Form 7551, 7553, or 7595" in the first sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

13. Section 12.73(c) is further amended by removing the second sentence.

14. Section 12.73(c) is further amended by removing the words "a bond given on Form 7551" in the fifth sentence, and inserting, in their place, the words "the bond, if it is a single entry bond, or if a continuous bond is used, the amount that would have been taken under a single entry bond".

15. Section 12.73(c) is further amended by removing the sixth sentence.

**§ 12.80 [Amended]**

16. Section 12.80(b)(1)(iii), is amended by removing the words "the conditions of the bond required by paragraph (e)(1) of this section have been satisfied" in the last sentence and inserting, in their place, the words "the vehicle or equipment item described in the declaration has been brought into conformity with all applicable safety standards".

17. Section 12.80(e)(1) is amended by removing the words "on Customs Form 7551, 7553, or 7595 in the amount required by § 113.14 of this chapter" in the first sentence and inserting, in their place, the words "on Customs Form 301,

containing the bond conditions set forth in § 113.62 of this chapter".

18. Section 12.80(e)(1) is further amended by removing the second sentence.

19. Section 12.80(e)(1) is further amended by removing the words "The bond release" in the third sentence and inserting, in their place, the words "An approval".

20. Section 12.80(e)(1) is further amended by removing the words "bond release" in the fourth sentence and inserting in their place the word "approval".

21. Section 12.80(e)(1) is further amended by adding a sentence at the end of the paragraph to read as follows:

**§ 12.80 Federal motor vehicle safety standards.**

* * * * *

(e)(1) * * * Upon receipt of the approval letter the district director shall cancel the charge against the bond.

* * * * *

22. Section 12.80(e)(2) is amended by removing the words "bond release" in the first sentence and inserting, in their place, the word "approval".

23. Section 12.80(e)(2) is further amended by removing the words "given on Customs Form 7551" in the second sentence and inserting, in their place, the words "if it is a single entry bond or if a continuous bond is used, the amount that would have been taken under a single entry bond".

24. Section 12.80(e)(2) is further amended by removing the third sentence of the paragraph.

25. Section 12.85(e)(1) is amended by revising the first sentence of the paragraph to read as follows:

**§ 12.85 Coast Guard boat and associated equipment safety standards.**

* * * * *

(e) *Release under bond*—(1) *When bond required.* A bond will be required of the importer or consignee on Customs Form 301, containing the bond conditions set forth in section 113.62 of this chapter, in such amount as the district director deems appropriate, when a declaration is made that a product is to be brought into conformity. * * *

26. Section 12.85(e)(3) is amended by removing the words "given on Customs Form 7551" in the first sentence and inserting, in their place, the words "if it is a single entry bond, or if a continuous bond is used, the amount that would have been taken under a single entry bond".

27. Section 12.85(e)(3) is further amended by removing the second sentence.

**§ 12.91 [Amended]**

28. Section 12.91(d) is amended by removing the words "on Customs Form 7551, 7553, or 7595" in the first sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

29. Section 12.91(d) is further amended by removing the words "the amount required under § 113.14 of this chapter" in the second sentence and inserting, in their place, the words "an amount deemed appropriate by the "district director".

30. Section 12.91(d) is further amended by removing the words "given on Customs Form 7551" in the fifth sentence and inserting, in their place, the words "if it is a single entry bond, or if a continuous bond is used, the amount that would have been taken under a single entry bond".

31. Section 12.91(d) is further amended by removing the sixth sentence of the paragraph.

**§ 12.115 [Amended]**

32. Section 12.115 is amended by removing the words "on Customs Form 7551, 7553, and 7595" in the second sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in §113.62 of this chapter,".

33. Section 12.115 is further amended by removing the words "the amount required under § 113.14 of this chapter" in the third sentence and inserting, in their place, the words "an amount deemed appropriate by the district director".

**§ 12.117 [Amended]**

34. Section 12.117(b) is amended by removing the word "assess" in the third sentence and inserting in its place the words "issue a demand for".

35. Section 12.117(b) is further amended by adding the words "if it is a single entry bond, or if a continuous bond is used, the amount that would have been taken under a single entry bond" at the end of the third sentence.

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

**§ 18.3 [Amended]**

1. Section 18.3(e) is amended by removing the words "Carrier's Bond" and inserting, in their place, the words "bond of the carrier on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

2. Section 18.6(b) is revised to read as follows:

**§ 18.6 Short shipments; shortages; entry and allowance.**

* * * * *

(b) When there is a shortage of one or more packages, or nondelivery of an entire shipment, or delivery to unauthorized locations, or delivery to the consignee without the permission of Customs, the district director may demand return of the merchandise to Customs custody. The demand shall be made no later than 30 days after the shortage, delivery, or nondelivery is discovered by Customs. The demand for the return of the merchandise to Customs custody shall be made on the bonded carrier, cartman, or lighterman identified on the Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit, Customs Form 7512, the Transit Air Cargo Manifest (TACM), or other appropriate document. The demand for the return of the merchandise shall be made on Customs Form 4647, Notice of Redelivery, or other appropriate form or by letter. A copy of the demand with the date of mailing or delivery noted thereon, shall be retained by the district director and made part of the in-bond entry record. Entry of the merchandise may be accepted if the merchandise can be recovered intact without any of the packages having been opened. In such cases, any shortage from the invoice quantity shall be presumed to have occurred while the merchandise was in the possession of the bonded carrier.

* * * * *

3. Section 18.6(c) is amended by adding the words "if the merchandise is not returned to Customs custody within 30 days of the date of mailing or date of delivery of the demand for redelivery," after the words "Except as provided in paragraph (d) of this section," in the second sentence.

**§ 18.20 [Amended]**

4. Section 18.20(b) is amended by removing the words "on Customs Form 7557" in the second sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

5. Section 18.25 is amended by redesignating paragraph (e) as paragraph (f), adding a new paragraph (e) as set forth below, and revising the first sentence of paragraph (b) and the second sentence of paragraph (d) to read as follows:

**§ 18.25 Direct exportation.**

* * * * *

(b) A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, shall be required. * * *

* * * * *

(d) * * * A charge shall be made against the continuous bond on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter, if on file, or if a continuous bond is not on file, a single entry bond containing the bond conditions set forth in § 113.64 shall be required as in the case of residue cargo for foreign ports.

* * *

(e) The principal on any bond filed to guarantee direct exportation shall cause the merchandise to be exported and provide such evidence of exportation as required by the district director under § 113.55 of this chapter within 30 days of exportation.

* * * * *

6. Section 18.26(a) is amended by removing the words "§ 18.25(a)" in the first sentence and inserting, in their place, the words "§ 18.25(d)".

7. Section 18.26 is further amended by adding a new paragraph (d), and revising the second sentence of paragraph (a) to read as follows:

**§ 18.26 Indirect exportation.**

(a) * * * Upon acceptance of the entry by Customs and acceptance of the merchandise by the bonded carrier, the bonded carrier assumes liability for the transportation and exportation of the merchandise.* * *

* * * * *

(d) The bonded carrier shall cause the merchandise to be exported and provide such evidence of exportation as required by the district director under section 113.55 of this chapter within 30 days of exportation.

(R.S. 251, as amended, sections 623, as amended, 624 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

**§ 19.2 [Amended]**

1. Section 19.2 is amended by removing the words "in the form prescribed by T.D. 82-204" in paragraph (c) and in the first and second sentences of paragraph (d) and inserting, in their place, in each instance the words "on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

2. Section 19.2(e) is amended by removing the words "proprietor's warehouse bond" in the first sentence and inserting, in their place, the words, "bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

3. Sections 19.11 (c) and (d) are amended by adding a sentence at the beginning of paragraph (c), and a sentence between the third and fourth sentences of paragraph (d) to read as follows:

**§ 19.11 Manipulation in bonded warehouses and elsewhere.**

* * * * *

(c) Warehouse proprietors shall not allow manipulation of merchandise without a permit issued by the district director. * * *

(d) * * * The proprietor shall not allow any manipulation to be conducted before a permit is issued or without the permission of the district director. * * *

4. Section 19.12(a)(1) is amended by adding the words "smelted, refined" after the word "manufactured" in the first sentence.

5. Section 19.12(a)(3) is revised to read as follows:

**§ 19.12 Warehouse recordkeeping, storage and security requirements.**

(a) *Recordkeeping.* * * *

(3) *Theft, shortage, overage or damage.* Any theft or suspected theft or overage or any extraordinary shortage or damage (one percent or more of the value of the merchandise in an entry) shall be immediately brought to the attention of the district director, and confirmed in writing within 2 business days after the shortage, overage, or damage has been brought to the attention of the district.

* * * * *

6. Section 19.12(a)(4) is amended by removing the words "and (ii)" and inserting, in their place, the words ", (ii) notify Customs of any merchandise covered by the warehouse entry, general order or seizure which has not been withdrawn or removed, and (iii)".

7. Section 19.12(a)(5) is amended by removing the words "in the form prescribed by T.D. 82-204" and inserting, in their place, the words "on Customs Form 300".

8. Section 19.12(b)(6) is amended by adding the words "and recorded in the proprietor's inventory and accounting records" after the word "warehouse" in the first sentence.

9. Section 19.13 is amended by adding three new sentences at the end of paragraph (g) and a new paragraph (h) to read as follows:

**§ 19.13 Requirements for establishment of warehouse.**

* * * * *

(g) * * * The areas for storage of bonded material and manufactured products shall be secured in accordance with the standards and specifications of T.D. 72-56. The proprietor shall mark each package with the correct warehouse entry number and date until manufacturing takes place. After manufacture, the proprietor shall mark each package of the finished product with the warehouse entry number and date.

(h) Entry shall be made and duties paid, where applicable, on any imported machinery or other equipment or apparatus that is for the construction of the warehouse or for the pursuit of its business.

10. Part 19 is amended by adding a new section 19.13a to read as follows:

**§ 19.13a Recordkeeping requirements.**

The proprietor of a manufacturing warehouse shall comply with the recordkeeping requirements of § 19.12(a). In addition, the proprietor shall:

(a) Record all transfers from any storage area to a manufacturing area, and record all transfers from a manufacturing area to a finished product storage area, in the proprietor's inventory control and accounting records;

(b) Take an annual physical inventory of the merchandise in conjunction with the annual submission required by § 19.12(a)(5); and

(c) Record all manufacturing operations performed within the warehouse with sufficient detail to determine whether there has been compliance with the manufacturing formula filed with Customs and to permit Customs to audit use and disposition of the merchandise.

11. Section 19.14 is amended by revising paragraph (b) and adding a new paragraph (e) to read as follows:

**§ 19.14 Materials for use in manufacturing warehouse.**

* * * * *

(b) *Bond required.* Before the transfer of the merchandise to the manufacturing warehouse is permitted, a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter shall be required.

* * * * *

(e) *Monthly statement.* At the end of each month, the proprietor shall file with the district director a statement of all imported merchandise on which Internal Revenue tax has not been paid which

was used by the proprietor in the manufacture of articles. The statement shall report this information for each warehouse entry represented in the manufacturing process.

12. Section 19.14(d) is amended by removing the words "a bond on Customs Form 7571 shall be required unless the warehouse is covered by the appropriate bond in the form prescribed by T.D. 82-204" and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

13. Section 19.15(g)(1) is amended by removing the third, fourth, and fifth sentences and inserting, in their place, the following:

**19.15 Withdrawal for exportation of articles manufactured in bond; waste or byproducts for consumption.**

* * * * *

(g)(1) * * * A rewarehouse entry shall be made in accordance with § 144.34(b) of this chapter, supported by a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter.

* * * * *

14. Section 19.15(j) is amended by inserting the words ", within 6 months from the date of demand by the district director," between the words "manufacturer" and "shall" in the first sentence.

15. Section 19.15(l) is amended by removing the word "general".

**§ 19.16 [Amended]**

16. Section 19.16(g)(l) is amended by removing the words "the Proprietor's Manufacturing Warehouse Bond in the form prescribed by T.D. 82-204" in the last sentence and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

17. Section 19.17 is amended by removing paragraph (b) and reserving it.

18. Section 19.17(e) is amended by revising the second sentence to read as follows:

**§ 19.17 Application to establish warehouse; bond.**

* * * * *

(e) *Bond.* * * * A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter shall be on file. * * *

18. Section 19.17 is further amended by adding a sentence at the end of paragraph (f) to read as follows:

* * * * *

**§ 19.17 Application to establish warehouse; bond.**

(f) * * * The proprietor shall maintain a report of sampling, weighing, and assay of each shipment of bonded materials received into the warehouse for 5 years after liquidation of the warehouse entry for shipment.

19. Section 19.21 is amended by adding a sentence at the end of paragraph (b) to read as follows:

**§ 19.21 Smelting and refining in separate establishments.**

* * * * *

(b) * * * A report of sampling, weight, and assay of transferred material shall be maintained for 5 years after liquidation of the warehouse entry.

* * * * *

20. Section 19.40(a) is revised to read as follows:

**§ 19.40 Establishment of container stations.**

(a) A container station, independent of the importing carrier, may be established at any port or portion of a port, or any other area under the jurisdiction of a district director upon the filing of an application therefore and its approval by the district director and the posting of a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter in such amount as the district director shall require.

* * * * *

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

**§ 24.1 [Amended]**

1. Section 24.1(a)(3) is amended by removing the words "an entry bond or other" in the first sentence and inserting, in their place, the word "a".

2. Section 24.4(i) is revised to read as follows:

**§ 24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.**

* * * * *

(i) *Duration of deferred payment privilege.* The deferred payment privilege once approved by the district director will remain in effect until terminated under the provisions of paragraph (h) or the importer or surety requests termination.

* * * * *

3. Section 24.11(a)(2) is amended by revising it to read as follows:

**§ 24.11 Increased or additional duties or taxes; notice to importer.**

(a) * * *

(2) A bond as required by section 141.20 on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter.

* * * * *

4. Section 24.11(b) is amended by removing the words "In any case in which a timely owner's declaration, but not a timely superseding bond, has been filed," and inserting, in their place, the words "In any case in which an owner's declaration has been filed timely but the bond has not been filed timely".

**§ 24.16 [Amended]**

5. Section 24.16(c), is amended by removing the words "on Customs Form 7597 or 7599" in the third sentence of paragraph (c)(1) and "on Customs Form 7597" in the fourth sentence of paragraph (c)(1) and, in each instance inserting, in their place, the words "on Customs Form 301, containing the appropriate bond conditions set forth in subpart G, Part 113 of this chapter (see §§ 113.62, 113.63, 113.64 and 113.73),".

6. Section 24.16(c)(3) is amended by removing the words "bond on Customs Form 7599" in the first sentence and inserting, in their place, the words "a continuous bond".

7. Section 24.16(c)(3) is further amended by removing the words "nor longer than the period of the supporting bond" in the first sentence.

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

The first and second sentences of § 54.6(b) are revised to read as follows:

**§ 54.6 Proof of intent; bond; proof of use; liquidation.**

* * * * *

(b) If the articles are entered for consumption or warehouse, a bond shall be filed on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter. Withdrawals from warehouse shall be made on Customs Form 7506. * * *

* * * * *

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 101—GENERAL PROVISIONS

Section 101.1 is amended by redesignating paragraphs (k), (l) and (m) as paragraphs (l), (m) and (n),

respectively, and adding a new paragraph (k) to read as follows:

**§ 101.1 Definitions.**

* * * * *

(k) *Exportation.* "Exportation" means a severance of goods from the mass of things belonging to this country with the intention of uniting them the mass of things belonging to some foreign country. The shipment of merchandise abroad with the intention of returning it to the United States with a design to circumvent provisions of restriction or limitation in the tariff laws or to secure a benefit accruing to imported merchandise is not an exportation. Merchandise of foreign origin returned from abroad under these circumstances is dutiable according to its nature, weight, and value at the time of its original arrival in this country.

* * * * *

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

**§ 112.11 [Amended]**

1. Section 112.11(a)(4)(ii) is amended by removing the words "Customs Form 3588, 'Private Carriers Bond'" and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

**§ 112.12 [Amended]**

2. Section 112.12(a) is amended by removing the words "on Customs Form 3587 (except private carriers which file on Customs Form 3588 and airline companies which have the option to file a consolidated aircraft bond, Customs Form 7605 or the Customs Form 3587)" and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

3. Section 112.22(a)(1) is revised to read as follows:

**§ 112.22 Application for license.**

(a) *General requirements.* * * *

(1) A bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter, in an amount specified by the district director.

* * * * *

4. Section 112.25 is revised to read as follows:

**§ 112.25 Bonded carriers.**

A carrier or freight forwarder who has filed a bond on Customs Form 301 containing the bond conditions set forth in § 113.63 of this chapter may be appointed or licensed as a Customs cartman or lighterman for a port for which such bond provides coverage, upon compliance with § 112.22. If a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter has been filed, the carrier or freight forwarder need not file another bond to satisfy the requirements of § 112.22(a)(1). Investigation pursuant to § 12.23 may apply.

**§ 112.26 [Amended]**

5. Section 112.26 is amended by removing the words "§ 113.56" and inserting, in their place, the words "§ 13.26".

**§ 112.27 [Amended]**

6. Section 112.27(d) is amended by removing the words "in accordance with the provisions of the bond, Customs Form 3855, or the cartman or lighterman shall be liable for the payment of liquidated damages as provided in such bond", and by adding a period after the word "license."

7. Section 112.49(d) is amended by removing the bond format for the "Bond of Customs Cartman for Issuance of Temporary Identification Card" and by revising the last sentence to read as follows:

**§ 112.49 Temporary identification cards.**

* * * * *

(d) *Bond.* * * * The bond shall be on Customs Form 301 and contain the bond conditions set forth in § 113.63 of this chapter and be in such amount as determined by the district director.

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 113—CUSTOMS BONDS

Part 113, Customs Regulations, is revised to read as follows:

Sec.

113.73 Foreign trade zone operator bond conditions.

**Authority:** R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended; (19 U.S.C. 66, 1623, 1624). Subpart E also issued under sec. 484, 46 Stat. 722, as amended (19 U.S.C. 1484). Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

**§ 113.0 Scope.**

This part sets forth the general requirements applicable to bonds. It contains the general authority and powers of the Commissioner of Customs in requiring bonds, bond approval and execution, bond conditions, general and special bond requirements, the requirements which must be met to be either a principal or a surety, the requirements concerning the production of documents, the authority and manner of assessing liquidated damages and requirements for cancelling the bond or charges against a bond.

## Subpart A—General Provisions

**§ 113.1 Authority to require security or execution of bond.**

Where a bond or other security is not specifically required by law, the Commissioner of Customs, pursuant to Treasury Department Order No. 165 Revised, as amended (T.D. 53654, 19 FR 7241, November 6, 1954), may by regulation or specific instruction require, or authorize the district director to require, such bonds or other security considered necessary for the protection of the revenue or to assure compliance with any pertinent law, regulation, or instruction.

**§ 113.2 Powers of Commissioner of Customs relating to bonds.**

Whenever a bond is required or authorized by law, regulation, or instruction, the Commissioner of Customs may:

(a) Prescribe the conditions and form of the bond and fix the amount of penalty, whether for the payment of liquidated damages, or of a penal sum, except as otherwise specifically provided by law.

(b) Provide for the approval of the sureties on the bond, without regard to any general provision of law.

(c) Authorize the execution of a term bond, the conditions of which shall extend to and cover similar cases of importations over a period of time, not to exceed one year or such longer period he may fix, when in his opinion special circumstances warrant a longer period.

(d) Authorize the taking of a consolidated bond (single entry or term) in lieu of separate bonds to assure compliance with two or more provisions of law, regulation, or instruction. Such a consolidated bond shall have the same force and effect as the separate bonds in lieu of which it was taken. The Commissioner of Customs may fix the penalty for violation of a consolidated bond without regard to any other provision of law, regulation, or instruction.

**§ 11.33 Liability of surety on a terminated bond.**

The surety, as well as the principal, remains liable on a terminated bond for obligations incurred prior to termination.

**§113.4 Bonds and carnets.**

(a) *Bonds.* All bonds required to be given under the Customs laws or regulations shall be known as Customs bonds.

(b) *Carnets.* A carnet is an international customs document which serves simultaneously as a customs entry document and as a customs bond. Therefore, carnets, provided for in Part 114 of this chapter, are ordinarily acceptable without posting further security under the Customs laws or regulations requiring bonds.

## Subpart B—Bond Application and Approval of Bond

**§ 113.11 Bond approval.**

Each person who is required by law, regulation, or specific instruction to post a bond to secure a Customs transaction or multiple transactions must submit the bond on Customs Form 301. If the transaction(s) will occur in a single Customs district, the bond shall be filed with and approved by the district director of the district in which the transaction(s) will take place. If the transactions will occur in more than one district the bond may be filed with and approved by any district director. Only one continuous bond for a particular activity will be authorized for each principal. The district director will determine whether the bond is in proper form and provides adequte security for the transaction(s). A bond relating to repayment of/an erroneous drawback payment containing the bond conditions set forth in section 113.65 shall be filed with the appropriate regional commissioner for approval.

**§ 113.12 Bond application.**

(a) *Single entry bond application.* In order to insure that the revenue is adequately protected the district director may require a person who will be engaged in a single Customs transaction relating to the importation or entry of merchandise to file a written bond application which may be in the form of a letter. The application shall identify the value and nature of the merchandise involved in the transaction to be secured. When the proper bond in a sufficient amount is filed with the entry summary or with the entry, when the entry summary is filed at the time of entry, an application will not be required.

(b) *Continuous bond application.* If a person wants to secure multiple transactions relating to the importation or entry of merchandise or the operation of a bonded smelting or refining warehouse, a bond application, which may be in the form of a letter, shall be submitted to the district director.

(1) *Information required.* The application shall contain the following information:

(i) The general character of the merchandise to be entered; and

(ii) The total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise to be collected by Customs. The total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption even though some or all of the merchandise may have been entered under bond. If the value or nature of the merchandise to be imported will change in any material respect during the next year the change shall be identified. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year shall be submitted.

(2) *Application updates.* If the district director approves a bond based upon the application, whenever there is a significant change in the information provided under this paragraph, the principal on the bond shall submit a new application containing an update of the information required by paragraph (b)(1) of this section. The new application shall be filed no later than 30 days after the new facts become known to the principal.

(c) *Certification.* Any application submitted under this section shall be signed by the applicant and contain the following certification:

I certify that the factual information contained in this application is true and accurate and any information provided which is based upon estimates is based upon the best information available on the date of this application.

**§ 113.13 Amount of bond.**

(a) *Minimum amount of bond.* The amount of any Customs bond shall not be less than $100, except when the law or regulation expressly provides that a lesser amount may be taken. Fractional parts of a dollar shall be disregarded in computing the amount of a bond. The bond always shall be stated as the next highest dollar.

(b) *Guidelines for determining amount of bond.* In determining whether the amount of a bond is sufficient, the district director or regional commissioner in the case of a bond relating to repayment of erroneous drawback payment (see section 113.11) should at least consider:

(1) The prior record of the principal in timely payment of duties, taxes, and charges with respect to the transaction(s) involving such payments;

(2) The prior record of the principal in complying with Customs demands for redelivery, the obligation to hold unexamined merchandise intact, and other requirements relating to enforcement and administration of Customs and other laws and regulations;

(3) The value and nature of the merchandise involved in the transaction(s) to be secured;

(4) The degree and type of supervision that Customs will exercise over the transaction(s);

(5) The prior record of the principal in honoring bond commitments, including the payment of liquidated damages; and

(6) Any additional information contained in any application for a bond.

(c) *Periodic review of bond sufficiency.* The district directors and regional commissioners shall periodically review each bond filed in their respective district or region in the case of a bond relating to repayment of erroneous drawback payment (see § 113.11) to determine whether the bond is adequate to protect the revenue and insure compliance with the law and regulations. If the district or regional commissioner determines that the bond is inadequate, the principal shall be immediately notified in writing. The principal shall have 30 days from the date of notification to remedy the deficiency.

(d) *Additional security.* Notwithstanding the provisions of this section or any other provision of this chapter, if a district director or regional commissioner believes that acceptance of a transaction secured by a continuous bond would place the revenue in jeopardy or otherwise hamper the enforcement of Customs laws or regulations, he shall require additional security

**§ 113.14 Approved form of bond inadequate.**

If the district director believes that none of the conditions contained in subpart G of this Part is applicable to a transaction sought to be secured, the district director shall draft conditions which will cover the transaction, but before execution of the bond the conditions shall be submitted to Headquarters, Attention: Director, Carriers, Drawback and Bonds Division, for approval.

**§ 113.15 Retention of approved bonds.**

All bonds approved by the district director, except the bond containing the agreement to pay court costs (condemned goods) (see § 113.72) shall remain on file in the district office unless the district director is directed in writing by the Director, Carriers, Drawback and Bonds Division, as to other disposition. The bond containing the agreement to pay court costs (condemned goods), shall be transmitted to the United States attorney, as required by section 608, Tariff Act of 1930, as amended (19 U.S.C. 1608). The bond relating to repayment of erroneous drawback payment containing the conditions set forth in § 113.65 shall be retained in the regional office of the approving regional commissioner.

## Subpart C—Bond Requirements

**§ 113.21 Information required on the bond.**

(a)(1) *Identification of principal and sureties.* The names of the principal and sureties and their respective places of residence shall appear in the bond. In the case of a corporate principal or surety, its legal designation and the address of its principal place of business shall appear.

(2) *Identification of trade names and unincorporated divisions of a corporate principal.* The principal may list on the bond trade names and the names of unincorporated divisions of the corporate principal which do not have a separate and distinct legal status who are authorized to use the bond in their own name.

(b) *Date of execution.* Each bond shall bear the date it was actually executed.

(c) *Statement of the amount.* The amount of the bond shall be stated in figures.

(d) *Use of abbreviations.* Abbreviations shall not be used except in dates and the state of incorporation of the principal or the surety.

(e) *Blank spaces on the bond.* Lines shall be drawn through all spaces and blocks on the bond which are not filled in.

**§ 113.22 Witnesses required.**

(a) *Generally.* The signature of each party to a bond executed by a noncorporate principal or surety shall be witnessed by two persons, who shall sign their names as witnesses, and include their addresses.

(b) *Witness for both principal and surety.* When two persons signing as witnesses act for both principal and surety. They shall so indicate by stating on the bond "as to both".

(c) *Corporate principal or surety.* No witnesses are required where bonds are executed by properly authorized officers or agents of a corporate principal or corporate surety. For requirements concerning the execution of a bond by an authorized officer or agent of a corporate principal or surety, see §§ 113.33 and 113.37 of this Part.

**§ 113.23 Changes on the bond.**

(a) *Definition of the types of changes.* (1) *Modification or interlineation.* Modifications or interlineations are changes which go to the substance of the bond, or are basic revisions of the bond.

(2) *Alterations or erasures.* Alterations or erasures consist of minor changes, such as the correction of typographical errors, or change of address, which do not go to the substance, or result in basic revision of the bond.

(b) *Prior to signing.* When erasures, alterations, modifications, or interlineations are made on the bond prior to its signing by the parties to the bond, a statement by an agent of the surety company or by the personal sureties to that effect shall be placed upon the bond.

(c) *After signing.* If erasures or alterations are made after the bond is signed, but prior to the approval of the bond by Customs, the consent of all the parties shall be written on the bond. Except in cases where a change in the bond is expressly authorized by regulation, or by the Commissioner, no modification or interlineation shall be made on the bond after execution. When a modification or interlineation is desired, a new bond will be executed.

(d) *After approval of the bond by Customs.* Except in cases where a change in the bond is expressly authorized by regulations, or instructions from the Commissioner, the district director shall not permit a change as defined in paragraph (a) of this section after the bond has been approved by Customs. When changes are desired, a new bond is required, which, when approved, shall supersede the existing bond.

**§ 113.24 Riders.**

(a) *Types of riders.* The district director may accept the following types of bond riders.

(1) *Name change of principal.* A bond rider to change the name of a principal on a bond may be used only when the change in name does not change the legal identity or status of the principal. If a new corporation is created as a result of a merger, reorganization or similar action, a bond rider for a name change of the principal can not be used. A new bond would be required.

(2) *Address change.* A bond rider may be used to change the address of a principal on a bond.

(3) *Addition and deletion of trade names and unincorporated divisions of a corporate principal.* A bond rider may be used to add to or delete from a bond trade names and the names of unincorporated divisions of a corporate principal which do not have a separate and distinct legal status.

(b) *Where filed.* A rider must be filed with the district director in whose district the bond was approved.

(c) *Attachment of rider to bond.* All riders expressly authorized by the Commissioner shall be securely attached to the related bond to prevent their loss or misplacement.

(d) *Format of Rider.* The riders shall be signed, sealed, witnessed, executed, include a certificate as to corporate principal, if applicable, and otherwise comply with the requirements of this Part. The riders shall contain the following conditions:

(1) *Name change of principal.*

By this rider to the Customs Form 301,—— (bond number), dated ——, executed by ——, (former name), as principal, ——, (importer number), the, —— (new name), hereby certifies that it is the same entity formerly known as ——, (former name), and the principal and surety agree that they are responsible for any act secured by this bond done under principal's former name. Principal and surety agree to be bound under this bond to the same extent as if this bond had been executed in the principal's new name. This rider is effective on —— (date).

(2) *Address change.*

By this rider to Customs Form 301, —— (bond number) executed on —— (date), by ——, (principal's name), as principal, ——, (importer number), and —— (surety's name and code), as surety, which is effective on —— (date), the principal, surety or both, intend that the bond be amended to show —— (new address) as their address. The principal, surety or both, as may be appropriate agree to be bound as though this bond has been executed with the new address(s) shown.

(3) *Addition or deletion of trade names and unincorporated divisions of a corporate principal.*

(i) *Addition rider.*

By this rider to the Customs Form 301, ——, (bond number), executed on ——, (date), by ——, (principal's name), as principal, ——, (importer number) and ——, (surety's name and code), as surety, which is effective on —— (date), the principal and surety agree that the below listed names are unincorporated units of the principal or are trade or business names used by the principal in its business and that this bond covers its business and that this bond covers any act done in those names to the same extent as though done in the name of the principal. The principal and surety agree that any such act shall be considered to be the act of the principal.

(ii) *Deletion rider.*

By this rider to the Customs Form 301, ——, (bond number), executed on ——, (date), by ——, (principals name) as principal, ——, (importer number and ——, (surety's name and surety code), as surety, which is effective on ——, (date), the principal and surety agree that the below listed names of unincorporated units of the principal or trade or business names used by the principal in its business are deleted from the bond effective upon the date of approval of the rider by the appropriate Customs bond approval official.

**§ 113.25 Seals.**

When a seal is required, the seal shall be affixed adjoining the signatures of principal and surety, if individuals, and the corporate seal shall be affixed close to the signatures of persons signing on behalf of a corporation. Bonds shall be under seal in accordance with the law of the state in which executed. However, when the charter or governing statute of a corporation requires its acts to be evidenced by its corporate seal, such seal is required.

**§ 113.26 Effective dates of bonds and riders.**

(a) *General.* Bonds including the application, if required by § 113.12, and riders may be filed up to 30 days before the effective date in order to provide adequate time for Customs administrative review and processing.

(b) *Single transaction bond.* A single transaction bond is effective on the date of the transaction identified on the Customs Bond, Customs Form 301.

(c) *Continuous bond.* A continuous bond is effective on the effective date identified on the Customs Bond, Customs Form 301.

(d) *Riders for name change of principal, address change, and addition of trade names and unincorporated divisions of a corporate principal.* Riders for a name change of principal, address change, and addition of trade names and unincorporated divisions of a corporate principal are effective on the effective date identified on the rider.

(e) *Rider to delete trade names and unincorporated divisions of a corporate principal.* A rider to delete trade names and unincorporated divisions of a corporate principal is effective on the effective date identified on the rider if the date is at least 10 business days after the date the district office receives the rider. If the rider is not received 10 business days before the identified effective date or no effective date is identified on the rider, it will be effective on the close of business of the tenth business day after it is received in the district office.

**§ 113.27 Effective dates of termination of bond.**

(a) *Termination by principal.* A request by a principal to terminate a bond shall be made in writing to the district director or regional commissioner in the case of a bond relating to repayment of erroneous drawback payment in whose district or region the bond was approved. The termination shall take effect on the date requested if the date is at least 10 business days after the date of receipt of the request. Otherwise the termination shall be effective on the close of business 10 business days after the request is received at the district or regional office. If no termination date is requested, the termination shall take effect on the tenth business day following the date of receipt of the request by the district director or regional commissioner in the case of bonds relating to repayment of erroneous drawback payment.

(b) *Termination by surety.* A surety may, with or without the consent of the principal, terminate a Customs bond on which it is obligated. The surely shall provide reasonable written notice to both the district director in whose district the bond was approved or regional commissioner in the case of bonds relating to repayment of an erroneous drawback payment and the principal of the intent to terminate. The written notice shall state the date on which the termination shall be effective and shall be sent to both Customs and the principal by certified mail, with a return receipt requested. Thirty days shall constitute reasonable notice unless the surety can show to the satisfaction of the district director, or regional commissioner in the case of bonds relating to repayment of an erroneous drawback payment, that a lesser time is reasonable under the facts and circumstances.

(c) *Effect of Termination.* If a bond is terminated no new Customs transactions shall be charged against

the bond. A new bond in an appropriate amount on Customs Form 301, containing the appropriate bond conditions set forth in subpart G of this Part, shall be filed before further Customs activity may be transacted.

## Subpart D—Principals and Sureties

### § 113.30 Information pertaining to principals and sureties on the bond.

The general information pertaining to the principal and surety which must be given in the body of the bond is set forth in § 113.21.

### § 113.31 Same party as principal and surety; attorney in fact.

(a) *Same party as principal and surety.* The same person, partnership, or corporation cannot be both principal and surety on a bond.

(b) *Attorney in fact for principal or surety.* In executing a bond, a person may act as:

(1) Attorney in fact for both principal and surety;

(2) Surety and attorney in fact for the principal; or

(3) Principal and attorney in fact for the surety.

### § 113.32 Partnerships as principals.

(a) *Names of partners on the bond.* Unless written notice of the full names of all partners in the firm has been previously filed with the district director or regional commissioner in the case of a bond relating to repayment of erroneous drawback payment, the names of all persons composing the partnership shall appear in the body of the bonds; for example, "Aaron A. Abel, Bertrand B. Bell and Charles C. Cole, composing the firm of Abel, Bell, Cole and Co.

(b) *Execution.* Partnership bonds shall be executed in the firm name, with the name of the member or attorney of the firm executing it appearing immediately below the firm signature.

(c) *Action of one principal binding on all principals of the partnership.* Pursuant to section 495, Tariff Act of 1930 (19 U.S.C. 1495), when a Customs bond is executed by any member of the partnership, the bond shall be binding on the other partners in like manner and to the same extent as if such other partners had personally joined in the execution.

### § 113.33 Corporations as principals.

(a) *Name of corporation on the bonds.* The name of a corporation executing a Customs bond as a principal, may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

(b) *Signature and seal of the corporation on the bond.* The bond of a corporate principal shall be signed by an authorized officer or attorney of the corporation and the corporate seal shall be affixed immediately adjoining the signature of the person executing the bond, as provided for in § 113.25.

(c) *Bond executed by an officer of corporation.* When a bond is executed by an officer of a corporation, a power of attorney shall not be required if the person signing the bond on behalf of the corporation is known to the district director or regional commissioner to be the president, vice president, treasurer, or secretary of the corporation. The officer's signature shall be prima facie evidence of that officer's authority to bind the corporation. When a power of attorney is required it shall conform to the requirements of subpart C, Part 141, of this chapter.

(d) *Bond executed by an attorney in fact.* When an attorney in fact executes a bond on behalf of a corporate principal and a power of attorney has not been filed with the district director (unless exempted from filing by § 141.46 of this chapter), there shall be attached a power of attorney executed by an officer of the corporation whose authority to execute the power shall be shown as prescribed in paragraph (c) of this section.

(e) *Subsidiaries as co-principals.* The provisions of this section shall be applicable to each corporate subsidiary which joins its parent corporation by signing the bond as co-principal.

### § 113.34 Co-principals.

A bond with a co-principal may be used by a person having a distinct legal status (e.g., individual, partnership, corporation) to join another person with the same distinct legal status on the bond. A bond with a co-principal shall not be used to join an entity which does not have a distinct legal status (e.g. an unincorporated division of a corporation). However, an entity which does not have a distinct legal status may use another bond if listed on the bond by the principal at the time of execution or by subsequent rider (see section 113.24). A bond with co-principal may not be used to join different legal entities (e.g. an individual and a corporation, a partnership and a corporation).

### § 113.35 Individual sureties.

(a) *Number required.* If individuals sign as sureties, there shall be two sureties on the bond, unless the district director is satisfied that one surety is sufficient to protect the revenue and insure compliance with the law and regulations.

(b) *Qualifications to act as surety.* (1) *Residency and citizenship.* Each individual surety on a Customs bond must be both a resident and citizen of the United States.

(2) *Married women.* A married woman may be accepted as a surety, unless the state in which the bond is executed prohibits her from acting in that capacity.

(3) *Granting of power of attorney.* Any individual other than a married woman in a state where she is prohibited from acting as a surety may grant a power of attorney to sign as surety on Customs bonds. Unless the power is unlimited, all persons to which the power relates shall be named.

(4) *Property requirements.* Each individual surety must have property available as security within the limits of the Customs district in which the contract of suretyship is to be approved. The current market value of the property less any encumbrance must be equal to or greater than the amount of the bond. If one individual surety is accepted, the individual surety must have property the value of which, less any encumbrance, is equal to or greater than twice the amount of the bond.

(c) *Oath and evidence of solvency.* Before being accepted as a surety, the individual shall:

(1) Take an oath on Customs Form 3579, setting forth:

(i) The amount of assets over and above all debts and liabilities and such exemptions as may be allowed by law; and

(ii) The general description and the location of one or more pieces of real estate owned within the limits of the Customs district and the value thereof over and above all encumbrances.

(2) Produce such evidence of solvency and financial responsibility as the district director may require.

(d) *Determination of financial responsibility.* An individual surety shall not be accepted on a bond until the district director is satisfied as to the financial responsibility of the individual. The district director may refer the matter to the special agent-in-charge for immediate investigation to verify the financial responsibility of the surety.

(e) *Continuancy of financial responsibility.* In order to follow the continued solvency and financial responsibility of individual sureties, the district director shall require a new oath and determine the financial responsibility of each individual surety as prescribed in paragraphs (c) and (d) of this section at least once every 6

months, and more often if deemed advisable.

**§ 113.36 Partner acting as surety on behalf of a partner or on behalf of a partnership.**

A member of a partnership shall not be accepted as an individual surety on a bond executed by the partnership as principal. A partner may be an individual surety for a fellow partner on a bond if (a) the transaction is in an individual capacity and unrelated to the partnership, (b) sufficient unencumbered nonpartnership property is available as security, and (c) the individual qualifies as an individual surety under the provisions of § 113.35 of this Part.

**§ 113.37 Corporate sureties.**

(a) *Lists of corporations and limits of their bonds.* Treasury Department Circular 570 contains a list of corporations authorized to act as sureties on bonds, with the amount in which each may be accepted. The Circular shall be furnished annually to all district directors by the Secretary of the Treasury. Unless otherwise directed by the Commissioner of Customs, no corporation shall be accepted as surety on a bond if not named in the current Circular as amended by **Federal Register** notice and no bond shall be for a greater amount than the respective limit stated in the Circular, unless the excess is protected as prescribed in § 223.11, Bureau of Government Financial Operations Regulations (31 CFR 223.11).

(b) *Name of corporation on the bond.* The name of a corporation executing a Customs bond, as a surety, may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

(c) *Name of agent or attorney on the bond.* The agent or attorney acting for a corporate surety shall have stamped, printed, or typed on each bond executed by him, below his signature, his full name as it appears on the bond.

(d) *Social security number of agent or attorney on the bond.* In the appropriate place on each bond executed by the agent or attorney acting for a corporate surety, the agent or attorney shall place his/her social security number, as it appears on the corporate surety power of attorney.

(e) *Signature and seal of the corporation on the bond.* A bond executed by a corporate surety shall be signed by an authorized officer or attorney of the corporation and the corporate seal shall be affixed immediately adjoining the signature of the person executing the bond, as provided for in § 113.25.

(f) *Two or more corporate sureties as sureties on the same obligation.* Two or more corporate sureties may be accepted as sureties on any obligation the amount of which does not exceed the limitations of their aggregate qualifying power as fixed and determined by the Secretary of the Treasury. The amount for which each corporate surety may act as surety in all cases must be within the limitation prescribed by the Secretary, unless the excess is protected as prescribed in § 223.11, Bureau of Government Financial Operations Regulations (31 CFR 223.11). Each corporate surety shall limit its liability to a definite specified amount, in terms, upon the face of the bond by attaching the following:

**Corporate Sureties Agreement for Limitation of Liability**

—— (name of surety), —— (surety code), a surety company incorporated under laws of the State of ——, authorized to conduct a surety business in the State of ——, and having its principal place of business at —— (address), and —— (names of surety), —— (surety code, a surety company incorporated under the laws of the State of —— and having its principal place of business at —— (address), as sureties, and —— (name of principal), as principal, are jointly and severally obligated to the United States in the amount of —— ($ ) on a bond executed on —— (date of execution) with each surety jointly and severally obligate with the principal in the amounts listed below and no more:

——— (name of surety) ——
($ )
——— (name of surety ——
($ )

By this agreement the principal and sureties bind themselves and agree that for the purpose of allowing a joint action against any or all of them, and for that purpose only, this agreement and the bond under which they are obligated and which is incorporated by reference into this agreement, shall be treated as the joint and several as well as the several obligation of each of the parties.

Signed and sealed this —— day of —— 19——

———Principal
———Surety
———Surety
———District Director (Regional Commissioner)

(g) *Power of attorney for the agent or attorney of the surety.* Corporations may execute powers of attorney to act in their behalf in the following manner:

(1) *Execution and contents.* The corporate surety power of attorney shall be executed on Customs Form 5297, and shall contain the following information:

(i) Corporate surety name and number,

(ii) Name and address of agent or attorney, and social security number of agent or attorney,

(iii) District(s) in which the agent or attorney is authorized to act,

(iv) Date of execution of power of attorney,

(v) Seal of the corporate surety,

(vi) Signature of any two principal officers of corporation, and

(vii) Dollar amount of authorization.

(2) *Filing.* The corporate surety power of attorney executed on Customs Form 5297 shall be filed at the district office unless the district director permits the submission of the corporate surety power of attorney to be made at any port within the district, in which case the corporate surety power of attorney must be submitted in duplicate. The power of attorney may provide authority for an agent or attorney in any number of districts. If authorized to be filed at a Customs port, the port director shall send the original of the power of attorney to the Customs district office. The Customs district offices shall periodically issue to all ports within their district computer printouts reflecting all corporate powers of attorney valid for use within the district. If the district director permits the submission of the corporate surety power of attorney to be made at any part within the district, a copy of the power of attorney shall be retained at the port where the power of attorney was filed until the first computer printout reflecting the power of attorney has been received from the district office. If a port has been delegated the authority to approve bonds, the copy of the power of attorney retained at the port can be used in connection with bond approval at the port for bonds executed by the person covered by the corporate surety power of attorney, until the computer printout is received. The original of the corporate surety power of attorney shall be retained at the district office with jurisdiction over the location where the corporate surety power of attorney was submitted.

(3) *Use at port where power of attorney not filed before receipt of computer printout.* If the grantee desires to use the power of attorney at a port covered by the power of attorney, other than the one where the power of attorney was filed, before the first computer printout reflecting this power of attorney is received, the Customs Form 5297, shall be filed in triplicate (original and two copies), rather than duplicate. The second copy shall be validated by Customs and returned to the grantee. The grantee, at the time of filing a bond at a port other than the port where the power of attorney was filed, shall provide this validated copy of the power of attorney as proof of the

grant of authority. The validity of this copy of the power of attorney shall expire when the first computer printout reflecting this power of attorney is received.

(4) *Term and revocation.* Corporate surety powers of attorney shall continue in force and effect until revoked. Any surety desiring that a designated agent or attorney be divested of a power of attorney must execute a revocation on Customs Form 5297. The revocation shall take effect on the close of business on the date requested provided the corporate surety power of attorney is received 5 days before the date requested; otherwise the revocation will be effective at the close of business 5 days ater the request is received at the district office.

(5) *Change on the power of attorney.* No change shall be made on the Customs Form 5297 after it has been approved by Customs except the following: (i) Grantee name change, (ii) grantee address change, and (iii) the addition of district(s) to the corporate surety power of attorney on file. To make any other change to the power of attorney two separate Customs Forms 5297 shall be submitted, one revoking the previous power of attorney, and one containing a new grant of authority.

**§ 113.38 Delinquent sureties.**

(a) *Acceptance as surety when in default as principal on another Customs bond.* No person shall be accepted as surety on any Customs bond while in default as principal on any other Customs bond.

(b) *Acceptance as surety when in default as surety on another Customs bond.* A surety on a Customs bond which is in default may be accepted as surety on other Customs bonds only to the extent that the surety assets are unencumbered by the default.

(c)(1) *Nonacceptance of bond by district director.* A district director may refuse to accept a bond secured by an individual or corporate surety when the surety, without just cause, is significantly delinquent either in the number of outstanding bills or dollar amounts thereof. If the district director believes that a substantial question of law exists as to whether a breach of bond obligation has occurred he should request internal advice under the provisions of § 177.11 from the Director, Carriers, Drawback and Bonds Division, Customs Headquarters.

(2) *Nonacceptance of bond by regional commissioner.* A regional commissioner may, when he believes the circumstances warrant, issue instructions to the district directors within his region that they shall not accept a bond secured by an individual or corporate surety when that surety, without just cause, is significantly delinquent either in the number of outstanding bills or dollar amounts thereof in more than one district in his region.

(3) *Nonacceptance of bond upon instructions by Commissioner.* The Commissioner may, when he believes the circumstances warrant, issue instructions to the district directors and regional commissioners that they shall not accept a bond secured by an individual or corporate surety when that surety, without just cause, is significantly delinquent either in the number of outstanding bills or dollar amounts thereof.

(4) *Notice of surety.* The appropriate Customs officer may take the above actions only after the surety has been provided reasonable notice with an opportunity to pay delinquent amounts, provide justification for the failure to pay, or demonstrate the existence of a significant legal issue justifying further delay in payment.

(5) *Review and final decision.* After a review of any submission made by the surety under paragraph (c)(4) of this section, if the appropriate Customs officer is still of the opinion bonds secured by the surety should not be accepted, written notice of the decision shall be provided to the surety in person or by certified mail, return receipt requested, at least five days before the date that Customs will no longer accept the bonds of the surety. When notice is sent to the surety of the decision not to accept the surety's bonds the appropriate Customs officer shall notify the Director, Carriers, Drawback and Bonds Division, Customs Headquarters. Notice shall be given to the importing public by posting a copy of the decision in the customhouse. The decision shall also be published in the Customs Bulletin.

(6) *Duration of decision.* Any decision not to accept a given surety's bond shall remain in effect for a minimum of five days or until all outstanding delinquencies are resolved, whichever is later.

(7) *Actions consistent with requirements.* Any action not to accept the bonds of a surety under paragraphs (c) (1), (2), and (3) of this section shall be consistent with the requirements of this section.

**§ 113.39 Procedure to remove a surety from Treasury Department Circular 570.**

If a district director or regional commissioner is unsatisfied with a surety company because the company has neglected or refused to pay a valid demand made on the surety company's bond or otherwise has failed to honor an obligation on that bond, the district director or regional commissioner may take the following steps to recommend that the surety company be removed from Treasury Department Circular 570. The fact that collection proceedings have been, or are to be, started on a bond does not preclude use of this procedure if the district director or regional commissioner believes such action is warranted.

(a) *Report to Headquarters.* A district director or regional commissioner shall send the following evidence to Headquarters, Attn: Director, Carriers, Drawback and Bonds Division. If the report is from a district director it shall be submitted through the appropriate regional commissioner of Customs.

(1) A copy of the bond in issue;

(2) A copy of the entry or other evidence which shows that there was a default on the bond;

(3) A copy of all notices, demands or correspondence sent to the surety company requesting the honoring of the bond obligation;

(4) A copy of all correspondence from the surety company; and

(5) A written report of the facts known to the district director or regional commissioner showing the unsatisfactory performance by the surety company of the bond obligation(s).

(b) *Review by Headquarters.* The Director, Carriers, Drawback and Bonds Division, shall review submitted evidence and determine whether further action against the surety company is warranted. If it is determined that further action is warranted, a report recommending appropriate action will be submitted to the Fiscal Assistant Secretary, Department of the Treasury, as required by § 223.18(a), Bureau of Government Financial Operations Regulations (31 CFR 223.18(a)). The district director and regional commissioner will be informed in writing of Headquarters action regarding their request for removal of the surety.

**§ 113.40 Acceptance of cash deposits or obligations of the United States in lieu of sureties on bonds.**

(a) *General provision.* In lieu of sureties on any bond required or authorized by any law, regulation, or instruction which the Secretary of the Treasury or the Commissioner of Customs is authorized to enforce, the district director is authorized to accept United States money, United States bonds (except for savings bonds),

United States certificates of indebtedness, Treasury notes, or Treasury bills in an amount equal to the amount of the bond.

(b) *Authority to sell United States obligations on default.* At the time of deposit of any obligation of the United States, other than United States money, with the district director or regional commissioner, the obligor shall deliver a duly executed power of attorney and agreement authorizing the district director or regional commissioner, as, in case of any default in the performance of any of the conditions of the bond, to sell the obligation so deposited and to apply the proceeds of sale, in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of default. The format of the power of attorney and agreement, when the obligor is a corporation, is set forth below, and shall be modified as appropriate when the obligor is either an individual or a partnership:

POWER OF ATTORNEY AND AGREEMENT

(FOR CORPORATION)

——, (name of corporation) a corporation duly incorporated under the laws of the State of ——, and having its principal office in the City of ——, State of ———, as authorized by a resolution of the board of directors of the corporation, passed on the ——— day of ——, 19—, a duly certified copy of which is attached, does constitute and appoint ——— (name and official title of bond-approving officer), and his successors in office, as attorney for said corporation, for and in the name of the corporation to collect or to sell, assign, and transfer the securities described as follows:

---

The securities having been deposited by it as security for the performance of the agreements undertaken in a bond with the United States, executed on the date of —— ——, 19—, the terms and conditions of which are incorporated by reference into this power of attorney and agreement and made a part hereof. The undersigned agrees that in case of any default in the performance of any of the agreements the attorney shall have full power to collect the securities or any part thereof, or to sell, assign, and transfer the securities or any part thereof at public or private sale, without notice, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived and to apply the proceeds of the sale or collection in whole or in part to the satisfaction of any obligation arising by reason of default. The undersigned further agrees that the authority granted by this agreement is irrevocable. The corporation for itself, its successors and assigns, ratifies and confirms whatever the attorney shall do by virtue of this agreement.

Witnessed, signed, and sealed, this —— day of —— 19—.

[Corporate seal.]

By ——— ———————————

Before me, the undersigned, a notary public within and for the County of ——, in the State of —— (or the District of Columbia), personally appeared —— (name and title of officer) and for and in behalf of said ——, a corporation, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this — day of ——, 19—.

[Notarial seal.]

Notary Public ———————————

Note.—Securities must be described by title, date of maturity, rate of interest, denomination, serial number, and whether coupon or registered. Failure to give a complete description will warrant rejection of this power of attorney.

(c) *Application of United States money on default.* If cash is deposited in lieu of sureties on the bond, the district director or regional commissioner, as is authorized to apply the cash, in whole or in part, to the satisfaction of appropriate any damages, demands, or deficiency arising by reason of a default under the bond.

## Subpart E—Production of Documents

### § 113.41 Entry made prior to production of documents.

When entry is made prior to the production of a required document, the importer shall indicate in the "Missing Documents" box (box 16) on Customs Form 7501 the missing document, whether the importer gives a bond or stipulates to produce the document.

### § 113.42 Time period for production of documents.

Except when another period is fixed by law or regulations, any document for the production of which a bond is given shall be delivered to the district director within 6 months from the date of the transaction in connection with which the bond was given, or within any extension of such time which may be granted pursuant to § 113.43 (a). If the period ends on a Saturday, Sunday, or Federal holiday, delivery on the next business day shall be accepted as timely.

### § 113.43 Extension of time period.

(a) *Application received within time period.* If a document (other than an invoice or document which must be produced within 2 months, as provided in § 141.61(e) of this chapter) referred to in § 113.42 is not produced within 6 months from the date of the transaction in connection with which the bond was given, the district director, in his discretion, upon written application of the importer, may extend the period for one further period of 2 months.

(b) *Late application.* No application for the extension of the period of any bond given to assure the production of a missing document shall be allowed by the district director if the application is received later than 2 months after the expiration of the period of the bond, and any extension shall not be allowed by the district director for a period of more than 2 months from the date of expiration of the period.

(c) *Acceptance of a free-entry or reduced-duty document prior to liquidation.* When a bond is given for the production of any free-entry or reduced-duty document and a satisfactory document is produced prior to liquidation of the entry or within the period during which a valid reliquidation may be completed, provided the failure to file was not due to willful negligence or fraudulent intent, it shall be accepted as satisfying the requirement that it be filed in connection with the entry, and the bond charge for its production shall be cancelled.

### § 113.44 Assent of sureties to an extension of a bond.

(a) *Extension prescribed by law or regulations.* The assent of the sureties to any extension of the period prescribed in a bond is not necessary when the extension is authorized by law or regulations.

(b) *Other extension.* The assent of the sureties shall be obtained before any extension of the period prescribed in a bond other than an extension authorized by law or regulation, is allowed.

### § 113.45 Charge for production of a missing document made against a continuous bond.

When a continuous bond secures the production of a missing document and the bond is breached by the principal's failure to timely produce that document, the claim for liquidated damages shall be in an amount equal to the amount of the single entry bond that would have been taken had the transaction been covered by a single entry bond.

### § 113.46 Cancellation of bond charges resulting from failure to produce documents.

Section 172.22 of this chapter sets forth provisions relating to cancellation

of bond charges resulting from failure to produce documents.

## Subpart F—Assessment of Damages and Cancellation of Bond

### § 113.51 Cancellation of bond or charge against the bond.

The Commissioner of Customs may authorize the cancellation of any bond provided for in this part or any charge that may have been made against the bond, in the event of a breach of any condition of the bond, upon payment of a lesser amount or penalty or upon such other terms and conditions as may be deemed sufficient.

### § 113.52 Failure to satisfy the bond.

If any Customs bond, except one given only for the production of free-entry or reduced-duty documents (see §§ 113.43(c) and 172.22(c) of this chapter), is unsatisfied upon the expiration of 90 days after liability has accrued under the bond, the matter shall be reported to the Department of Justice for prosecution unless measures have been taken to file an application for relief or protest in accordance with the provisions of this chapter or to satisfactorily settle the matter.

### § 113.53 Waiver of Customs requirement supported by a bond.

(a) *Waiver by the Commissioner of Customs.* When a Customs requirement supported by a bond is waived by the Commissioner of Customs, the waiver may be:

(1) Unconditional, in which case the importer is relieved from the payment of liquidated damages;

(2) Conditioned upon prior settlement of the bond obligation by payment of liquidated damages; or

(3) Conditioned upon such other terms and conditions as the Commissioner may deem sufficient.

(b) *Waiver by the district director.* When a Customs requirement supported by a bond is waived by the district director pursuant to the authority conferred by these regulations, the waiver shall be unconditional.

### § 113.54 Cancellation of erroneous charges.

(a) *Bonds.* Section 172.31 of this chapter sets forth provisions relating to the cancellation of charges against the bond when it is determined that the act or omission forming the basis for the claim for liquidated damages did not in fact occur.

(b) *Carnets.* Section 114.34 of this chapter sets forth provisions relating to the cancellation of erroneous charges involving carnets.

### § 113.55 Cancellation of export bonds.

(a) *Manner of cancellation.* A bond to assure exportation as defined in § 101.1 of this chapter may be cancelled:

(1) *Upon exportation.* Upon the listing of the merchandise on the outward manifest or outward bill of lading, the inspector's certificate of lading, the record of clearance of the vessel or of the departure of the vehicle, and the production of a foreign landing certificate if the certificate is required by the district director.

(2) *Upon payment of liquidated damages.* Upon the payment of liquidated damages.

(b) *Cancellation of bond charges of an international carrier.* The conditions of the bond of an international carrier may be considered as having been complied with upon the production of the applicable documents listed in paragraph (a)(1) of this section.

(c) *Foreign landing certificate.* A foreign landing certificate, when required, shall be produced within six months from the date of exportation and shall be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown that the country has no Customs administration, in which case the certificate may be signed by the consignee or by the vessel's agent at the place of landing. Landing certificates are required in the following cases:

(1) *Mandatory.* A landing certificate shall be required in every case to establish the exportation of narcotic drugs or any equipment, stores (except such articles as are placed on board vessels or aircraft under the provisions of section 309 or 317, Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317)), or machinery for vessels.

(2) *Optional with the district director.* A landing certificate may be required by the district director for merchandise exported from the United States, or residue cargo, when a certificate is deemed necessary for the protection of the revenue.

(3) *Waiver.* Except as provided in section 4.88 of this chapter, in cases where landing certificates are required and they cannot be produced, an application for waiver thereof may be made to the Commissioner of Customs through the district director, accompanied by such proof of exportation and landing abroad as may be available.

(d) *Articles less than $10.* In the case of articles for which the ordinary Customs duty estimated at the time of entry did not exceed $10 and which are exported without Customs supervision, but within the period during which the articles are authorized to remain in the Customs territory of the United States under bond (including any lawful extension), the bond may be cancelled upon production of evidence of exportation satisfactory to the district director.

## Subpart G—Customs Bond Conditions

### § 113.61 General.

Each section in this subpart identifies specific coverage for a particular Customs activity. When an individual or organization files a bond with Customs the activity in which they plan on engaging will be identified on the bond. The bond conditions listed in this subpart which correspond to that activity will be incorporated by reference into the bond.

### § 113.62 Basic importation and entry bond conditions.

A bond for basic importation and entry shall contain the conditions listed in this section and may be either a single entry or a continuous bond, except that a bond taken in the case of merchandise subject to an exclusion order of the International Trade Commission under 19 U.S.C. 1337 shall be a single entry bond.

**Basic Importation and Entry Bond Conditions**

(a) *Agreement to Pay Duties, Taxes, and Charges.* (1) If merchandise is imported and released from Customs custody or withdrawn from a Customs bonded warehouse into the commerce of, or for consumption in, the United States, the obligors (principal and surety) agree to:

(i) Deposit, within the time prescribed by law or regulation, any duties, taxes, and charges imposed, or estimated to be due, at the time of release or withdrawal; and

(ii) Pay, as demanded by Customs, all additional duties, taxes, and charges subsequently found due, legally fixed, and imposed on any entry secured by this bond.

(2) If the principal enters any merchandise into a Customs bonded warehouse, the obligors agree:

(i) To pay any duties, taxes, and charges found to be due on any of that merchandise which remains in the warehouse at the expiration of the warehousing time limit set by law; and

(ii) That the obligation to pay duties, taxes, and charges on the merchandise applies whether it is properly withdrawn by the principal, or by the principal's transferee, or is unlawfully removed by the principal or any other person, without regard to whether the merchandise is manipulated, unless

payment was made or secured to be made by some other person.

(3) Under this agreement, the obligation to pay any and all duties, taxes, and charges due on any entry ceases on the date the principal timely files with the district director a bond of the owner in which the owner agrees to pay all duties, taxes, and charges found due on that entry; provided a declaration of the owner has also been properly filed.

(b) *Agreement to Make or Complete Entry.* If all or part of imported merchandise is released before entry under the provisions of the special delivery permit procedures under 19 U.S.C. 448(b) or released before completion of the entry under 19 U.S.C. 484(a), the principal agrees to file within the time and in the manner prescribed by law and regulation, documentation to enable Customs to:

(1) Determine whether the merchandise may be released from Customs custody;

(2) Properly assess duties on the merchandise;

(3) Collect accurate statistics with respect to the merchandise; and

(4) Determine whether applicable requirements of law and regulation are met.

(c) *Agreement to Produce Documents and Evidence.* If merchandise is released conditionally to the principal before all required documents or other evidence is produced, the principal agrees to furnish Customs with any document or evidence as required by law or regulation, and within the time specified by law or regulations.

(d) *Agreement to Redeliver Merchandise.* If merchandise is released conditionally from Customs custody to the principal before all required evidence is produced, before its quantity and value are determined, or before its right of admission into the United States is determined, the principal agrees to redeliver timely, on demand by Customs, the merchandise released if it:

(1) Fails to comply with the laws or regulations governing admission into the United States;

(2) Must be examined, inspected, or appraised as required by 19 U.S.C. 499; or

(3) Must be marked with the country of origin as required by law or regulation.

It is understood that any demand for redelivery will be made no later than 30 days after the date that the merchandise was released or 30 days after the end of the conditional release period (whichever is later).

(e) *Agreement to Rectify Any Non-Compliance with Provisions of Admission.* If merchandise is released conditionally to the principal before its right of admission into the United States is determined, the principal, after notification, agrees to mark, clean, fumigate, destroy, export or do any other thing to the merchandise in order to comply with the law and regulations governing its admission into the United States within the time period set in the notification.

(f) *Agreement for Examination of Merchandise.* If the principal obtains permission to have any merchandise examined elsewhere than at a wharf or other place in charge of a Customs officer, the principal agrees to:

(1) Hold the merchandise at the place of examination until the merchandise is properly released;

(2) Transfer the merchandise to another place on receipt of instructions from Customs made before release; and

(3) Keep any Customs seal or cording on the merchandise intact until the merchandise is examined by Customs.

(g) *Reimbursement and Exoneration of the United States.* The obligors agree to:

(1) Pay the compensation and expenses of any Customs officer, as required by law or regulation; and

(2) Exonerate the United States and its officers from any risk, loss, or expense arising out of principal's importation, entry, or withdrawal of merchandise.

(h) *Agreement on Duty-Free Entries or Withdrawals.* If the principal enters or withdraws any merchandise, without payment of duty and tax, or at a reduced rate of duty and tax, as permitted under the law, the principal agrees:

(1) To use and handle the merchandise in the manner and for the purpose entitling it to duty-free treatment;

(2) If a fishing vessel, to present the original approved application to Customs within 24 hours on each arrival of the vessel in the Customs territory of the United States from a fishing voyage;

(3) To furnish timely proof to Customs that any merchandise entered or withdrawn under any law permitting duty-free treatment was used in accordance with that law; and

(4) To keep safely all withdrawn beverages remaining on board while the vessel is in port, as may be required by Customs.

(i) *Consequence of default.* (1) If the principal defaults on agreements in this condition other than conditions (a) or (g), the obligors agree to pay liquidated damages equal to the value of the merchandise involved in the default, or three times the value of the merchandise involved in the default if the merchandise is restricted merchandise or alcoholic beverages, or such other amount as may be authorized by law or regulation except that in the case of merchandise subject to an exclusion order of the International Trade Commission under 19 U.S.C. 1337 which has been released before such order becomes final, the obligors agree to pay liquidated damages in the amount specified in the order for failure to redeliver such merchandise.

(2) It is understood and agreed that whether the default involves merchandise is determined by Customs and that the amount to be collected under these conditions shall be based upon the quantity and value of the merchandise as determined by Customs. Value as used in these provisions means value as determined under 19 U.S.C. 1401a.

(3) If the principal defaults on agreements in this condition other than conditions (a) or (g) and the default does not involve merchandise, the obligors agree to pay liquidated damages of $1,000 for each default or such other amount as may be authorized by law or regulation.

**§ 113.63 Basic custodial bond conditions.**

A basic custodial bond shall contain the conditions listed in this section and shall be a continuous bond.

**Basic Custodial Bond Conditions**

(a) *Receipt of Merchandise.* The principal agrees:

(1) To operate as a custodian of any bonded merchandise received and to comply with all regulations regarding the receipt, carriage, safekeeping, and disposition of such merchandise;

(2) To accept only merchandise authorized under Customs Regulations;

(3) To maintain all records required by regulations relating to merchandise received into bond, and to produce the records upon demand by an authorized Customs officer;

(4) If authorized to operate a container station under the Customs Regulations, to report promptly to Customs each arrival of a container and its merchandise by delivery of the manifest and the application for transfer, or by other approved notice.

(b) *Carriage and Safekeeping of Merchandise.* The principal agrees:

(1) If a bonded carrier, to use only authorized means of conveyance;

(2) To keep safe any merchandise placed in its custody including, when approved by customs, repacking and transferring such merchandise when necessary for its safety or preservation; and

(3) To comply with Customs Regulations relating to the handling of bonded merchandise.

(c) *Disposition of Merchandise.* The principal agrees:

(1) If a bonded carrier, to report promptly the arrival of merchandise at the destination port by delivering to Customs the manifest or other approved notice;

(2) If a cartage or lighterage business, to deliver promptly and safely to Customs any merchandise placed in the principal's custody together with any related cartage and lighterage ticket and manifest;

(3) To dispose of merchandise in a manner authorized by Customs Regulations; and

(4) To file timely with Customs any report required by Customs Regulations.

(d) *Agreement to Redeliver Merchandise to Customs.* If the principal is designated a bonded carrier, or licensed to operate a cartage or lighterage business, the principal agrees to redeliver timely, on demand by Customs, any merchandise delivered to unauthorized locations or to the consignee without the permission of Customs. It is understood that the demand for redelivery shall be made no later than 30 days after Customs discovers the improper delivery.

(e) *Compliance with Licensing and Operating Requirements.* The principal agrees to comply with all Customs laws and regulations relating to principal's facilities, conveyances, and employees.

(f) *Reimbursement and Exoneration of the United States.* The principal and surety agree to:

(1) Pay the compensation and expenses of any Customs officer as required by law or regulation;

(2) Pay the cost of any locks, seals, and other fastenings required by Customs Regulations for securing merchandise placed in the principal's custody;

(3) Pay for any expenses connected with the suspension or termination of the bonded status of the premises; and

(4) Exonerate the United States and its officers from any risk, loss, or expense arising out of the principal's custodial operation.

(g) *Consequence of Default.* (1) If the principal defaults on conditions (a) through (e) in this agreement, the obligors (principal and surety) agree to pay liquidated damages equal to the value of the merchandise involved in the default or three times the value of the merchandise involved in the default if the merchandise is restricted merchandise or alcoholic beverages, or such other amount as may be authorized by law or regulation.

(2) It is understood and agreed that the amount to be collected under conditions (a) through (e) of this agreement shall be based upon the quantity and value of the merchandise as determined by Customs. Value as used in these provisions means value as determined under 19 U.S.C. 1401a.

(3) If the principal defaults on conditions (a) through (e) in this agreement and the default does not involve merchandise, the obligors agree to pay liquidated damages of $1,000 for each default or such other amount as may be authorized by law or regulation. It is understood and agreed that whether the default involves merchandise is determined by Customs.

**§ 113.64 International carrier bond conditions.**

A bond for international carriers shall contain the conditions listed in this section and may be either a single entry or continuous bond.

**International Carrier Bond Conditions**

(a) *Agreement to Pay Penalties, Duties, Taxes, and Other Changes.* If any vessel, vehicle, or aircraft, or any master, owner, or person in charge of a vessel, vehicle or aircraft incurs a penalty, duty, tax or other charge provided by law or regulation the obligors agree to pay the sum upon demand by Customs.

(b) *Agreement on Unlading, Safekeeping, and Disposition of Merchandise, Supplies, Crew Purchases, Etc.* The principal agrees to comply with all laws and Customs Regulations applicable to unlading, safekeeping, and disposition of merchandise, supplies, crew purchases, and other articles on board the vehicle, vessel, or aircraft; and to redeliver the foregoing to Customs upon demand as provided by Customs Regulations. If principal defaults, obligors agree to pay liquidated damages equal to the value of the merchandise involved in the default or three times the value of the merchandise involved in the default if the merchandise is restricted merchandise or alcoholic beverages, or such other amount as may be authorized by law or regulation. It is understood and agreed that the amount to be collected under this condition shall be based upon the quantity and value of the merchandise as determined by Customs. Value as used in these provisions means value as determined under 19 U.S.C. 1401a.

(c) *Agreement to Deliver Export Documents.* If the principal's vessel, vehicle, or aircraft is granted clearance without filing a complete outward manifest and all required export documents, the principal agrees to file timely the required manifest and all required export documents. If the principal defaults, the obligors (principal and surety) agree to pay liquidated damages of $50 per day for the first 3 days, and $100 per day thereafter, up to $1,000 in total.

(d) *Exoneration of the United States.* The obligors agree to exonerate the United States and its officers from any risk, loss, or expense arising out of entry or clearance of the carrier, or handling of the articles on board.

**§ 113.65 Repayment of erroneous drawback payment bond conditions.**

A bond for repayment of erroneous drawback shall contain the conditions listed in this section and may be either a single entry or continuous bond.

**Repayment of Erroneous Drawback Payment Bond Conditions**

(a) *Agreement Under Exporter's Summary Procedure.* If the principal is permitted to file drawback claims under the exporter's summary procedure and the principal's drawback claims are paid before a final determination that the principal:

(1) Is entitled to the drawback claimed.

(2) Correctly described the exported articles in the claim, and

(3) Correctly stated the facts of exportation in the claim; the principal agrees to refund, on demand, any money claimed by Customs to have been erroneously paid as a result of an incorrect statement on the drawback claim.

(b) *Agreement Under Accelerated Payment of Drawback.* If the principal receives an accelerated payment of drawback based on the principal's calculation of the drawback claim, the principal agrees to refund on demand the full amount of any overpayment, as determined on liquidation of the drawback claim.

**§ 113.66 Control of containers and instruments of international traffic bond conditions.**

A bond for control of containers and instruments of international traffic shall contain the conditions listed in this section and shall be a continuous bond.

**Control of Containers and Instruments of International Traffic Bond Conditions**

(a) *Agreement to Enter Any Diverted Instrument of International Traffic.* If the principal brings in and takes out of the Customs territory of the United States an instrument of international traffic without entry and without

payment of duty, as provided by the Customs Regulations and section 322(a), Tariff Act of 1930, as amended, the principal agrees to:

(1) Report promptly to Customs when the instrument is diverted to point-to-point local traffic in the Customs territory of the United States or when the instrument is otherwise withdrawn in the Customs territory of the United States from its use as an instrument of international traffic;

(2) Promptly enter the instrument; and

(3) Pay any duty due on the instrument at the rate in effect and in its condition on the date of diversion or withdrawal.

(b) *Agreement to Comply With the Provisions of Items 800.00 or 808.00, Tariff Schedules of the United States.* If the principal gets free release of any serially numbered shipping container classifiable under item 800.00 or 808.00, TSUS, the principal agrees:

(1) Not to advance the value or improve its condition abroad or claim (or make a previous claim) drawback on, any container released under item 800.00, TSUS;

(2) To pay the initial duty due and otherwise comply with every condition in item 808.00, TSUS, on any container released under that item;

(3) To mark that container in the manner required by Customs;

(4) To keep records which show the current status of that container in service and the disposition of that container if taken out of service; and

(5) To remove or strike out the markings on that container when it is taken out of service or when the principal transfers ownership of it.

(c) *Consequence of Default.* (1) If the principal defaults on agreements in these conditions, the obligors (principal and surety) agree to pay liquidated damages equal to the value of the merchandise involved in the default or such other amount as may be authorized by law or regulation.

(2) It is understood and agreed that the amount to be collected under these conditions shall be based upon the quantity and value of the merchandise as determined by Customs.

(3) If the principal defaults on the agreements in these conditions and the default does not involve merchandise, the obligors agree to pay liquidated damages of $1,000 for each default or such other amount as may be authorized by law or regulation. It is understood and agreed that whether the default involves merchandise is determined by Customs.

**§ 113.67 Licensed public gauger bond conditions.**

A bond of a licensed public gauger shall contain the conditions listed in this section and shall be a continuous bond.

**Licensed Public Gauger Bond Conditions**

(a) If the principal is a licensed public gauger whose reports of gauging are accepted for Customs purposes, the principal agrees to:

(1) Gauge according to the standards and procedures set by the Customs Regulations; and

(2) Submit properly any required report, proof, or abstract to Customs.

(b)(1) If the principal defaults, the obligors (principal and surety) agree to pay liquidated damages equal to the value of the merchandise involved in the default or three times the value of the merchandise involved in the default if the merchandise is restricted merchandise or alcoholic beverages or such other amount as may be authorized by law or regulation.

(2) If the principal defaults on the agreements in these conditions and the default does not involve merchandise, the obligors agree to pay liquidated damages of $1,000 for each default or such other amount as may be authorized by law or regulation.

(3) It is understood and agreed that whether the default involves merchandise is determined by Customs, that the amount to be collected under this condition shall be based upon the quantity and value of the merchandise as determined by Customs and that value as used in these provisions means value as determined under 19 U.S.C. 1401a.

**§ 113.68 Wool and fur products labeling acts and fiber products identification act bond conditions.**

A bond to comply with wool and fur products labeling acts and fiber products identification act shall contain the conditions listed in this section and shall be a single entry bond.

**Wool and Fur Products Labeling Acts and Fiber Products Identification Act**

(a) If the principal obtains release from Customs custody of any wool or fur product (hereafter "merchandise") that is subject to the provisions of the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, or the Fiber Products Identification Act, the principal guarantees that the merchandise complies with every provision of those Acts, as applicable.

(b) If any of the released merchandise does not comply with each applicable provision of the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, or the Fiber Products Identification Act, the obligors (principal or surety) agree to pay liquidated damages equal to two times the value of the merchandise involved in the default and duty thereon. It is understood and agreed that the amount to be collected under this condition shall be based upon the quantity and value of the merchandise as determined by Customs. Value as used in these provisions means value as determined under 19 U.S.C. 1401a.

**§ 113.69 Production of bills of lading bond conditions.**

A bond to produce a bill of lading shall contain the conditions listed in this section and shall be a single entry bond.

**Production of Bill of Lading Bond Conditions**

If the principal obtains release of any merchandise before filing a valid bill of lading on that merchandise with Customs, the obligors (principal and surety) agree to:

(a) Produce timely a valid bill of lading for the merchandise; and

(b) Relieve the United States and its employees from all liability, to indemnify the United States and its employees against loss, and defend any action brought on a claim for loss based on the release without production of a valid bill of lading.

**§ 113.70 Bond condition to indemnify United States for detention of copyrighted material.**

A bond to indemnify the United States for detention of copyrighted material shall contain the conditions listed in this section and shall be a single entry bond.

**Bond Condition To Indemnify United States for Detention of Copyrighted Material**

If Customs detains any articles alleged by the principal to be a piratical copy of material covered by the principal's copyright pending a final determination whether the articles are prohibited entry under the copyright laws, the obligors (principal and surety) agree to hold the United States and its employees, and the importer or owner of those articles, jointly and severally, harmless from any material depreciation of those articles and any loss or damage caused by the detention in the event it is finally determined that the articles are not a piratical copy of the material.

**§ 113.71 Bond condition to observe neutrality.**

A bond to observe neutrality shall contain the conditions listed in this section and shall be a single entry bond.

**Bond Condition To Observe Neutrality**

(a) If clearance is granted to the principal's vessel, which is armed or is built for a war-like purpose, with a cargo of arms and munitions, so that it is likely to be used to commit hostilities against people or countries with whom the Government of the United States is at peace, the principal guarantees that the vessel will not be used to commit hostilities against any country, state, colony, or people with whom the Government is at peace.

(b) If the principal defaults, the obligors (principal and surety) agree to pay liquidated damages equal to twice the value of the vessel and cargo.

**§ 113.72 Bond condition to pay court costs (condemned goods).**

A bond to pay court costs (condemned goods) shall contain the condition listed in this section and shall be a single entry bond.

**Bond Condition To Pay Court Costs (Condemned Goods)**

If any seized goods belonging to principal are condemned the obligors (principal and surety) agree to pay all costs of the condemnation proceedings.

**§ 113.73 Foreign trade zone operator bond conditions.**

A bond of a foreign trade zone operator shall contain the conditions listed in this section and shall be a continuous bond.

**Foreign Trade Zone Operator Bond Conditions**

If the principal is authorized to operate a foreign trade zone or subzone:

(a) *Receipt, Handling, and Disposition of Merchandise.* The principal agrees to comply with:

(1) The law and Customs Regulations relating to the admission into, handling in, and removal of merchandise from the foreign trade zone or subzone; and

(2) The terms and conditions of the memorandum of understanding with Customs concerning the maintenance of records covering merchandise in the foreign trade zone or subzone.

If the principal defaults, the obligors (principal and surety) agree to pay liquidated damages equal to the value of the merchandise involved in the default or three times the value of the merchandise involved in the default if the merchandise is restricted merchandise or alcoholic beverages, or such other amount as may be authorized by law or regulation. It is understood and agreed that whether the default involves mechandise is determined by Customs, that the amount to be collected under this condition shall be based upon the quantity and value of the merchandise as determined by Customs and that value as used in these provisions means value as determined under 19 U.S.C. 1401a.

(b) *Agreement to Pay Duties, Taxes, and Charges.* The obligors agree to pay any duties, taxes, and charges found to be due on any merchandise, properly admitted to the foreign trade zone or subzone, which is found to be missing from the zone or cannot be accounted for in the zone, it being expressly understood and agreed that the amount of said duties, taxes, and charges shall be determined solely by Customs.

(c) *Reimbursement and Exoneration of the United States.* The obligors agree to:

(1) Exonerate the United States and its officers from any risk, loss, or expense arising from the principal's operation of the foreign trade zone or subzone;

(2) Pay the compensation and expenses of any Customs officer, as required by law or regulations.

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. Section 123.8(c) is amended by removing the words "Customs Form 7567, 7569, or 7597 shall have been received" in the first sentence and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter, is on file or is filed with the request".

2. Section 123.8(c) is further amended by removing the second sentence.

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

Section 125.42 is amended by removing the words "a cartman's bond or lighterman's bond" in the first sentence and inserting, in their place, the words "the bond of the cartman or lighterman on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter,".

(R.S. 251, as amended, section 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 127—GENERAL ORDER, UNCLAIMED, AND ABANDONED MERCHANDISE

Section 127.37(a) is amended by removing the words "warehouse entry bond" and inserting, in their place, the words "bond for the importation and entry of merchandise on Customs Form 301, containing the bond conditions set forth in section 113.62 of this chapter".

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 132—QUOTAS

Section 132.14 is amended by removing the words "entry bond" in paragraphs (a)(4)(i)(C) and (a)(4)(ii)(B) and in each instance inserting, in their place, the words "bond on Customs Form 301, containing the basic importation and entry bond conditions set forth in section 113.62 of this chapter".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

1. Section 133.24 is amended by removing the words "entry bond" in the first sentence and inserting, in their place, the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

2. Section 133.43(b)(2) is amended by removing the words "in the form and" and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.70 of this chapter in an".

3. Section 113.46 is amended by removing the words "entry bond" in the first sentence and inserting, in their place, the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 134—COUNTRY OF ORIGIN MARKING

**§ 134.53 [Amended]**

Section 134.53(a)(2) is amended by removing the words "entry bond" in the last sentence and inserting, in their place, the words "bond on Customs Form 301, containing the basic importation and entry bond conditions set forth in § 113.62 of this chapter".

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 141—ENTRY OF MERCHANDISE

1. Section 141.0a is amended by revising paragraph (h) and adding a new paragraph (i) to read as follows:

**§ 141.0a Definitions.**

* * * * *

(h) *Entered temporarily under bond.* "Entered temporarily under bond" means that an entry summary supporting a temporary importation under bond has been filed with Customs in proper form.

(i) *Released conditionally.* "Released conditionally" means any release from Customs custody before liquidation.

2. Section 141.15(b) is revised to read as follows:

**§ 141.15 Bond for production of bill of lading or air waybill.**

* * * * *

(b) *Form.* The bond shall be on Customs Form 301 and contain the bond conditions set forth in § 113.69 of this chapter.

* * * * *

**§ 141.18 [Amended]**

3. Section 141.18(b) is amended by inserting, after the word "bond", the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 141.19 [Amended]**

4. Section 141.19(b)(2)(ii) is amended by removing the words "entry bond" and inserting, in their place, the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 141.20 [Amended]**

5. Section 141.20 is amended by removing (a) the word "term" in paragraph (a)(2) and inserting, in its place, the word "continuous", (b) the words "on Customs Form 7601" in paragraph (a)(2) and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,", and (c) the words "on Customs Form 7551 or 7553, with a resident corporate surety thereon, in lieu of a bond on Customs Form 7601" in paragraph (c) and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, with a resident corporate surety".

6. Section 141.52(g) is revised to read as follows:

**§ 141.52 Separate entries for different portions.**

* * * * *

(g) The consignment contains merchandise subject to entry under a bond given to assure accounting for final disposition, such as a temporary importation under bond.

* * * * *

**§ 141.66 [Amended]**

7. Section 141.66 is amended by removing the words "an appropriate bond" and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 or § 113.69 of this chapter, as appropriate,".

**§ 141.82 [Amended]**

8. Section 141.82(c) is amended by removing the word "term" in the first sentence and inserting, in its place, the word "continuous".

9. Section 141.83(d)(10) is revised to read as follows:

**§ 141.83 Type of invoice required.**

* * * * *

(d) *Special Customs or commercial invoice not required.* * * *

(10) Merchandise entered temporarily into the Customs territory of the United States under bond or for permanent exhibition under bond.

* * * * *

**§ 141.84 [Amended]**

10. Section 141.84(e) is amended by inserting the words "the charges against" after the word "cancel".

11. Section 141.91(d) is amended by removing the words "gives an appropriate bond" in the first sentence and inserting, in their place, the words "files a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, in an amount equal to one and one-half the invoice value of the merchandise,".

**§ 141.92 [Amended]**

12. Section 141.92(c) is amended by removing the words "entry bond" and inserting, in their place, the words "bond of Customs From 301, containing the bond conditions set forth in § 113.62 of this chapter."

**§ 141.10 [Amended]**

13. Section 141.101(e) is amended by removing the words "under a temporary importation bond, permanent exhibition bond, trade fair bond, or other similar bond" and inserting, in their place, the words "temporarily imported under "bond of Customs Form 301, containing under bond, entered for a trade fair under bond or entered under bond for similar reasons".

**§ 141.102 [Amended]**

14. Section 141.102(d) is amended by removing the words "any bond provided for in Part 113 of this chapter" in the first sentence and inserting, in their place, the words "the bond".

**§ 141.112 [Amended]**

15. Section 141.112(g) is amended by removing the words "exact a bond of indemnity to save him harmless from any personal" and inserting, in their place, the words "require a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, to hold him harmless from any".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 142—ENTRY PROCESS

**§ 142.1 [Amended]**

1. Section 142.1 is amended by removing the words "entered under a temporary importation bond" and inserting in their place, the words "entered temporarily under bond".

2. Section 142.4(a) is revised to read as follows:

**§ 142.4 Bond requirements.**

(a) *At the time of entry.* Except as provided in section 10.101(d) of this chapter, merchandise shall not be released from Customs custody at the time Customs receives the entry documentation or the entry summary documentation which serves as both the entry and the entry summary, as required by § 142.3 unless a single entry or continuous bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, executed by an approved corporate surety, or secured by cash deposits or obligations of the United States, as provided for in § 113.40 of this chapter, has been filed. When any of the imported merchandise is subject to a tariff-rate quota and is to be released at a time when the applicable quota is filled, the full rates shall be used in computing the estimated duties to determine the amount of the bond.

* * * * *

3. Section 142.4(b)(2) is amended by removing the words "one of the bonds enumerated in paragraph (a) of this section" in the first sentence and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 142.5 [Removed and Reserved]**

4. Part 142 is amended by removing § 142.5 and reserving it.

**§ 142.11 [Amended]**

5. Section 142.11(a) is amended by removing the words "under a temporary importation bond" in the second sentence and inserting, in their place, the words "temporarily under bond".

**§ 142.15 [Amended]**

6. Section 142.15 is amended by removing the word "term" in the second sentence and inserting, in its place, the word "continuous".

**§ 142.19 [Amended]**

7. Section 142.19 is amended by removing the words "an appropriate" in the first sentence and inserting, in their place, the word "a".

8. Section 142.19(a) is amended by removing the words "an entry bond is filed on Customs Forms 7551, 7555, 7595, in an amount determined in accordance with Part 113 of this chapter" in the first sentence and inserting, in their place, the words "a bond is filed on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

9. Section 142.19(a) is further amended by removing the word "entry" in the second sentence.

**§ 142.21 [Amended]**

10. Section 142.21(a) is amended by removing the words "one of the types of Customs bonds described in § 142.4" in the first sentence and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

11. Section 142.21(b)(2) is revised to read as follows:

**§ 142.21 Merchandise eligible for special permit for immediate delivery.**

* * * * *

(b) *Fresh fruits and vegetables.* * * *

(2) The application shall be accompanied by a continuous bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter.

* * * * *

12. Section 142.21(e)(1) is amended by removing the words "one of the type of bonds enumerated in § 142.4" in the first sentence and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

13. Section 142.21(f)(2) is amended by removing the words "one of the types of Customs bonds provided for in § 142.4" and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

14. Section 142.21(g) is amended by removing the words "an appropriate bond" and inserting, in their place, the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 142.22 [Amended]**

15. Section 142.22(b)(1) is amended by removing the words "under a temporary importation bond" and inserting, in their place, the words "temporarily under bond".

**§ 142.24 [Amended]**

16. Section 142.24 is amended by removing the words "Term special" from the section heading and inserting, in their place, the word "Special".

17. Section 142.24 is further amended by removing the word "term" from paragraphs (a) and (b).

18. Section 142.24(a) is amended by removing the words ", to be imported during a period not to exceed 1 year from the date of the permit" and by changing the comma which follows the phrase "for the permit," to a period.

**§ 142.27 [Amended]**

19. Section 142.27 is amended by removing the word "term" in the second sentence and inserting, in its place, the word "continuous".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

**§ 144.2 [Amended]**

1. Section 144.2 is amended by removing the words "entry bond" in the first sentence and inserting, in their place, the words "bond filed on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

2. Section 144.2 is further amended by removing the words "warehouse entry" in the second sentence.

3. Section 144.13 is revised to read as follows:

**§ 144.13 Bond requirements.**

A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter shall be filed in the amount required by the district director to support the entry documentation.

**§ 144.14 [Amended]**

4. Section 144.14 is amended by removing the words "appropriate bond" in the first sentence and inserting, in their place, the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

**§ 144.15 [Amended]**

5. Section 144.15 is amended by removing paragraph (d).

6. Section 144.21 is amended by removing the words "an appropriate bond" in the first sentence and inserting, in their place, the words "A bond on Customs Form 301, containing the bond conditions set forth in section 113.62 of this chapter".

**§ 144.21 [Amended]**

7. Section 144.21 is further amended by placing a period after the word "liability" in the second sentence and removing the remainder of the sentence.

8. Section 144.24 is revised to read as follows:

**§ 144.24 Transferee's bond.**

The transferee's bond shall be on Customs Form 301 and contain the bond conditions set forth in section 113.62 of this chapter.

**§ 144.41 [Amended]**

9. Section 144.41 is amended by removing the words "a bond on Customs Form 7555 or other appropriate form" in the first sentence of paragraph (d) and inserting, in their place, the words "A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

10. Section 144.41 is further amended by removing the word "entry" the first time it appears, and "warehouse entry" in the second sentence of paragraph (d).

11. Section 144.41(g) is amended by removing the words "warehouse entry bond period" and inserting, in their place, the words "5-year period during which the merchandise may remain in warehouse under bond".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 145—MAIL IMPORTATIONS

Section 145.72(d) is amended by removing the words "under a temporary importation bond" and inserting, in their place, the words "temporarily under bond".

(R.S. 251, as amended, sections 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 146—FOREIGN-TRADE ZONES

### § 146.42 [Amended]

1. Section 146.42 is amended by removing the words "on Customs Form 7557, 7559, or 7595" in paragraph (b)(2)(ii) and paragraph (c)(2) and, in each instance inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

### § 146.45 [Amended]

2. Section 146.45 is amended by removing the words "on Customs Form 7551, 7553, or other appropriate form" in paragraph (b)(3) and in the second sentence of paragraph (c)(5) and, in each instance inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 147—TRADE FAIRS

### § 147.2 [Amended]

1. Section 147.2(a)(2) is amended by removing the words "Covered by a Customs exhibition bond provided for in" and inserting, in their place, the words "Imported for exhibition under".

2. Section 147.3 is revised to read as follows:

### § 147.3 Bond required.

The fair operator shall file a bond on Customs Form 301, containing the bond conditions set forth in section 113.62 of this chapter in such amount as the district director requires. Liquidated damages shall be assessed by the district director under the bond if payments required by §§ 147.33, 147.41 or 147.43 are not paid upon demand.

3. Section 147.41 is amended by adding a sentence at the end of the section to read as follows:

### § 147.41 Removal or disposition pursuant to regulation.

* * * The fair operator shall be liable for the payment of any unpaid duty, tax, fees, charges, or exaction due on any article removed from the fair premises or diposed of contrary to this subpart, including any article lost or stolen regardless of the fair operator's fault. The payment shall be made on demand by the district director.

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Section 148.52(c) is amended by removing the words "on Customs Form 7551 or 7553" in the second sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

1. Section 151.7(d) is amended by removing everything in the paragraph after the words "execute a bond" and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

### § 151.11 [Amended]

2. Section 151.11 is amended by removing the word "appropriate" in the second sentence.

### § 151.43 [Amended]

3. Section 151.43 is amended by removing the words "in the amount of $10,000" in the first sentence of paragraph (b)(6) and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.67 of this chapter,".

4. Section 151.43 is further amended by removing the second sentence of paragraph (b)(6).

5. Section 151.43(d) is amended by removing the words "public gauger bond described in section 113.13(b) of this chapter" in the second sentence and inserting, in their place, the word "bond".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

### § 162.45 [Amended]

1. Section 162.45(a)(3) is amended by inserting the words "on Customs Form 301, containing the bond conditions set forth in § 113.72 of this chapter," after the word "bond".

### § 162.47 [Amended]

2. Section 162.47(b) is amended by removing the words "on Customs Form 4615" in the first sentence and inserting, in their place, the words "on Customs Form 301, containing the bond conditions set forth in § 113.72 of this chapter".

3. Section 162.47(b) is further amended by removing the second sentence and the format for the list or schedule.

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 172—LIQUIDATED DAMAGES

### § 172.22 [Amended]

Section 172.22(c) is amended by removing the word "term" and inserting, in its place, the word "continuous".

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

## PART 191—DRAWBACK

### § 191.53 [Amended]

1. Section 191.53(d) is amended by inserting the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.65 of this chapter, in such amount as the regional commissioner shall determine" after the words "The exporter-claimant shall furnish" and deleting the remainder of the paragraph.

### § 191.72 [Amended]

2. Section 191.72(b) is amended by removing the words "either Customs Form 7609 or 7611, guaranteeing the refund of any excess payment as provided in § 113.13a of this chapter" in the first sentence and inserting, in their place, the words "Customs Form 301, containing the bond conditions set forth in § 113.65 of this chapter".

### § 191.72 [Amended]

3. Section 191.72(b) is further amended by deleting the second and third sentences.

### § 191.133 [Amended]

4. Section 191.133(b) is amended by removing the words *"a temporary importation bond"* in the paragraph heading and inserting, in their place, the words *"Schedule 8, Part 5, Subpart C, Tariff Schedules of the United States"*.

5. Section 191.133(b) is further amended by removing the words "under a temporary importation bond" in the first sentence.

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

Note.—Appendices A–E will not be shown in the Code of Federal Regulations.

**Appendix A—List of Customs Bonds and Riders Abolished**

Customs Form 3581, Proprietor's Warehouse Bond

Customs Form 3583, Proprietor's Manufacturing Warehouse Bond

Blanket Smelting and Refining Bond (form prescribed by T.D. 72-244)
Public Gauger's Bond (form prescribed by Customs Circular BON-3-R:CD:D, July 10, 1975)
Customs Form 3587, Carrier's Bond
Customs Form 3588, Private Carrier's Bond
Customs Form 3855, Bond of Customs Cartman or Lighterman
Customs Form 4615, Bond of Claimant of Seized Goods for Cost of Court
Customs Form 7303, Bond for the Production of Manifest and Shipper's Export Declaration
Customs Form 7547, Special Bond—Wool or Hair of the Camel (Single Entry)
Customs Form 7549, Special Bond—Wool or Hair of the Camel (Term)
Customs Form 7551, Immediate Delivery and Consumption Entry Bond (Single Entry)
Customs Form 7553, Immediate Delivery and Consumption Entry Bond (Term)
Customs Form 7555, Warehouse Entry Bond
Customs Form 7557, Bond for Exportation or Transportation or For Transportation and Exportation (Single Entry)
Customs Form 7559, Bond for Exportation or Transportation or For Transportation and Exportation (Term)
Customs Form 7561, Bond for Articles Entered or Withdrawn From Warehouse Conditionally Free of Duty
Customs Form 7563, Bond for Temporary Importations (Single Entry)
Customs Form 7563-A, Bond for Temporary Importations (Term)
Customs Form 7565, Exhibition Bond
Customs Form 7567, Vessel, Vehicle or Aircraft Bond (Single Entry)
Customs Form 7569, Vessel, Vehicle or Aircraft Bond (Term)
Customs Form 7571, Bond on Entry From Manufacturing Warehouse
Customs Form 7581, Bond to Produce Bill of Lading
Customs Form 7587, Bond for the Control of Certain Instruments of International Traffic
Customs Form 7591, Antidumping Bond
Customs Form 7593, Landing Bond for Alcoholic Beverages
Customs Form 7595, General Term Bond
Customs Form 7597, Bond to Secure the Payment of Overtime Services (Single Entry)
Customs Form 7599, Bond to Secure the Payment of Overtime Services (Term)
Customs Form 7601, Superseding Bond of the Actual Owner of Imported Merchandise Whose Declaration Has Been Filed Pursuant to Title 19, United States Code, Section 1485(d)
Customs Form 7603, Bond for Conditionally-Free Withdrawal of Distilled Spirits (Including Alcohol), Wines, or for Beer, or for Supplies of Fishing Vessel
Customs Form 7605, Consolidated Aircraft Bond
Customs Form 7609, Bond for Accelerated Payment of Drawback (Single Entry)
Customs Form 7611, Bond for Accelerated Payment of Drawback (Term)
Customs Form 7613, Drawback Export Bond
Special Bond for the Entry of Merchandise Believed to Involve Unfair Practices (form prescribed in T.D. 45474)
Special Narcotics Bond Under the Provisions of Title 19, United States Code, Section 1584 (form prescribed in T.D. 45474)
Bond for Observance of Neutrality (form prescribed in T.D. 45474)
Containerized Cargo Bond (form prescribed in 19 CFR 19.40)
Trade Fair Bond (form prescribed in 19 CFR 147.3)
Copyright Bond (Form prescribed in Customs Circular COP-1-PEN, March 23, 1961, Subject: Copyrights; Artificial Flowers—Piratical Copies)
Special Bond for the Importation of Flammable Fabrics (form prescribed in Customs Circular RES-2-AC, October 29, 1971, Subject: Restrictions and Prohibitions; Importations of Merchandise Subject to the Flammable Fabrics Act)
Bond of Customs Cartman For Issuance of Temporary Identification Card (form prescribed in 19 CFR 112.49(d))
Bond of Foreign Trade Zone Operators (form prescribed in Customs Circular FOR-2-0:1:C, September 3, 1976)
Bond for Storage of Imported Tea (form prescribed in T.D. 29311)
Special Performance Bonds (form prescribed in Customs Circular BON-1-O:D:E, August 4, 1975, Subject: Special Performance Bonds)
Bond for the Control of Identified Shipping Containers (form prescribed in 19 CFR 10.41b(h))
RIDER A, Agreement to account for articles, wastes, and irrecoverable losses incurred in manufacture or production under item 864.05, TSUS—to be added to CF 7563A and CF 7595 (form prescribed in T.D. 73-198).
RIDER B, Deferred payment of internal revenue taxes—to be added to CF 7553 and CF 7595 (form prescribed in T.D. 73-198).
RIDER C, Imported sugar subject to item 901.00, TSUS—to be added to CF 7553 and CF 7595 (form prescribed in T.D. 73-198).
RIDER D, Withdrawals of vessel supplies under section 309(a), Tariff Act of 1930—to be added to CF 7595 (form prescribed in T.D. 73-198).
RIDER E, Withdrawals of rewarehoused products of a class 6 warehouse—to be added to CF 7595 (form prescribed in T.D. 73-198).
RIDER F, Withdrawals from warehouse under authority of section 5066 (b) and (c) of the Internal Revenue Code—to be added to CF 7595 (form prescribed in T.D. 73-198).
RIDER G, Transfer of unentered bulk shipments arriving on another carrier, consigned to the principal on a vessel, vehicle, or aircraft bond—to be added to CF 7569 (form prescribed in T.D. 73-198).
RIDER H, Storage at airports of articles withdrawn from continuous Customs custody—to be added to CF 7569 (form prescribed in T.D. 73-198).
RIDER J, Conditional release of seed and screenings—to be added to CF 7553 and CF 7595 (form prescribed in T.D. 73-198).
RIDER K, Proof of export under the exporter's summary procedure—to be added to CF 7595 (form prescribed in T.D. 73-198).
RIDER L, Immediate delivery conditions—to be added to CF 7563-A (form prescribed in T.D. 73-198).
RIDER M, Entry for warehouse of petroleum and petroleum products under Presidential Proclamation No. 4210—to be added to CF 7595 (form prescribed in T.D. 73-284).
RIDER N, Deposit of merchandise in a bonded warehouse prior to the filing of a warehouse entry thereof—to be added to CF 7553 (form prescribed in T.D. 73-329).
RIDER O, Immediate Delivery of Fresh Fruits and Vegetables Arriving from Canada or Mexico—to be added to CF 7553 or CF 7595 (form prescribed in T.D. 76-264).
RIDER P, Accelerated payment of drawback claims—to be added to CF 7595 (form prescribed in T.D. 78-140).
Special rider to existing entry bonds for entry of merchandise found or believed to involve unfair practices or methods of competition in violation of section 337, Tariff Act of 1930, as amended (form prescribed in 19 CFT 113.14(z)(2)).

BILLING CODE 4820-02-M

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

# CUSTOMS BOND

19 CFR Part 113

APPENDIX B

| CUSTOMS USE ONLY | BOND NUMBER[1] (Assigned by Customs) |
|---|---|
| | FILE REFERENCE |

In order to secure payment of any duty, tax or charge and compliance with law or regulation as a result of activity covered by any condition referenced below, we, the below named principal(s) and surety(ies), bind ourselves to the United States in the amount or amounts, as set forth below.

Execution Date

**SECTION I**—Select Single Transaction OR Continuous Bond (not both) and fill in the applicable blank spaces.

| | | | |
|---|---|---|---|
| ☐ SINGLE TRANSACTION BOND | Identification of transaction secured by this bond (e.g., entry no., seizure no., etc.) | Date of transaction | Transaction district & port code |
| ☐ CONTINUOUS BOND | Effective date | This bond remains in force for one year beginning with the effective date and for each succeeding annual period, or until terminated. This bond constitutes a separate bond for each period in the amounts listed below for liabilities that accrue in each period. The intention to terminate this bond must be conveyed within the time period and manner prescribed in the Customs Regulations. | |

**SECTION II**— This bond includes the following agreements.[2] (Check one box only, except that, 1a may be checked independently or with 1, and 3a may be checked independently or with 3. Line out all other parts of this section that are not used.)

| Activity Code | Activity Name and Customs Regulations in which conditions codified | Limit of Liability | Activity Code | Activity Name and Customs Regulations in which conditions codified | Limit of Liability |
|---|---|---|---|---|---|
| ☐ 1 | Importer or broker.....113.62 | | ☐ 5 | Public Gauger.....113.67 | |
| ☐ 1a | Drawback Payment Refunds.....113.65 | | ☐ 6 | Wool & Fur Products Labeling Acts Importation (Single Entry Only).....113.68 | |
| ☐ 2 | Custodian of bonded merchandise.....113.63 (includes bonded carriers, freight forwarders, cartmen and lightermen, all classes of warehouses, container station operators) | | ☐ 7 | Bill of Lading (Single Entry Only).....113.69 | |
| ☐ 3 | International Carrier.....113.64 | | ☐ 8 | Detention of Copyrighted Material (Single Entry Only).....113.70 | |
| ☐ 3a | Instruments of International Traffic.113.66 | | ☐ 9 | Neutrality (Single Entry Only).....113.71 | |
| ☐ 4 | Foreign Trade Zone Operator.....113.73 | | ☐ 10 | Court Costs for Condemned Goods (Single Entry Only).....113.72 | |

**SECTION III**— List below all tradenames or unincorporated divisions that will be permitted to obligate this bond in the principal's name including their Customs Identification Number(s).[3] (If more space is needed, use Section III(Continuation) on back of form.)

| Importer Number | Importer Name | Importer Number | Importer Name |
|---|---|---|---|
| | | | |

Total number of importer names listed in Section III:

Principal and surety agree that any charge against the bond under any of the listed names is as though it was made by the principal(s).

Principal and surety agree that they are bound to the same extent as if they executed a separate bond covering each set of conditions incorporated by reference to the Customs Regulations into this bond.

If the surety fails to appoint an agent under Title 6, United States Code, Section 7, surety consents to service on the Clerk of any United States District Court or the U.S. Court of International Trade, where suit is brought on this bond. That clerk is to send notice of the service to the surety at:

Mailing Address Requested by the Surety

| | | | |
|---|---|---|---|
| PRINCIPAL[4] | Name and Address | Importer No.[3]<br>SIGNATURE[5] | SEAL |
| PRINCIPAL[4] | Name and Address | Importer No.[3]<br>SIGNATURE[5] | SEAL |
| SURETY[4,6] | Name and Address[6] | Surety No.[7]<br>SIGNATURE[5] | SEAL |
| SURETY[4,6] | Name and Address[6] | Surety No.[7]<br>SIGNATURE[5] | SEAL |

| SURETY AGENTS | Name[8] | Identification No.[8] | Name[8] | Identification No.[8] |
|---|---|---|---|---|
| | | | | |

Customs Form 301 (111883)

Note: Turn carbons over before writing on back of form.

**SECTION III(Continuation)**

| Importer Number | Importer Name | Importer Number | Importer Name |
|---|---|---|---|
| | | | |

**WITNESSES**

Two witnesses are required to authenticate the signature of any person who signs as an individual or as a partner; however, a witness may authenticate the signatures of both such non-corporate principals and sureties. No witness is needed to authenticate the signature of a corporate official or agent who signs for the corporation.

SIGNED, SEALED, and DELIVERED in the PRESENCE OF:

| Name and Address of Witness for the Principal | Name and Address of Witness for the Surety |
|---|---|
| SIGNATURE: | SIGNATURE: |
| Name and Address of Witness for the Principal | Name and Address of Witness for the Surety |
| SIGNATURE: | SIGNATURE: |

**EXPLANATIONS AND FOOTNOTES**

1. The Customs Bond Number is a control number assigned by Customs to the bond contract when the bond is approved by an authorized Customs official.
2. For all bond coverage available and the language of the bond conditions refer to Part 113, subpart G, Customs Regulations.
3. The Importer Number is the Customs identification number filed pursuant to section 24.5, Customs Regulations. When the Internal Revenue Service employer identification number is used the two-digit suffix code must be shown.
4. If the principal or surety is a corporation, the name of the State in which incorporated must be shown.
5. See witness requirement above.
6. Surety Name, if a corporation, shall be the company's name as it is spelled in the Surety Companies Annual List published in the Federal Register by the Department of the Treasury (Treasury Department Circular 570).
7. Surety Number is the three digit identification code assigned by Customs to a surety company at the time the surety company initially gives notice to Customs that the company will be writing Customs bonds.
8. Surety Agent is the individual granted a Corporate Surety Power of Attorney, CF 5297, by the surety company executing the bond.
9. Agent Identification No. shall be the individual's Social Security number as shown on the Corporate Surety Power of Attorney, CF 5297, filed by the surety granting such power of attorney.

Paperwork Reduction Act Notice. The Paperwork Reduction Act of 1980 says we must tell you why we are collecting this information, how we will use it and whether you have to give it to us. We ask for this information to carry out the U.S. Customs Service laws of the United States. We need it to ensure that persons transacting business with Customs have the proper bond coverage to secure their transactions as required by law and regulation. Your response is required to enter into any transaction in which a bond is a prerequisite under the Tariff Act of 1930, as amended.

Privacy Act Statement: The following notice is given pursuant to section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a). Furnishing the information on this form, including the Social Security Number, is mandatory. The primary use of the Social Security Number is to verify, in the Customs Automated System, at the time an agent submits a Customs bond for approval that the individual was granted a Corporate Surety Power of Attorney by the surety company. Section 7 of Act of July 30, 1947, chapter 390, 61 Stat. 646, authorizes the collection of this information.

BILLING CODE 4820-02-E

Back of Customs Form 301 (111883)

APPENDIX C

| Bond provision in Customs Regulations as amended by this document | Reason for provision | Related provision(s) in bond, Customs Regulation or rider[1] | Related statute(s) | Related Customs Regulation(s) |
|---|---|---|---|---|
| 113.62(a)(1) | Secures deposit of estimated duty and additional duty. | CF 755(1)[2] CF 7553(1), CF 7595(8), CF 7601, T.D. 80-173(8) 19 CFR 147.3. | 19 U.S.C. 1484, 1505, 1752. | 19 CFR 141.1, 141.3, 142.4, 159.9, 147.3, 147.14, 147.42. |
| 113.62(a)(2) | Secures payment of duty on merchandise left in a bonded warehouse or improperly removed from a warehouse. | CF 7551(1), CF 7595(8), CF 7601, T.D. 80-173(8). | 19 U.S.C. 1505, 1557 | 19 U.S.C. 144.13, 159.9, 159.52. |
| 113.62(b) | Secures promise to make entry | CF 7551(2), CF 7553(2), CF 7595(1), T.D. 80-1732, Rider L (T.D. 73-198), Rider N (T.D. 73-329), 19 CFR 147.3. | 19 U.S.C. 1448(b) 1484(a), 1752. | 19 CFR 141.5, 141.19, 142.21, 147.3, 147.14, 147.42. |
| 113.62(c) | Secures promise to produce any required evidence. | CF 7551(8), CF 7553(8), CF 7555(4), CF 7595(2), CF 7601, T.D. 80-173(5), 19 CFR 147.3. | 19 U.S.C. 1484, 1485, 175. | 19 CFR 113.41, 113.42, 113.43, 141.66, 141.91, 147.3. |
| 113.62(d) | Secures promise to redeliver conditionally released merchandise. | CF 7551 (4, 5, 6), CF 7553 (4, 5, 6), CF 7553 (5, 6, 7), CF 7595 (4, 5, 6), CF 7601 T.D. 80-173(6), Rider J (T.D. 73-198), 19 CFR 147.3. | 19 U.S.C. 1202, 1304, 1499, 1752. | 19 CFR 12.3, 12.12, 12.39, 12.73, 12.80, 12.85, 12.91, 12.115, 134.53, 141.113, 147.23, 147.24, 151.1, 151.7(d), 151.11. |
| 113.62(e) | Secures promise to bring conditionally-released mechandise into compliance with U.S. admission requirements. | CF 7551(7), CF 7553(7), CF 7555(8), CF 7595(7), 19 CFR 147.3. | 19 U.S.C. 1202, 1304, 1499, 1752. | 19 CFR 12.12, 12.73, 12.80, 12.85, 12.91, 134.53, 141.113, 147.3, 147.21, 147.22, 147.23, 147.24, 151.1. |
| 113.62(f) | Secures promise to hold conditionally-released merchandise intact for examination. | CF 7551(3), CF 7553(3), CF 7595(3), CF 7601, T.D. 80-173(3), 19 CFR 147.3. | 19 U.S.C. 1449, 1752 | 19 CFR 12.23, 147.3, 151.7(d). |
| 113.62(g) | Secures promise to pay compensation of Customs officers and exonerate Customs officers. | 19 CF 147.3 | 19 U.S.C. 1524, 1557, 1562, 1752. | 19 CFR 24.17(a)(3), (8), (9), (10), 147.33. |
| 113.62(h) | Secures promise to use merchandise entered free or at a reduced rate in the manner as entitled and to furnish proof of that use. | CF 7547, CF 7549, CF 7555 (2, 3), CF 7557, CF 7559, CF 7561, CF 7563, CF 7563-a, CF 7565, CF 7571, CF 7595 (9, 10, 11, 12), CF 7603, 19 CFR 147.3, T.D. 29311, Rider A, C, D, E, F, H (T.D. 73-198). | 19 U.S.C. 1202, 1309, 1311, 1312, 1552, 1553, 1557, 1752. | 19 CFR Part 10, Part 18, Part 19, Part 144, Part 147. |
| 113.63(a) | Secures promise of a custodian to comply with Customs regulations on bonded merchandise. | CF 3581(1, 3), CF 3583 (1, 2), CF 3587(1), CF 3588(1), 19 CFR 19.40 T.D. 80-173 (1, 7). | 19 U.S.C. 1311, 1312, 1551, 1552, 1553, 1555. | 19 CFR Part 18, Part 19, Part 112, Part 125, Part 147. |
| 113.63(b) | Secures promise of a Customs bonded carrier to safely keep bonded merchandise placed in carrier's custody and comply with regulations on carriage of bonded merchandise. | CF 3587(2), CF 3588 (2, 4) CF 3855(1) | 19 U.S.C. 1311, 1312 | 19 CFR Part 18. |
| 113.63(c) | Secures promise of a Customs bonded custodian to comply with regulations on disposition and reporting requirements. | CF 3581, CF 3583, CF 3587 (3, 4, 10), CF 3588 (3, 4, 11). | 19 U.S.C. 1311, 1312, 1552, 1553, 1555. | 19 CFR Part 18, Part 19, Part 112, Part 127. |
| 113.63(d) | Secures promise of a Customs bonded carrier, or cartage or lighterage operator to redeliver on Customs demand any misdelivered bonded merchandise. | New | 19 U.S.C. 1551, 1552, 1553. | 19 CFR 18.6. |
| 113.63(e) | Secures promise to comply with all laws and regulations on conveyances and employees. | CF 3581(1), CF 3583(1), CF 3587(1), CF 3588(1), CF 3855 (1, 4), T.D. 80-173(1), 19 CFR 112.49. | 19 U.S.C. 1311, 1312, 1551, 1552, 1553, 1555. | 19 CFR Part 18, Part 19, Part 112, Part 125, Part 127. |
| 113.63(f) | Provides indemnification and exoneration of Government and secures payment for reimbursable services. | CF 3581(2, 4), CF 3583 (3, 5), CF 3587 (6, 7, 8), CF 3588 (7, 8, 9), CF 3855(3), CF 7597, CF 7599, T.D. 80-173 (3, 4), 19 CFR 19.40 (2, 6), 127.49(2). | 19 U.S.C. 267, 1311, 1311, 1451, 1551, 1555. | 19 CFR 19.3, 19.5, 24.16, 24.17. |
| 113.64(a) | Secures promise to pay penalty, duty, tax or charges incurred by the vessel, vehicle, or aircraft or the person in charge of such conveyance. | CF 7567(1), CF 7569(1), CF 7605 | 19 U.S.C. 1431-1466, 1581-1588, 1594, 1595a. | 19 CFR 4.14, 4.61, 6.10, 14.16, 2417, 123.2, 162.22, 162.72. |
| 113.64(b) | Secures promise to comply with laws and regulations on bringing merchandise into the U.S. | CF 7567 (3, 4, 5), CF 7569 (3, 4, 5), CF 7593, CF 7605. | 19 U.S.C. 1448(a), 1707 | 19 CFR 4.30, 6.7, 123.8. |
| 113.64(c) | Secures promise to deliver export documents if clearance is permitted without those documents. | CF 7303, CF 7567(6), CF 7569(6), CF 7605 | 46 U.S.C. 91 | 19 CFR 4.75, 6.3, 6.8. |
| 113.64(d) | Provides exoneration for Government if a special permit to lade or unlade is given. | CF 7567(2), CF 7569(2), CF 7605 | 19 U.S.C. 1451 | 19 CFR 4.30, 6.2, 123.8. |
| 113.65 | Secures repayment of erroneous drawback payment under the summary procedure or the accelerated payment. | CF 7609, CF 7611, CF 7613, Rider K (T.D. 75-198), Rider P (T.D. 78-140). | 19 U.S.C. 1313 | 19 CFR 22.7, 22.20a. |
| 113.66 | Secures compliance with laws and regulations on introduction of instruments of international traffic and other shipping containers without entry. | CF 7587, 19 CF 10.41b | 19 U.S.C. 1202, 1322 | 19 CFR 10.41a, 10.41. |
| 113.67 | Secures compliance with regulations on gauging. | T.D. 81-142 | | 19 CFR 151.43. |
| 113.68 | Secures compliance with provisions of wool and fur products labeling acts. | Customs Circular BON-1-O:O:E, August 4, 1975. | 15 U.S.C. 68, 69 | |
| 113.69 | Provides indemnification if merchandise is released without a bill of lading. | CF 7581 | 19 U.S.C. 1484 | 19 CFR 141.15. |
| 113.70 | Provides indemnification for any damage arising out of a detention of merchandise erroneously believed to be piratical copies. | Customs Circular COP-1-PEN, May 23, 1961 | 17 U.S.C. 106, 108 | 19 CFR 133.43, 133.44. |
| 113.71 | Secures an agreement to observe neutrality | T.D. 45474 | 22 U.S.C. 463 | 19 CFR 4.73. |
| 113.72 | Provides for payment of court costs if judicial proceedings result in condemnation of property. | CF 4615 | 19 U.S.C. 1608 | 19 CFR 162.45. |
| 113.73 | Secures compliance with laws and regulations on foreign-trade zones. | Customs Circular FOR-2, O:1:C, September 3, 1976. | 19 U.S.C. 81a-O | |

[1] Appendix A lists all Customs Bonds by Customs Form number and title. The appendix also includes bond riders.
[2] The numbers which appear in parenthesis after the bond refer to the numerical designation of the condition appearing in the bond which has been incorporated into the bond conditions identified by each line item in this appendix.

BILLING CODE 4820-02-M

1. THIS FORM MUST BE TYPED.
2. DO NOT ALTER THIS FORM.
3. ORIGINAL TO BE SUBMITTED TO CUSTOMS. (See Option explained in Instruction no. 2.)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

# CORPORATE SURETY POWER OF ATTORNEY

| CUSTOMS USE ONLY |
|---|
| DATE RECEIVED |
| EFFECTIVE DATE |

☐ **GRANT** (Instruction No. 3a.) ☐ **CHANGE** to Grant on file (Instruction No. 3b.) ☐ **REVOCATION.** The below-described powers previously granted are hereby revoked. (Instruction No. 3c.)

**GRANTEE:** NAME ☐ This is a name change. SOCIAL SECURITY NO. ADDRESS ☐ This is an address change.

**GRANTOR:** Surety Company's Corporate Name | Surety No. | State Under Whose laws organized as a surety

District Code(s) for Customs district(s) in which authorized to do business and limit on any single obligation -OR- district(s) being added to the original grant:

| District | Limit | District | Limit | District | Limit | District | Limit | District | Limit | District | Limit |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |

Grantor appoints the above-named person (Grantee) as its attorney in fact to sign its name as surety to, and to execute, seal, and acknowledge any bond so as to bind the surety corporation to the same extent as if done by a regularly elected officer, limited only to the extent shown above as to Customs district and amount on any single bond obligation. This grant, or change to a grant on file, or revocation, as specified, shall become active on the effective date shown provided the Customs Form 5297 is received at a district office 5 days before the effective date shown; otherwise the specified action will become active at the close of business 5 working days after the date of receipt at the district office.

In witness whereof, the said Grantor, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal and attested by any two principal officers.

Date Attested

Use a facsimile of corporate seal, and not impression seal.

Name and Title

SIGNATURE:

Name and Title

SIGNATURE:

CUSTOMS FORM 5297

U.S. DISTRICTS AND CODES

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Anchorage, AK | 31 | Duluth, MN | 35 | New Orleans, LA | 20 | San Francisco, CA | 28 |
| Baltimore, MD | 13 | El Paso, TX | 24 | Nogales, AZ | 26 | San Juan, PR | 49 |
| Boston, MA | 04 | Great Falls, MT | 33 | Norfolk, VA | 14 | Savannah, GA | 17 |
| Bridgeport, CT | 06 | Honolulu, HI | 32 | Ogdensburg, NY | 07 | St. Albans, VT | 02 |
| Buffalo, NY | 09 | Houston-Galveston, TX | 53 | Pembina, ND | 34 | St. Louis, MO | 45 |
| Charleston, SC | 16 | Laredo, TX | 23 | Philadelphia, PA | 11 | Seattle, WA | 30 |
| Cleveland, OH | 41 | Los Angeles, CA | 27 | Portland, ME | 01 | Tampa, FL | 18 |
| Chicago, IL | 39 | Miami, FL | 52 | Portland, OR | 29 | Virgin Islands, U.S. | 51 |
| Dallas-Ft.Worth,TX | 55 | Milwaukee, WI | 36 | Port Arthur, TX | 21 | Washington, DC | 54 |
| Detroit, MI | 37 | Mobile, AL | 19 | Providence, RI | 05 | Wilmington, NC | 15 |
| Detroit, MI | 38 | New York, NY | 10 | San Diego, CA | 25 | | |

EXPLANATIONS:

1. A Corporate Surety Power of Attorney, Customs Form 5297, must be executed for each of the following actions: grant an individual a power of attorney; change a name and/or address, and/or add districts to a power on file; revoke a power previously granted.

2. Form submission option: Each of the following conditions will require filing a copy of the Customs Form 5297:

(a) If the district director permits the submission of the form to be made at any port within the district.

(b) If the grantee desires to use the power of attorney at a location covered by the power, but other than the location where the power was submitted, before the Customs computer processing has been completed. For example: If both conditions are applicable, two copies of the Customs Form 5297 must be submitted with the original.

3. The box adjacent to the action executed on this Customs Form 5297 must be checked. The effective date for the action checked should be shown.

(a) If grant is checked: The information required to grant a power of attorney are self-explanatory with the exception of the following:

District Information: Each district in which the power is granted must be shown except if the power both applies to all districts and the amount limit is the same in every one of those districts, enter the word 'ALL" on the first line under "District."

Limit Information: (1) If any amount limit differs between any of the districts in which the power is granted, individual amount limits must be shown for each of the districts listed. (2) If all of the amount limits are the same for each district in which the power is granted and the amounts equal the surety company limit published in the Treasury Department Circular 570, enter the word "EQUAL" on the first line under "Limit." (3) If all of the amount limits are the same for each district in which the power is granted and the amounts are not equal to the surety company limit published in the Treasury Department Circular 570, enter the amount limit on the first line under "Limit" and enter the word "SAME" on the second line.

Surety: The number required is the 3 digit, identification code assigned by Customs Headquarters to a surety company, listed on Treasury Circular 570, at the time the surety company initially gives notice to Customs that the company will be writing Customs bonds.

(b) To change a Corporate Surety Power of Attorney already on file, the previously filed power granted must be revoked and a new power (CF 5297) must be filed EXCEPT changes to the name and/or address and the addition of districts to a power on file. (1) To make a name and/or address change, the same information that was submitted to establish the existing power on file is required except the new name and/or address must be shown in the space provided and the district code(s) and related obligation limit(s) can be left blank. (2) To add districts, the same information that was submitted to establish the existing power on file is required except only the new districts and related obligation limits are necessary in the space provided.

(c) If revocation is checked: A revocation divests the designated agent's or attorney's power of attorney in all districts. Except for the following, the information required to revoke the power of attorney are self-explanatory: The districts in which authorized to do business and the associated single obligation limits do not have to be shown.

PRIVACY ACT STATEMENT: The following notice is given pursuant to section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a). Furnishing the information on this form, including the Social Security Number, is mandatory. The primary use of the Social Security Number is to verify, in the Customs Automated system, at the time an agent submits a Customs bond for approval that the individual was granted a Corporate Surety Power of Attorney by the Surety Company on the bond. Section 7 of Act of July 30, 1947, chapter 390, 61 Stat. 646, authorizes the collection of this information.

CUSTOMS FORM 5297 (113083) (BACK)

BILLING CODE 4820-02-C

**Appendix E—Final Regulatory Flexibility Analysis on Amendments To Revise the Customs Bond System**

*Introduction*

The Customs Service has proposed an extensive revision of its bond structure in order to consolidate and simplify the number of bond forms, facilitate the establishment of an efficient computerized bond control system, and simplify transactions between Customs and the importing community.

The Regulatory Flexibility Act (RFA) requires that a regulatory flexibility analysis be prepared on proposed regulations unless it is determined that the regulations will not have a "significant economic impact on a substantial number of small entities." Given the number of brokers, importers, and entities subject to the RFA, and since the proposed amendments (if implemented) may result in an economic impact of some significance on these entities, this final regulatory flexibility analysis has been prepared.

*Objectives and Legal Basis of the Proposed Rule*

The proposal's objective is to reduce the cost of bonding to the importing community and to improve Customs control over bonding, which includes improvements to facilitate the enforcement of bond provisions and to reduce the cost of associated functions.

The legal basis or authority for the proposed changes is R.S. 251, as amended (19 U.S.C. 66), and Section 623, as amended, 624, 46 Stat. 759 (19 U.S.C. 1624).

*Estimated Number of Small Entities Affected*

The proposed amendments would affect most small entities in the importing community. This includes 900–1,000 customhouse brokers, the multitude of importers, and other entities such as surety companies, warehouse operators, bonded carriers, international carriers, cartmen/lightermen, foreign trade zone operators, and container station operators.

*Impact of the Proposed Amendments on Small Entities in the Importing Community*

No response was received to Customs invitation for suggestions to provide further savings for small entities in the importing community. Also, no comments were received which identified any proposed amendment aspects which would adversely impact small businesses.

The Customs Service believes that the proposed amendments will in general be *beneficial* to the importing community via the consolidation of bond forms, the simplification of transactions between Customs and the importing community, the facilitation of the establishment of an efficient computerized bond control system, the general streamlining of procedures, and the overall reduced cost of bonding. Several of the major beneficial factors are reviewed below.

*Selected Cost Reduction Measures of the Proposed Amendments*

The proposed amendments will reduce costs and streamline procedures by consolidating and reducing the number of different bond forms currently in use (approximately 50) to one standard form. Once filed, the agreements on the form will automatically remain in effect until Customs is advised otherwise. Moreover, the number of bond forms that must be filed for control purposes under the current system will be reduced. Also, under existing regulations some bond forms (e.g., CF 7553, ID and Consumption Entry Bond) must be filed at each port, unless exempted; such an exemption requires filing copies of an approved bond at all the ports where a firm will engage in business. Under the proposed change one bond will suffice for business transacted at all ports.

The language of the bond conditions will also be simplified and all conditions of bond agreements will be reflected in one location in the Regulations.

This will tend to reduce cost, correspondence and time spent on inquiries, disputes, counterclaims, etc., which are caused by difficulties in the interpretation of current bond language.

Bond coverage requirements will be more flexible than the current bond contract forms. As a consequence, a principal on a bond will be able to receive Customs service in a wider geographic area (nation-wide as opposed to district or port level) when necessary, without being forced to purchase another bond. This will especially benefit small entities. The following illustrates this flexibility: if a small importing firm only conducts business in one port of entry and an occasion arises where the merchandise is shipped to another port, under the change proposed the bond filed would cover that transaction rather than requiring the filing of another bond or becoming involved with in-bond shipment requirements.

Other cost reduction and facilitation measures resulting from the proposed amendments include the following selected examples: (1) importers entering merchandise for consumption or under Immediate Delivery privileges currently, for control purposes, must file a bond at each port where entry of merchandise will be accomplished. Under the control envisioned in the proposed change, only one bond will be required which would be applicable to all ports. (2) Currently, many term bond contracts are valid for a period of 1 year. Thus, an individual or firm must file a new bond form each year, with all the contractual formalities, time, and cost that entails. However, under the proposed bond renewal feature, once a term bond is filed it will be automatically renewed unless Customs is advised otherwise by the principal or surety. Thus, all the annual contractual formalities will no longer be required and Customs will not have to undergo the concomitant timely and costly bond approval process. (3) When a small firm is engaged in a business which involves filing dutiable consumption as well as warehouse entries and its annual, aggregate duty paid or accrued is less than $100,000 (minimum General Term Bond amount), the bond that would normally be purchased for such repetitive business in these circumstances under the current bond structure is the CF 7553, ID and Consumption Entry Bond. That bond covers all consumption entries filed during a 1 year period. However, for each warehouse entry filed, a CF 7555, Warehouse Entry Bond is required. Under the proposed change, a small firm, under these same circumstances, will be able to purchase one bond which will cover consumption and warehouse entries.

*Alternatives Considered*

The proposed amendments would comprehensively revise Customs bond structure and are intended to help minimize costs to both small and large entities in the importing community.

Indeed, a number of alternatives suggested in the amendments to the ANPR have previously been incorporated in order to minimize any economic burden, e.g., providing a 12-month transition period to implement the new bond structure. Based on comments received pertinent to the NPRM, further alternatives have been incorporated into this final notice, e.g., Customs agreed with the majority of commenters and provided for a delayed effective date of 120 days (rather than 60 days) after the final rule is published. Two forms associated with bonds (CF 3171 and term Special Immediate Delivery Permit) were changed from annually-refiled forms to continuous good-until-terminated forms.

[FR Doc. 84-27459 Filed 10-18-84; 8:45 am]

BILLING CODE 4820-02-M

federal register

Friday
October 19, 1984

Part IV

# Committee for Purchase From the Blind and Other Severely Handicapped

**Procurement List 1985; Establishment; Notice**

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1985; Establishment

The Committee for Purchase from the Blind and Other Severely Handicapped was established by Pub. L. 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48c) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the Federal Register a procurement list of:

(1) Commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency

which the Committee determines are suitable for procurement by the Government pursuant to the Act.

The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity which is available from Federal Prison Industries, Inc.

A Government entity is defined as any entity of the legislative branch or judicial branch, any executive agency or military department (as such agency and department are respectively defined by Sections 102 and 105 of Title 5, United States Code), the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

Notice is hereby given pursuant to section 2 of the Act that Procurement List 1985 is established as set forth below. Procurement List 1985 supersedes Procurement List 1984, October 18, 1983 (48 FR 48415) and subsequent changes thereto through October 12, 1984.

Any proposed additions or deletions to Procurement List 1984 pending on this date shall be considered as pending and applicable to Procurement List 1985.

By the Committee.

**C.W. Fletcher,**

*Executive Director.*

ASSIGNMENT CODES

| Central Nonprofit Agency | Code |
|---|---|
| National Industries for the Blind | IB. |
| National Industries for the Severely Handicapped. | SH. |

### Commodities

**CLASS 1005**

Sling, Adjustable, Small Arms (IB)
1005–00–167–4336
Sling, Padded, Adjustable (IB)
1005–00–312–7177
Swab, Small Arms Cleaning (IB)
1005–00–912–4248
1005–00–288–3565

**CLASS 1095**

Scabbard, Bayonet-Knife (IB)
1095–00–508–0339

**CLASS 1220**

Case, Carrying (IB)
1220–00–765–5870
1220–00–937–8286

**CLASS 1330**

Tape Stiffener Assembly (SH)
1330–01–051–1533 13 million each annually

**CLASS 1430**

Circuit Card Assembly (SH)
1430–00–409–7997

**CLASS 1660**

Harness Assembly (SH)
1660–00–066–2078

**CLASS 1670**

Harness, Parachutist (SH)
1670–00–897–8629
Message Dropper (SH)
1670–00–797–4495

**CLASS 1680**

Belt, Aircraft Safety (SH)
1680–00–725–5927
Wire Bundle Assemblies (SH)
1680–00–881–4215
1680–00–884–0409
1680–00–894–3991
1680–01–125–9646
1680–00–919–3706
1680–00–883–4487
1680–00–222–3876
1680–00–826–7752
1680–00–974–5275
1680–00–974–5276
1680–00–998–8594

**CLASS 1730**

Chock Wheel, Codit Relfecting (IB)
1730–00294–3694
1730–00063–4095
1730–00294–3696
1730–00294–3695
1730–00945–8450
1730–00163–8317 (4×6×24")
1730–00NIB–001A 2×4×8" std
1730–00NIB–001B 6×8×18" std
1730–00NIB–001C 6×8×76" std
1730–00NIB–001D (8×12") U-shaped
1730–00NIB–001E (10×20") U-shaped
Chock Wheel, Painted (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4×6×24")
1730–00–NIB–001A (2×4×8") std
1730–00–NIB–001B (6×8×18") std
1730–00–NIB–001C (6 × 8 × 76") STD
1730–00–NIB–001D (8 × 12") U-shaped
1730–00–NIB–001E (10 × 20") U-shaped
Chock Wheel, Reflective Tape (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4 × 6 × 24")
1730–00–NIB–001A (2 × 4 × 8") STD
1730–00–NIB–001B (6 × 8 × 18") STD
1730–00–NIB–001C (6 × 8 × 76") STD
1730–00–NIB–001D (8 × 12") U-shaped
1730–00–NIB–001E (10 × 20") U-shaped
Chock Wheel, Unpainted (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4 × 6 × 24")
1730–00–NIB–001A (2 × 4 × 8" std)
1730–00–NIB–001B (6 × 8 × 18" std)
1730–00–NIB–001C (6 × 8 × 76" std)
1730–00–NIB–001D (8 × 12" U-shaped)
1730–00–NIB–001E (10 × 20") U-shaped

**CLASS 2090**

Weight, Canvas Bag (IB)
2090–00–345–9150

**CLASS 2540**

Belt, Automobile, Safety (IB)
2540–00–894–1273
2540–00–894–1275
2540–00–894–1274
2540–00–894–1276
Cushion Assembly, Back Rest (SH)
2540–00–737–3308
Cushion Assembly, Back Rest (SH)
2540–01–065–6288
Cushion Seat, Vehicular (SH)
2540–00–808–3811
2540–00–904–5680
Kit, Deep Water Fording (SH)
2540–00–473–0111
2540–00–780–0844
Mirror and Bracket Assembly (SH)
2540–00–575–8392

**CLASS 2920**

Cable Assembly, Electrical (IB)
2920–01–027–0125 (50% of Gov't Rgmt)

**CLASS 3510**

Net, Laundry (IB)
3510–00–273–9738
3510–00–273–9739

**CLASS 3920**

Truck, Hand (IB)

3920-00-847-1305

**CLASS 3990**

Pallet, Corrugated Fiberboard, Material Handling (SH)
3990-00-L77-0044—Navy Ships Parts Control Center, Mechanicsburg, PA only
Pallet, Material Handling (SH)
3990-00-555-0458—Sharpe Army Depot, Lathrop, CA only
3990-00-599-5326—Mechanicsburg, PA Depot only
3990-00-935-7826—Pine Bluff Arsenal, AR only
3990-00-222-1051
Pallet, Warehouse (SH)
3990-00-NSH-0011 (40 × 44")—Army and Air Force Exchange Service, Oakland Army Base, CA only
Pallet, Wood (SH)
3990-00-X77-1721—New Cumberland Army Depot only
3990-00-NSH-0001 (48 × 40 ×36")—Social Securty Administration, Baltimore, MD only
3990-00-NSH-0005 (24 × 20")—New Cumberland Army Depot only
3990-00-366-6806

**CLASS 4130**

Filter, Air Conditioning (IB)
4130-00-870-8796 Rgns 4, 5
4130-00-274-7800 Rgns 2, 3, W, 4, 5, 6, 7, 8, 9, 10
4130-00-541-3220 Rgns 4, 5
4130-00-756-1840 Rgns 2, 3, W, 4, 5, 6, 7, 8, 9, 10
4130-00-720-4143 Rgns 4, 5,
4130-00-249-0966 Rgns 2, 3, W, 4, 5, 6, 7, 8, 9, 10
4130-00-203-3318 Rgns 4, 5
4130-00-203-3321 Rgns 2, 3, W, 4, 5, 6, 7, 8, 9, 10
4130-00-542-4482 Rgns 4, 5
4130-00-959-4734 Rgns 4, 5
4130-00-756-0978 Rgns 4, 5
4130-00-951-1208 Rgns 4, 5

**CLASS 4240**

Bag, Waterproofing (IB)
4240-00-377-9401
Harness, Head (SH)
4240-00-690-8765
4240-00-961-1064
Winterization Kit (SH)
4240-00-065-0319 (40% of Gov't Rqmt)

**CLASS 4610**

Bag, Drinking Water Storage (SH)
4610-00-268-9890

**CLASS 4820**

Valve, Ball (SH)
4820-00-052-4651
4820-00-052-4653

**CLASS 4910**

Creeper, Mechanic's (SH)
4910-00-251-6981
4910-00-106-7834
4910-00-NSH-0001

**CLASS 5120**

Screwdriver, Cross-Tip (SH)
5120-00-820-2995
5120-00-060-2004
5120-00-224-7370
5120-00-529-3101
5120-00-227-7293
5120-00-234-8913
5120-00-542-3438
5120-00-224-7375
5120-00-596-0866
5120-00-237-8174
5120-00-580-2361
Screwdriver, Flat-Tip (SH)
5120-00-278-1269
5120-00-289-9662
5120-00-287-2504
5120-00-287-2505
5120-00-278-1267
5120-00-541-3004
5120-00-288-7803
5120-00-236-2127
5120-00-278-1270
5120-00-227-7356
5120-00-260-4837
5120-00-227-7334
5120-00-278-1268
5120-00-293-0314
5120-00-337-2465
5120-00-540-0563
5120-00-180-0708
5120-00-222-8866
5120-00-596-8502
5120-00-278-1273
5120-00-062-0813
5120-00-293-3311
5120-00-222-8852
5120-00-596-9364
5120-00-293-0315
5120-00-293-3309
5120-00-227-7377
5120-00-180-3490
5120-00-236-2140
5120-00-062-8454
5120-00-720-4969
Screwdriver-Set, Cross-Tip (SH)
5120-00-357-7175
5120-00-580-0334
Vise, Multiposition (SH)
5120-00-991-1907

**CLASS 5140**

Bag, Tool (IB)
5140-00-772-4142
Bag, Tool (Satchel) (SH)
5140-00-473-6256
Belt, Tool, Repairman's (SH)
5140-00-529-2517
5140-00-529-2694
5140-00-529-2691
Tool Box, Portable (SH)
5140-00-289-8911
5140-00-289-8910

**CLASS 5340**

Strap (SH)
5340-00-235-4433

**CLASS 5350**

Mat, Abrasive (IB)
5340-00-967-5089
5340-00-967-5093
5340-00-967-5092

**CLASS 5440**

Ladder, Extension (Wood) (IB)
5440-00-223-6025
5440-00-242-1000
5440-00-223-6026
5440-00-242-0998
5440-00-223-6027
Ladder, Straight (Wood) (IB)
5440-00-242-7151
5440-00-816-2585
5440-00-814-5084
5440-00-242-0995
5440-00-816-2575
5440-00-223-6029
5440-00-223-6030
Stepladder (IB)
5440-00-514-4483
5440-00-514-4485
5440-00-514-4487
5440-00-171-9836
5440-00-227-1592
5440-00-227-1593
5440-00-227-1594
5440-00-227-1595
5440-00-227-1596
5440-00-531-2589

**CLASS 5510**

Lath, Wood (SH)
5510-00-NSH-0002 (⅜ x 1½ x 36")
5510-00-NSH-0003 (⅜ x 1½ x 48")
BLM and U.S. Forest Service in Washington and Oregon only
Stake, Wood (SH)
5510-00-NSH-0001
BLM at 5 Oregon locations only
U.S. Forest Service in Washington and Oregon only
Stakes, Wood, Hub (SH)
5510-00-171-7733
5510-00-171-7732
Stakes, Wood, Location (SH)
5510-00-171-7701
5510-00-171-7700
5510-00-171-7734
Wedge, Wood (SH)
5510-00-640-9237

**CLASS 5660**

Fasteners, Fence Post (SH)
5660-00-148-7251

**CLASS 5826**

Circuit-Card Assembly (SH)
5826-00-237-9949

**CLASS 5831**

Amplifier Subassembly (SH)
5831-00-087-3408

**CLASS 5940**

Adapter, Battery Terminal (SH)
5940-00-549-6583
5940-00-549-6581

**CLASS 6150**

Cable Assembly, Power (SH)
6150-00-507-8852
6150-00-935-8799

**CLASS 6230**

Flashlight (SH)
6230-00-163-1856
Lantern, Electric, Head (SH)
6230-00-643-3562
Light, Desk (SH)
6230-00-299-7771
6230-00-682-3423
Light, Marker, Distress (SH)
6230-00-892-5192

Light-Marker, -Distress (without pouch) (SH)
6230-00-938-1778
Light-Marker, Distress (with pouch) (SH)
6230-00-067-5209

**CLASS 6505**

Ammonia Inhalant Solution, Aromatic (SH)
6505-00-106-0875
Iodine Ampoules, NF (SH)
6505-00-664-1408
Thimerosal Tincture, NF (SH)
6505-00-664-6911

**CLASS 6510**

Bandage, Muslin, Compressed Camouflaged (SH)
6510-00-201-1755

**CLASS 6515**

Case, Ear Plug (SH)
6515-00-299-8287 (80% of Gov't Rqmt)
Kit, Suture Removal (IB)
6515-00-690-6611
Tourniquet, Non-Pneumatic (IB)
6515-00-383-0565

**CLASS 6520**

Toothbrush, Aspiration (SH)
6520-01-085-3438

**CLASS 6530**

Bag, Urine Collection (SH)
6530-00-057-0953
6530-00-761-0932
6530-00-761-0936
Cover, Litter (IB)
6530-00-784-1250
Drape, Surgical (IB)
6530-00-299-9608
6530-00-299-9607
6530-00-299-9605
6530-00-299-9604
Kit, Shaving surgical Preparation (IB)
6530-00-676-7372
Litter, Folding (IB)
6530-00-783-7905
Pad, Cooling, Chemical (SH)
6530-00-133-4299
Pad, Examining Table (IB)
6530-00-960-6616
Pad, Hospital Stretcher (IB)
6530-00-269-0004
Pad, Litter (IB)
6530-00-137-3016
Strap, Webbing Patient Securing (IB)
6530-00-784-4205
Surgical Pack, Disposable (IB)
6530-00-103-6659
Urinal, Incontinent (IB)
6530-01-004-8969
6530-00-290-8292
6530-01-081-5303
6530-01-081-5304
Urinary Drainage Set (SH)
6530-01-056-3659
Wrapper, Sterilization (IB)
6530-00-299-9603
6530-00-197-9223
6530-00-197-9228
6530-00-197-9283
6530-00-926-4902
6530-00-926-4903
6530-00-926-4904
6530-00-926-4905

**CLASS 6532**

Cap—Operating, Surgical (SH)
6532-00-250-5042
6532-00-083-6545
6532-00-250-5041
6532-00-122-0468
Cap, Operating, Surgical (IB)
6532-00-299-9614
6532-00-299-9613
6532-00-299-9612
Clothing, Operating Room (SH)
6532-00-261-9005
6532-00-290-1887
6532-00-172-3509
6532-00-172-3507
6532-00-172-3506
6532-00-158-9890
6532-00-009-7174
Dress, Operating, Surgical (SH)
6532-00-149-0464
6532-00-149-0465
6532-00-149-0466
6532-00-149-0467
6532-00-149-0472
6532-00-149-0473
Gown, Hospital (SH)
6532-00-104-9895
Gown, Hospital, Patient's Bedshirt (SH)
6532-01-005-8411
6532-01-005-8412
Gown, Hospital, Personnel (SH)
6532-01-045-5380
6532-01-045-5381
Gown, Operating, Surgical (SH)
6532-00-009-2034
6532-00-009-2035
Gown, Patient Examining (SH)
6532-00-421-7828
Pajamas, Ladies (SH)
6532-00-NSH-0001
6532-00-NSH-0002
6532-00-NSH-0003
6532-00-NSH-0004
Pillowcase—Disposable (IB)
6532-01-125-3269
Robe, Dressing, Nomex (SH)
6532-00-003-3057
6532-00-006-3482
Robe, Ladies (SH)
6532-00-NSH-0005
Shirt, Operating, Surgical (SH)
6532-00-149-0322
6532-00-149-0323
6532-00-149-0324
6532-00-149-0325
Slippers, Convalescent Patient (SH)
6532-00-241-6393
6532-00-279-7794
6532-00-079-7899
6532-00-079-7902
6532-00-079-7904
Smock, Man's Dental Operating (SH)
6532-00-159-4881
6532-00-926-9964
6532-00-926-9975
6532-00-926-9976
Suit, Convalescent (SH)
6532-01-076-8684
6532-01-076-8683
6532-01-076-7369
6532-01-076-9769
Trousers, Operating, Surgical (SH)
6532-00-149-0327
6532-00-149-0328
6532-00-149-0329
6532-00-149-0330

**CLASS 6540**

Case, Spectacles (IB)
6540-01-131-7919
6540-01-131-7918

**CLASS 6545**

Surgical Dressing Set (IB)
6545-00-105-5826

**CLASS 6625**

Test Set, Lead (SH)
6625-00-553-1442

**CLASS 6630**

Micro Bleeder (IB)
6630-01-NIB-0002
Tube, Bleeding (IB)
6630-01-NIB-0001

**CLASS 6645**

Clock, Wall (IB)
6645-00-514-3523
6645-00-530-3342 RGNS 4, 5, 6, 7
6645-00-046-8848
6645-00-046-8849

**CLASS 6695**

Sampling Kit, Spectrometric Oil Analysis (IB)
6695-01-045-9820

**CLASS 6840**

Disinfectant, Detergent (IB)
6840-00-687-7904
6840-00-584-3129
6840-00-551-8346

**CLASS 7105**

Frame, Picture (SH)
7105-00-053-0170
7105-00-061-5834
7105-00-052-8697
7105-00-052-8695
7105-00-465-6199
7105-00-149-1277
7105-00-297-3398
7105-00-903-1842
7105-00-903-1843
7105-00-149-1282
7105-00-149-1281
7105-00-641-4385
7105-00-986-7356
7105-00-297-3397
7105-00-052-8696
7105-00-149-1276

**CLASS 7110**

Blackboard (SH)
7110-00-132-6651
Bookcase, Steel, Contemporary (SH)
7110-00-601-9823
7110-00-149-1621
Bookcase, Wood, Executive (SH)
7110-00-973-5127
Credenza (SH)
7110-00-762-5513
Table, Office, Wood (SH
7110-00-958-0780
7110-00-823-7675
7110-00-903-3061
7110-00-902-3052
Table, Steel (SH)
7110-00-113-0448
7110-00-113-0454
7110-00-149-2044

7110-00-149-2045
7110-00-149-2046
7110-00-149-2047

**CLASS 7195**

Bulletin Board (IB)
7195-00-989-2370
7195-00-844-9036
7195-00-989-2371
7195-00-844-9037
7195-00-989-2372
7195-00-844-9038
7195-00-990-0615
7195-00-843-7938
Costumer, Wood, Executive (SH)
7195-00-132-6642

**CLASS 7210**

Bedspread (IB)
7210-00-728-0186
7210-00-728-0187
7210-00-728-0188
7210-00-728-0189
7210-00-728-0190
7210-00-728-0191
7210-00-728-0173
7210-00-728-0175
7210-00-728-0176
7210-00-728-0177
7210-00-728-0178
7210-00-728-0179
7210-00-408-2800
7210-00-582-7540
7210-00-582-0984
7210-00-110-8104
7210-00-582-7541
7210-00-110-8105
Blanket, Bed/Bath (Flame Resistant) (IB)
7210-01-141-2458
Cover, Bed (IB)
7210-01-120-8019
7210-01-116-7860
7210-01-120-0679
7210-01-116-7858
7210-01-116-7859
7210-01-118-4085
7210-01-116-7855
7210-01-116-7856
7210-01-116-7857
7210-01-116-7854
7210-01-116-7853
7210-01-120-8015
7210-01-124-7626
7210-01-120-8013
7210-01-120-8014
7210-01-120-8011
7210-01-120-8010
7210-01-122-5015
7210-01-120-8012
7210-01-125-9250
7210-01-120-8009
7210-01-123-5148
7210-01-120-8017
7210-01-120-8021
7210-01-120-8022
7210-01-120-8018
7210-01-124-8303
7210-01-120-8020
7210-01-123-5149
7210-01-120-8016
Cover, Mattress (IB)
7210-00-291-8419
7210-00-205-3083
7210-00-205-3082
7210-00-067-7969
7210-00-998-7745
7210-00-883-8492
7210-00-140-4231
7210-00-140-4234
7210-00-543-6001
7210-00-171-1091
7210-00-935-6619
7210-00-230-1041
7210-00-241-9718
Insect Bar, Nylon (SH)
7210-00-266-9736
Mattress, Cotton-Felt (IB)
7210-00-139-6517
7210-00-139-6555
7210-00-139-6538
Mattress, Foam (IB)
7210-00-290-8300
7210-00-275-5873
7210-00-275-5874
7210-00-290-8298
7210-00-290-8297
7210-00-052-7327
7210-00-889-3733
7210-00-290-8299
7210-00-682-6503
7210-00-682-6504
Mattress, Innerspring (IB)
7210-00-205-3585
7210-00-139-6424
7210-00-716-0706
7210-00-139-6411
7210-00-205-3534
7210-00-139-6434
7210-00-139-6428
7210-00-110-8102
7210-00-110-8103
7210-38-75-100 38×75"
7210-53-75-100 53×75"
Mattress, Plastic Coated Innerspring (IB)
7210-00-995-1093
7210-00-682-7146
7210-00-529-3709
7210-01-138-8177
Pad, Mattress (IB)
7210-00-227-1526
7210-00-753-3042
Pillow, Bed (IB)
7210-00-619-8262
7210-00-753-6228
7210-01-035-3342
7210-00-894-1144
7210-01-015-5190 (96,000 each annually)
7210-00-119-5358
Pillow, Bed (Feather) (IB)
7210-00-205-3205 Rgns W, 1, 2, 3, 4, 5, 6, 7
Pillow, Passenger, Headrest (IB)
7210-00-682-6601
Pillowcase (SH)
7210-00-119-7357
7210-01-030-5311
Pillowcase, Cotton/Cotton Polyester (IB)
7210-00-054-7910
7210-00-259-9005
7210-00-259-9006
7210-00-119-7356
7210-00-231-2373
7210-00-259-9004
7210-00-259-8897
7210-00-081-1380
Pillowcase, Disposable (IB)
7210-00-883-8494
7210-00-852-3417
Protector, Hospital Bed, Pillow (IB)
7210-00-958-9118
Protector, Hospital Bed, Mattress (IB)
7210-00-761-1471
7210-00-761-1470
Sheet, Bed (IB)
7210-00-299-9611
Sheet, Bed-Disposable (SH)
7210-00-144-6082
Sheet, Bed, Disposable (IB)
7210-00-139-6376
7210-00-498-0512 Requirements for Memphis, TN and Tracy, CA Depots only
Tablecloth (SH)
7210-00-492-8381
Towel, Bath, Disposable (IB)
7210-01-029-0370
Washcloth (IB)
7210-01-013-2824

**CLASS 7220**

Mat, Floor (SH)
7220-00-205-3192
7220-00-205-3182
7220-00-457-6057
7220-00-457-6063
7220-00-151-6519
7220-00-151-6518
7220-00-151-6517
7220-00-477-3063
7220-00-194-1609
7220-00-457-6046
7220-00-457-6054
Mat, Floor (IB)
7220-00-205-3099
7220-00-224-6487
7220-00-238-8852
7220-00-224-6486
7220-00-238-8854
7220-00-165-7020
7220-01-023-9487
7220-01-023-9489
7220-01-024-5997
7220-01-023-9496
7220-01-023-9490
7220-01-023-9491
7220-01-023-9493
7220-01-023-9494
7220-01-023-9495

**CLASS 7230**

Curtain, Shower (IB)
7230-00-205-1762
7230-00-247-1280

**CLASS 7290**

Cover, Ironing Board (IB)
7290-00-130-3271

**CLASS 7330**

Pad, Bakery (IB)
7330-00-379-4439
Tongs, Food Serving (SH)
7330-00-616-0997
7330-00-616-0998
7330-00-616-1000

**CLASS 7340**

Flatware, Plastic, Heavy Duty (IB)
7340-00-022-1315
7340-00-022-1316
7340-00-022-1317
7340-00-401-8041
Flatware, Plastic, Picnic (IB)
7340-00-170-8374
7340-00-205-3187
7340-00-205-3342
Spoon, Picnic, Plastic (IB)
7340-00-J19-1300

**CLASS 7360**

Dining Packet (IB)
7360-00-935-6407
7360-00-935-6408
7360-00-935-6409
7360-00-935-6410
7360-00-935-6411
7360-00-935-6412
7360-00-935-6413
Dining Packet (Dietetic) (IB)
7360-00-177-4958
7360-00-177-4959
7360-00-177-4960
7360-00-177-4961
7360-00-177-4962
7360-00-177-4963
7360-00-935-6416
7360-00-935-6417
7360-00-935-6420
7360-00-935-6421
Dining Packet, Inflight (IB)
7360-00-660-0526
7360-01-167-2610
Flatware Set, Plastic (IB)
7360-00-634-4800

**CLASS 7510**

Binder, Awards Certificate (IB)
7510-00-115-3250
7510-00-482-2994
7510-00-755-7077
7510-01-056-1927
Binder, Looseleaf, (Pressboard) (IB)
7510-00-281-4309
7510-00-281-4314
7510-00-582-4201
7510-00-281-4310
7510-00-281-4311
7510-00-281-4313
7510-00-281-4315
7510-00-286-7792
7510-00-286-7794
7510-00-582-5488
7510-00-286-7791
7510-00-582-3807
Binder, Looseleaf, Presentation (IB)
7510-00-582-5398
7510-00-582-5399
7510-00-582-5400
Binder, Looseleaf, Three Ring (IB)
7510-00-782-2663
7510-00-389-3494
7510-00-409-8646
7510-00-409-8647
7510-00-984-5787
7510-00-965-2443
Binder, Note Pad (IB)
7510-00-286-6954
7510-00-145-0296
7510-00-728-8060
7510-01-053-5591
Board, Wall Calendar (IB)
7510-00-789-2455
Calendar Pad (SH)
7510-01-177-7711 (1985)
7510-01-117-7712 (1986)
Chip, Binder (SH)
7510-00-223-6807
7510-00-285-5995
7510-00-282-8201
Clip, Paper (SH)
7510-00-161-4292
Envelope, Crystal Clear Vinyl (IB)
7510-00-NIB-0003
7510-00-NIB-0004
7510-00-NIB-0005
7510-00-NIB-0006
Envelope, Transparent (IB)
7510-00-782-6274
7510-00-782-6275
7510-00-782-6276
Eraser, Mechanical Pencil (IB)
7510-00-307-7885
File Back (IB)
7510-00-NIB-0002
File Backer, Paper (IB)
7510-00-285-2567
File Front (IB)
7510-00-NIB-0001
Pad, Typewriter (IB)
7510-00-257-2576
7510-00-530-6412
7510-00-849-1137
Paperweight, Shotfilled (IB)
7510-00-286-6985
Pencil (IB)
7510-00-286-5757
7510-00-281-5234
7510-00-281-5235
Pencil, Fine-Line Writing (IB)
7510-00-286-5755
7510-00-286-5750
7510-00-286-5751
Pencil Woodcased, with Imprinting (IB)
7510-050-8LP-6521
Pocket Planning Set (SH)
7510-01-119-6370 (1985)
7510-01-122-1977 (1986)
Portfolio, Double Pocket (IB)
7510-00-584-2489
7510-00-584-2490
7510-00-584-2491
7510-00-584-2492
Portfolio, Plastic Envelope (IB)
7510-00-558-1572
7510-00-558-1573
7510-00-995-4856
7510-00-995-4852
Refill, Ballpoint Pen (IB)
7510-00-543-6792
7510-00-543-6793
7510-00-754-2687
7510-00-543-6795
7510-00-754-2688
7510-00-754-2689
7510-00-754-2690
7510-00-754-2691
Refill, List Finder, Automatic (SH)
7510-00-285-2800
Sheath, Pen and Pencil (IB)
7510-00-052-2664

**CLASS 7520**

Arch Board File (IB
7520-00-240-5498
7520-00-191-1075
7520-00-255-7081
Ballpoint Pen (IB)
7520-00-935-7136
7520-00-935-7135
7520-00-543-7149
Ballpoint Pen, Stick-type (IB)
7520-01-058-9978
7520-01-058-9977
7520-01-058-9976
7520-01-059-4125
7520-01-060-5820
7520-01-058-9975
7520-01-060-6513
7520-01-060-5821
Ballpoint Pen, with Imprinting (IB)
7520-00-8LP-6520
Book Ends (IB)
7520-00-264-5479
7520-00-139-6158
Box, Filing (SH)
7520-00-285-3147
7520-00-285-3143
7520-00-285-3144
7520-00-285-3145
7520-00-285-3146
7520-00-285-3148
7520-00-139-3734
7520-00-240-4830
7520-00-240-4831
7520-00-139-3743
7520-00-240-4839
Case, Maintenance & Operational Manuals (IB)
7520-00-559-9618
Cashbox (SH)
7520-00-281-5931
Clipboard File (IB)
7520-00-281-5918
7520-00-254-4610
7520-00-240-5503
Easel, Display & Training (IB)
7520-00-579-7013
File, Horizontal Desk (SH)
7520-00-139-4869
7520-00-728-5761
Holder, Desk Memorandum (IB)
7520-00-139-3802
7520-00-290-6445
Marker, Tube Type, Broad Tip (IB)
7520-00-973-1059
7520-00-973-1060
7520-00-079-0285
7520-00-973-1061
7520-00-079-0286
7520-00-079-0287
7520-00-973-1062
7520-00-079-0288
7520-00-904-4476
7520-00-558-1501
Marker, Tube Type, Fine Tip (IB)
7520-00-904-1265
7520-00-904-1268
7520-00-935-0979
7520-00-904-1267
7520-00-935-0981
7520-00-935-0982
7520-00-904-1266
7520-00-935-0980
7520-00-051-5031
7520-00-051-5035
7520-00-116-2888
7520-00-051-5036
7520-00-116-2886
7520-00-116-2889
7520-00-051-5033
7520-00—116-2887
Pen Set, Desk (IB)
7520-00-106-9840
Pencil, Mechanical (IB)
7520-00-223-6672
7520-00-223-6673
7520-00-268-9913
7520-00-223-6675
7520-00-223-6676
7520-00-285-5826
7520-00-285-5822
7520-00-285-5823
7520-00-161-5664
7520-00-164-8950
7520-00-268-9915
7520-00-285-5818

7520-00-268-9916
7520-00-724-5606
7520-00-590-1878
7520-00-132-4996
Perforator, Paper, Desk (SH)
7520-00-139-4101
7520-00-263-3425
Stand, Calendar Pad (IB)
7520-00-162-6153
7520-00-162-6156
7520-00-139-4277
7520-00-139-4341
Tray, Desk (SH)
7520-00-232-6828
7520-00-286-5801
7520-00-285-5043
Trimmer, Paper (IB)
7520-00-224-7620 Rgns 1, 2, 3, W, 4, 5, 6, 7
7520-00-224-7621
7520-00-163-2568
7520-00-634-4675
7520-00-282-2137

**CLASS 7530**

Card Set, Guide, File (IB)
7530-00-989-0698
7530-00-989-0697
7530-00-989-0683
7530-00-082-2635
7530-00-989-0684
7530-00-989-0686
7530-00-989-0692
7530-00-989-0694
7530-00-989-0693
7530-00-989-0695
Card, Guide, File (IB)
7530-00-989-0184
7530-00-989-2425
7530-00-989-6541
7530-00-988-6542
7530-00-988-6543
7530-00-988-6549
7530-00-988-6550
7530-00-988-6551
7530-00-988-6544
7530-00-988-6545
7530-00-988-6546
7530-00-988-6547
7530-00-988-6548
7530-00-988-6515
7530-00-988-6516
7530-00-988-6520
7530-00-988-6521
7530-00-988-6517
7530-00-988-6518
7530-00-988-6522
Card, Index (IB)
7530-00-238-4316
7530-00-244-7453
7530-00-244-7456
7530-00-244-7451
7530-00-244-7459
7530-00-238-4319
7530-00-949-2787
7530-00-238-4331
7530-00-243-9436
7530-00-247-0310
7530-00-281-1315
7530-00-247-0318
7530-00-264-3723
7530-00-247-0311
7530-00-244-7447
7530-00-247-0315
7530-00-243-9437
Envelope, Wallet (IB)
7530-00-281-5976
7530-00-281-4844
7530-00-281-4846
Folder, File, General-Purpose (IB)
7530-00-811-7169
Folder, File, Kraft (IB)
7530-00-889-3555
7530-00-559-4512
7530-00-281-5907
7530-00-281-5908
7530-00-926-8978
7530-00-926-8980
Folder, File, Manila (IB)
7530-00-273-9845
Folder, File, Military Personnel Records Jacket (IB)
7530—DA Form 201
Folder, Rile, Pressboard (IB)
7530-00-926-8981
7530-00-286-6924
7530-00-926-8982
7530-00-926-8983
7530-00-926-8984
7530-00-043-1194
7530-00-739-7723
Folder-Set, File, Pressboard (IB)
7530-00-286-6923
7530-00-286-7080
7530-00-286-7244
7530-00-286-7253
7530-00-286-7286
7530-00-286-7287
7530-00-286-8570
7530-00-286-8571
7530-00-286-6925
7530-00-286-6926
Jacket, Filing, Wallet (IB)
7530-00-285-2915
7530-00-285-2913
7530-00-285-2914
Notebook, Stenographer's (IB)
7530-00-223-7939
Pad, Writing Paper (IB)
7530-00-285-3090 Rgns 1, 5, 6, only
7530-00-239-8479 All Regions
7530-01-131-1889 All regions
7530-01-124-5660 Rgns W, 1, 3, 4, 5, 6, 7, 8
7530-01-131-0091 Rgns W, 1, 3, 4, 5, 6, 7, 8
7530-01-124-7632 Rgns W, 1, 2, 3, 5, 7
Pad, Writing Paper (Easel) (IB)
7530-00-619-8880
Paper Set, Manifold and Carbon (IB)
7530-00-880-9154 Rgns W, 6, 7
7530-00-401-6910 Rgns W, 4, 6, 7, 9
7530-01-072-2536 Rgns W, 4, 6, 7, 9
7530-01-072-2537 Rgns W, 4, 6, 7, 9
7530-01-072-2538 Rgns W, 4, 6, 7, 9
7530-01-072-2539 Rgns W, 4, 6, 7, 9
7530-00-205-0511 Rgns W, 6, 7
Paper, Carbon, Typewriter (IB)
7530-00-244-4035 Rgns 1, 2, 3, 6, 7, 8
Paper, Looseleaf, Blank (IB)
7530-00-286-5777
7530-00-286-5778
7530-00-286-5782
7530-00-286-5780
7530-00-286-5781
7530-00-286-5779
Paper, Looseleaf, Ruled (IB)
7530-00-286-6366
7530-00-286-4332
7530-00-286-4331
7530-00-286-4333
7530-00-286-4334
7530-00-286-4335
7530-00-198-6265
7530-00-286-4336
7530-00-286-4337
7530-00-286-4338
7530-00-286-4339
Paper, Teletypewriter, Roll (IB)
7530-00-019-6674
7530-00-019-6931
7530-00-019-7267
7530-00-019-7463
7530-00-223-7966
7530-01-056-2900
7530-00-721-9691
7530-00-223-7969
7530-00-262-9178
7530-00-142-9037
7530-00-943-7076
Paper, Writing (IB)
7530-00-285-5836
7530-01-047-3738
Refill, Appointment Book (SH)
7530-01-125-0985 (1985)
7530-01-125-0986 (1986)
Tape, Paper, Computing Machine (IB)
7530-00-286-9052
7530-00-222-3455
7530-00-286-9053
7530-00-286-9054
7530-00-238-8352
7530-00-222-3456
7530-00-286-9055

**CLASS 7690**

Decalcomania, 0.75" Black (SH)
7690-00-329-0538 FOR OFFICIAL USE ONLY
Decalcomania, 1" Black (SH)
7690-00-857-9572 MAX SPEED
7690-00-857-9573 NO RIDERS
7690-00-857-9574 NO SMOKING
7690-00-857-9575 U.S. ARMY
Decalcomania, 1" White Lusterless (SH)
7690-00-857-9660 MAX SPEED
7690-00-857-9662 NO SMOKING
7690-00-857-9663 U.S. ARMY
Decalcomania, 1.5" Black (SH)
7690-00-857-9698 MAX SPEED
7690-00-857-9699 NO RIDERS
7690-00-857-9700 NO SMOKING
Decalcomania, 1.5" White Lusterless (SH)
7690-00-857-9611 MAX SPEED
7690-00-857-9612 NO RIDERS
7690-00-857-9613 NO SMOKING
7690-00-857-9614 U.S. ARMY
Decalcomania, 2" Black (SH)
7690-00-858-3403 NO SMOKING
7690-00-858-3405 U.S. ARMY
Decalcomania, 2" White Lusterless (SH)
7690-00-858-3365 NO SMOKING
7690-00-858-3366 U.S. ARMY
Decalcomania, 3" Black (SH)
7690-00-311-7272 NO SMOKING
7690-00-311-7276 U.S. ARMY
Decalcomania, 3" White Lusterless (SH)
7690-00-310-9208 U.S. ARMY
7690-00-310-6627 NO SMOKING
Decalcomania, 4" Black (SH)
7690-00-328-9507 MAX SPEED
7690-00-328-9517 NO SMOKING
Decalcomania, 4" White Lusterless (SH)
7690-00-329-0204 MAX SPEED
7690-00-329-0205 NO SMOKING
7690-00-329-0206 U.S. ARMY
Decalcomania, Numbers & Letters (SH)
7690—1½"
7690—2"
7690-00-311-7128 3" White Lusterless "5"

7690—4"
Folder, Chapel Program (SH)
7690-00-NSH-0001
Illustrative Sheet (SH)
7690-00-NHS-0002

**CLASS 7910**

Pad, Floor Polishing Machine (IB)
7910-00-685-6686
7910-00-685-6687
7910-00-685-3908
7910-00-685-6671
7910-00-685-3909
7910-00-685-6672
7910-00-685-3910
7910-00-685-6656
7910-00-685-6657
7910-00-685-3912
7910-00-685-6659
7910-00-685-3915
7910-00-685-6660
7910-00-685-3914
7910-00-685-4239
7910-00-685-4240
7910-00-685-4242
7910-00-685-4243
7910-00-685-4241
7910-00-685-4244
7910-00-685-4245
7910-00-820-7991
7910-00-820-7989
7910-00-820-7990
7910-00-820-9926
7910-00-820-9925
7910-00-820-9924
7910-00-820-9898
7910-00-820-7997
7910-00-820-7996
7910-00-820-9903
7910-00-820-9904
7910-00-820-9905
7910-00-820-9900
7910-00-820-9901
7910-00-820-9899
7910-00-820-9922
7910-00-820-9918
7910-00-820-9917
7910-00-820-9916
7910-00-820-9915
7910-00-820-9914
7910-00-820-9913
7910-00-820-9912
7910-00-820-9911
7910-00-820-9910

**CLASS 7920**

Broom, Push (IB)
7920-267-2967
Broom, Upright (IB)
7920-00-292-4371
7920-00-292-4375
7920-00-292-4372
7920-00-291-8305
Broom, Whisk (IB)
7920-00-240-6350
Brush, Chassis and Running Gear (IB)
7920-00-255-7536
Brush, Cleaning, Aircraft (IB)
7920-00-051-4384
Brush, Dusting (IB)
7920-00-178-8315
Brush, Floor Sweeping (IB)
7920-00-243-3407
7920-00-292-3363
7920-00-292-2367
7920-00-264-4638
7920-00-292-2362
7920-00-292-2365
Brush, Sanitary (IB)
7920-00-772-5800
7920-00-234-9317
Brush, Scrub (IB)
7920-00-240-7174
7920-00-591-8795
7920-00-282-2470 Tampico Fibers
7920-00-282-2470 Styrene Fibers
7920-00-297-1511
7920-00-619-9162
7920-00-061-0038
Brush, Shoe and Stove (IB)
7920-00-852-8170
Brush, Wire, Scratch (IB)
7920-00-291-5815
7920-00-282-9246
7920-00-246-8501
7920-00-223-7649
Brush, Wire, Stainless Steel (IB)
7920-00-958-1157
Brush-Set, Shoe and Stove (IB)
7920-00-205-0200
Cloth, Polishing (IB)
7920-00-205-1656
Cloth, Wiping (SH)
7920-LL-L03-6103
7920-LL-L03-6134
Pearl Harbor Naval Shipyard, Pearl Harbor, HI only
Cloth, Wiping ("Jean Cotton") (SH)
7920-LL-L01-0013
7920-LL-L01-0014
Portsmouth Naval Shipyard, Portsmouth, NH only
Handle, Mop (IB)
7920-00-205-1168
7920-00-267-1218
7920-00-205-1167
7920-00-550-9902
7920-00-550-9911
7920-00-550-9912
7920-00-998-2485
7920-00-998-2486
7920-00-851-0140
7920-00-851-0142
7920-00-246-0930
7920-00-205-1170
Handle, Paint Roller (IB)
7920-00-682-6512
Handle, Wood (IB)
7920-00-177-5106
7920-00-141-5452
7920-00-263-0328
Kit, Aircraft Cleaning (IB)
7920-00-490-6046
Mop, Dusting, Cotton (IB)
7920-00-205-0481
7920-00-205-0483
7920-00-205-0484
7920-00-245-8289
Mop, Wet (IB)
7920-00-224-8726
Mop, Wet, Cellulose (Sponge Refill) (IB)
7920-00-471-2876
Mop, Wet, Cellulose, Complete (IB)
7920-00-432-7117
7920-00-728-1167
Mophead, Dusting, Cotton (IB)
7920-00-634-0201
7920-00-267-4921
7920-00-998-2482
7920-00-998-2483
7920-00-998-2484
7920-00-851-0141
7920-00-205-0485
7920-00-205-0487
7920-00-205-0488
Mophead, Wet (IB)
7920-00-205-0425
7920-00-205-0426
7920-00-141-5549
7920-00-171-1148
7920-00-141-5550
7920-00-141-5547
7920-00-141-5548
7920-00-141-5544
7920-00-926-5492
7920-00-926-5493
7920-00-926-5494
7920-00-926-5495
7920-00-926-5496
7920-00-926-5497
7920-00-926-5498
7920-00-926-5499
7920-00-926-5501
7920-00-926-5502
Pad, Scouring (IB)
7920-00-753-5242
7920-00-151-6120
Scraper and Squeegee (IB)
7920-00-045-2556
Sponge, Cellulose (IB)
7920-00-161-6219
7920-00-633-9928
7920-00-240-2559
7920-00-884-1116
7920-00-884-1115
7920-00-633-9905
7920-00-240-2555
7920-00-633-9906
Sponge, Plastic (IB)
7920-00-633-9908
7920-00-633-9911
7920-00-633-9915
7920-00-685-4152
Squeegee (SH)
7920-00-224-8339
Squeegee, Window-Cleaning (IB)
7920-00-577-4744
7920-00-577-4745
7920-00-577-4746
Towel, Machinery Wiping (IB)
7920-00-260-1279
Towel, Paper (IB)
7920-00-823-9772 Rgns 4,6,7
7920-00-823-9773

**CLASS 7930**

Cloth, Wiping (SH)
7930-LL-COO-3782
7930-LL-COO-2678
Mare Island Naval Shipyard, CA only
Cloth, Filter (SH)
7930-00-NSH-0001
Naval Supply Center, WA only
Detergent, General Purpose (IB)
7930-00-926-5280
7930-00-357-7386
7930-00-068-1669
7930-00-055-6122
7930-00-177-5243
7930-00-985-6945
7930-00-985-6946
7930-00-530-8067
7930-00-527-1207
7930-00-527-1237
Dishwashing Compound, Hand (IB)
7930-00-880-4454
7930-00-055-6136

7930-00-899-9534
Glass Cleaner (IB)
7930-00-664-6910
Rinse Additive, Dishwashing (IB)
7930-00-619-9573
7930-00-619-9575

**CLASS 8105**

Bag, Assembly, Crew Relief (IB)
8105-00-922-9469
Bag, Cloth (IB)
8105-00-283-8183
Bag, Cotton (IB)
8105-00-183-6918
8105-00-281-3924
8105-00-183-6982
8105-00-179-0089
8105-00-271-1511
8105-00-183-6985
8105-00-174-0836
8105-00-183-6989
8105-00-290-3360
Bag, Currency (IB)
8105-00-NIB-0006
Bureau of Engraving and Printing, Washington, D.C. only
Bag, Evidence (IB)
8105-00-NIB-0001
8105-00-NIB-0002
8105-00-NIB-0003
8105-00-NIB-0004
8105-00-NIB-0005
Bag, Lunch (SH)
8105-00-664-3715
Bag, Motion Sickness (IB)
8105-00-835-7212
Bag, Plastic (SH)
8105-00-NSH-0001
8105-00-NSH-0002
8105-00-NSH-0003
8105-00-NSH-0004
Coin Bags (SH)
8105-00-NSH-0005 50% of Gov't requirements
8105-00-NSH-0006 50% of Gov't requirements
8105-00-NSH-0007 50% of Gov't requirements
8105-00-NSH-0008 50% of Gov't requirements
8105-00-NSH-0009 50% of Gov't requirements
8105-00-NSH-0010 50% of Gov't requirements
8105-00-NSH-0011 50% of Gov't requirements
8105-00-NSH-0012 50% of Gov't requirements

**CLASS 8110**

Tube, Mailing and Filing (SH)
8110-00-412-4410

**CLASS 8115**

Box, Set-Up, Mailing Dental (IB)
8115-00-511-5750
Box, Shipping (IB)
8115-00-787-2142
8115-00-787-2147
8115-00-101-7647
8115-00-101-7638
8115-00-787-2146
8115-00-787-2148
8115-01-019-4085
8115-01-019-4084
8115-01-057-1244
8115-01-057-1243
8115-01-057-1245
8115-00-192-1603
8115-00-192-1604
8115-00-192-1605
8115-01-093-3730
Box, Wood (SH)
8115-00-935-5887
8115-00-935-6518
8115-00-935-6525
8115-00-935-6526
8115-00-935-6527
8115-00-935-6528
8115-00-935-6530
8115-00-935-6532
8115-00-935-6531
Box, Wood, Nailed (SH)
8115-00-N00-0019
Pine Bluff Arsenal, AR only

**CLASS, 8135**

Block, Currency Packing (IB)
BEP Stock# L-1391
Chipboard (IB)
8135-00-290-0336
8135-00-782-3948
8135-00-782-3951
8135-00-579-8457

**CLASS 8315**

Sewing Kit (SH)
8315-01-096-4480
8315-01-090-5823

**CLASS 8340**

Line, Tent (SH)
8340-00-263-0254
8340-00-263-0255
Pin, Tent, Aluminum (SH)
8340-00-261-9749
Pin, Tent, Wood (SH)
8340-00-261-9750
8340-00-261-9751
Pole Section, Tent (SH)
8340-00-223-7849
Shelter Half, Tent, Incomplete (SH)
8340-00-577-4168
Shelter Half, Tent, Complete (SH)
8340-01-026-6096

**CLASS 8345**

Case, Flag, Interment (IB)
8345-00-782-3010
Flag, Signal (IB)
8345-00-935-0588
8345-00-935-0589
8345-00-935-0590
8345-00-935-0591
8345-00-935-0592
8345-00-935-0594
8345-00-935-0595
8345-00-935-0597
8345-00-935-0598
8345-00-935-0599
8345-00-935-0602
8345-00-935-0604
8345-00-935-0607
8345-00-935-0608
8345-00-935-0633
8345-00-935-1840
8345-00-935-0634
8345-00-935-0638
8345-00-935-0639
8345-00-935-0640
8345-00-926-9977
8345-00-926-9216
8345-00-926-9978
8345-00-926-6804
8345-00-926-6806
8345-00-926-9979
8345-00-926-6807
8345-00-926-6809
8345-00-926-9980
8345-00-926-9219
8345-00-935-0582
8345-00-926-9984
8345-00-926-6003
8345-00-926-9985
8345-00-935-0619
8345-00-935-1839
8345-00-935-0620
8345-00-935-0623
8345-00-935-0409
8345-00-935-0624
8345-00-935-0445
8345-00-926-6803
8345-00-935-0446
8345-00-926-6805
8345-00-935-0447
8345-00-926-9987
8345-00-935-0448
8345-00-926-6810
8345-00-926-9988
8345-00-935-0450
8345-00-935-0451
8345-00-935-0453
8345-00-926-6002
8345-00-926-6814
8345-00-935-0436
8345-00-935-0437
8345-00-935-0438
8345-00-935-0408
8345-00-935-0441
8345-00-935-0442
8345-00-935-0464
8345-00-935-0465
8345-00-935-0466
8345-00-935-0467
8345-00-935-0468
8345-00-935-0470
8345-00-935-0471
8345-00-935-0473
8345-00-935-0474
8345-00-935-0475
8345-00-935-0478
8345-00-935-0480
8345-00-935-0483
8345-00-935-0484
8345-00-935-0626
8345-00-935-1838
8345-00-935-0627
8345-00-935-0407
8345-00-935-0630
8345-00-935-0631
Flag, Signal, Vehicle, Danger Red (IB)
8345-00-260-2724
Pennant, Signal, and Special Flags (IB)
8345-00-935-0420
8345-00-935-0517
8345-00-935-4755
8345-00-825-1847
8345-00-935-3201
8345-00-935-4756
8345-00-935-0522
8345-00-914-6086
8345-00-935-4753
8345-00-935-4754
8345-00-935-0404
8345-00-935-0514
8345-00-825-1868
8345-00-935-0406

8345-00-935-0509
8345-00-926-5988
8345-00-935-0512
8345-00-921-4497
8345-00-935-3199
8345-00-825-1839
8345-00-935-0526
8345-00-914-6076
8345-00-914-6080
8345-00-914-6083
8345-00-935-0524
8345-00-926-5987
8345-00-926-5989
8345-00-935-0539
8345-00-926-5991
8345-00-825-1840
8345-00-935-0521
8345-00-914-6087
8345-00-926-6026
8345-00-935-0403
8345-00-935-0536
8345-00-926-9210
8345-00-926-9213
8345-00-926-6028
8345-00-935-0508
8345-00-935-0519
8345-00-935-0415
8345-00-914-6085
8345-00-926-9215
8345-00-935-0411
8345-00-926-9212
8345-00-914-7411
8345-00-914-6079
8345-00-914-6082
8345-00-935-0523
8345-00-935-0417
8345-00-926-5990
8345-00-935-0421
8345-00-926-9207
8345-00-935-0542
8345-00-935-0520
8345-00-935-0492
8345-00-935-0493
8345-00-926-9214
8345-00-935-0513
8345-00-935-0490
8345-00-935-0495
8345-00-926-9208
8345-00-935-0518
8345-00-935-0511
8345-00-914-6084
8345-00-935-0405
8345-00-935-0410
8345-00-935-0525
8345-00-914-6075
8345-00-914-6077
8345-00-914-6081
8345-00-935-0419
8345-00-935-0416
8345-00-935-0537
8345-00-935-0538
8345-00-935-0540
8345-00-935-0541
8345-00-926-9211
8345-00-935-0499
8345-00-935-0500
8345-00-935-0501
8345-00-825-1818
8345-00-935-0497
8345-00-935-0504
8345-00-935-1841
8345-00-935-0418
8345-00-925-1819
8345-00-926-1551
8345-00-935-0503
8345-00-935-0534
8345-00-935-1843
8345-00-926-1548
8345-00-926-1549
8345-00-926-1552

Streamer, Warning, Aircraft (IB)
8345-00-863—9170

**CLASS 8405**

Cover, Service Cap (IB)
05-01-046-8544
05-01-046-8545

Strap, Chin (SH)
8405-00-152-3952

**CLASS 8415**

Apron, Construction Worker's (IB)
8415-00-205-3895
8415-00-257-4290

Apron, Food Handler's (IB)
8415-00-255-8577
8415-00-634-0205
8415-00-051-1173
8415-00-045-0587

Apron, Food Handler's (SH)
8415-00-899-3026

Apron, Impermeable (SH)
8415-00-082-6108

Apron, Laboratory (SH)
8415-00-634-5023

Band, Helmet, Camouflage (IB)
8415-01-110-9981

Cap, Food Handler's (IB)
8415-00-234-7677
8415-00-234-7678
8415-00-234-7679

Cover, Helmet (IB)
8415-00-105-0605

Cover, Helmet, Camouflage Pattern (IB)
8415-01-092-7514
8415-01-092-7515

Cover, Helmet, Chemical Protective (IB)
8415-01-111-9028 (75,000 each annually)

Cover, Helmet, Desert Camouflage (SH)
8415-01-103-1349
8415-01-103-1350

Hood, Anti-Flash (SH)
8415-00-275-3159

Hood, Spray Painter's Protective (SH)
8415-00-NSH-0001
Pearl Harbor Naval Shipyard, HI only

Liner, Coat, Cold Weather (IB)
8415-00-782-2886
8415-00-782-2887
8415-00-782-2888
8415-00-782-2889
8415-00-782-2890
8415-01-062-0679
All Gov't requirements except for Memphis Depot, TN

Liner, Cold Weather, Trousers (IB)
8415-00-782-2922
8415-00-782-2924
8415-00-782-2925
8415-00-782-2926
8415-00-782-2927
8415-00-782-2928
8415-00-782-2929
8415-00-782-2930

Mask, Extreme Cold Weather (SH)
8415-00-243-9844
8415-01-006-3468

Pad, Helmet, Flight Deck Crewman's (IB)
8415-00-178-6830
8415-00-178-6831

Socks, Extreme Cold Weather (SH)
8415-00-177-7992
8415-00-177-7993
8415-00-177-7994
8415-01-057-3503

Traffic Safety Clothing (See Class 8465 also) (IB)
8415-00-177-4978
8415-00-177-4974

**CLASS 8430**

Footwear Cover (IB)
8430-00-890-2079
8430-00-580-1205
8430-00-580-1206
8430-00-591-1359
8430-01-162-4453

Slide Fastener Unit, Laced Boot (IB)
8430-00-465-1888
8430-00-465-1889
8430-00-465-1890

**CLASS 8440**

Belt, Coat (IB)
8440-00-261-4965
8440-00-261-4966

Belt, Trousers
8440-00-270-0535
8440-00-412-2309
8440-00-573-1666
8440-00-270-0536
8440-00-412-2312
8440-00-573-1765
8440-00-270-0537
8440-00-412-2314
8440-00-573-3727
8440-00-290-0567
8440-00-052-9738
8440-00-290-0568
8440-00-052-9739
8440-00-269-5311
8440-01-052-9740
8440-00-634-5632
8440-00-753-6363
8440-00-577-4177
8440-00-753-6364
8440-00-577-4178
8440-00-753-6365
8440-00-270-0541
8440-00-412-2326
8440-00-270-0542
8440-00-412-2341
8440-00-270-0543
8440-00-412-2342

Neckerchief, Camouflage, Desert (IB)
8440-01-103-5981
8440-01-148-4549

Necktie (IB)
8440-00-216-6130
8440-00-316-2519
8440-00-555-7194

Scarf, Man's, Wool (SH)
8440-01-005-2558
8440-00-160-6843
8440-00-823-7520

Suspenders, Trousers (IB)
8440-00-221-0852

**CLASS 8445**

Belt, Trousers, Cotton (IB)
8445-01-068-8339
8445-01-068-8340
8445-01-075-0013
8445-01-075-0014
8445-01-075-0015

Scarf, Neckwear (IB)
8445-00-549-5363

**CLASS 8455**

Holder, Identification (IB)
8455-00-898-9730
Medal and Medal Sets (SH)
8455-00-261-4501
8455-00-082-5528
8455-00-269-5761
8455-00-269-5783
8455-00-269-5763
8455-00-269-5764
8455-00-269-5782
Scarf, Branch of Service (IB)
8455-00-916-8398
8455-00-405-2294
8455-00-985-7336
8455-01-078-0745

**CLASS 8460**

Kit Bag, Flyer's (IB)
8460-00-606-8366

**CLASS 8465**

Bag, Barrack (IB)
8465-00-530-3692
Bag, Laundry (SH)
8465-00-616-9576
Bag, Laundry, Self-Closing, Ropeless (SH)
8465-00-656-0816
Bag, Sleeping, Firefighter's (IB)
8465-00-081-0798
Bag, Soiled Clothes (SH)
8465-00-122-3869
Bag, Soiled Clothes, Submarine (IB)
8465-00-762-7671
Belt, Individual, Equipment, Nylon, LC-1 (IB)
8465-00-001-6487
8465-00-001-6488
8465-01-120-0674
8465-01-120-0675
Belt, M.P. (IB)
8465-00-527-8843
Binding, Snowshoe, Universal (IB)
8465-00-965-2175
Carrier, Intrenching Tool (IB)
8465-00-001-6474
Case, Field, First Aid (IB)
8465-00-935-6814
Case, Maintenance Equipment, Small Arms (IB)
8465-00-781-9564
Case, Map and Note, Field (SH)
8465-00-634-1903
Clipboard, Pilot's (SH)
8465-01-012-9174
Clothes Stop (IB)
8465-00-377-5701
Cover, Field Pack, Camouflage (IB)
8465-01-103-0659
Cover, Field-Pack, Camouflage, White (SH)
8465-00-001-6478
Cover, Water, Canteen (IB)
8465-00-118-4965
Fieldpack, Canvas (SH)
8465-00-205-3493
Lanyard, Pistol (SH)
8465-00-262-5237
8465-00-965-1705
Necklace, Personnel, Identification (SH)
8465-00-261-6629
Pocket, Ammunition Magazine (IB)
8465-00-782-2239
8465-00-261-4983
Protector, Trousers, Pistol Holster (IB)
8465-00-682-6741
Strap, Waist, with Pad, LC-2 (IB)
8465-01-075-8164
Strap, Webbing, Cargo, Tie-Down (IB)
8465-00-001-6477
Strap, Webbing, Waist, LC-1 (IB)
8465-00-269-0481
Suspenders, Individual Equipment Belt (IB)
8465-00-001-6471
Traffic-Safety Clothing (IB)
8465-00-177-4977
8465-00-177-4976
8465-00-177-4975
Whistle, Ball, Plastic (IB)
8465-00-254-8803

**CLASS 8470**

Headband, Ground Troop, Helmet Liner (IB)
8470-00-153-6671
Mechanicsburg, PA, and Richmond, VA only
Headband, Ground-Troop'/Parachutists' Helmet (IB)
8470-01-092-8493
8470-01-092-8492
Neckband, G.T., Helmet Liner (IB)
8470-00-753-6166
Pad, Parachutists' Helmet (IB)
8470-01-092-8494
Strap, Chin, Ground Troops'/Parachutists' Helmet (IB)
8470-01-092-7534
Strap, Chin, Parachutist Steel Helmet (IB)
8470-00-032-2737
Strap, Retention, Parachutists' Helmet (IB)
8470-01-092-7524
Strap, Soldier's Steel Helmet M-1 (IB)
8470-00-030-8003
Suspension Assembly, Liner, Helmet (IB)
8470-00-880-8814
Suspension-Assembly, Ground Troops'/Parachutist (IB)
8470-01-092-7516
8470-01-092-7517
8470-01-092-7518
8470-01-092-7519

**CLASS 8520**

Soap, Toilet (IB)
8420-00-228-0598
8420-01-058-7463
8420-00-141-2519

**CLASS 8970**

Food Packet, Survival, Aircraft, Life Raft, Indiv. (SH)
8970-01-028-9406
Plate, Marking, Blank (SH)
9905-473-6336
Sign Kit, Vehicle (SH)
9905-00-565-6267
Tag, Key (SH)
9905-00-245-7826
Tag, Marker (SH)
9905-00-537-8944
9905-00-537-8945
9905-00-537-8946
9905-00-537-8957
Tree Shade (SH)
9905-00-NSH-0001 8" X 12"
9905-00-NSH-0153 8" X 16"
BLM and U.S. Forest Service, Washington and Oregon only

**CLASS 9920**

Ash Receiver, Tobacco (IB)
9920-00-682-6757
Cleaner, Tobacco Pipe (SH)
9920-00-292-9946

**U.S. Postal Service Items**

Decalcomania, PS 1" Lusterless White (SH)
P.S. #669-L TP
P.S. #666-L TP-40
P.S. #672-L TP-45
P.S. #667-L TP-50
P.S. #675-L TP-65
P.S. #668-L TP-70
P.S. #622-L LIFT HERE
Decalcomania, PS, 1" Gloss White (SH)
P.S. #635 NO RIDERS
Decalcomania, PS, 1.5 " Gloss White (SH)
P.S. #600 U.S. ARMY
P.S. #633 MAX SPEED
P.S. #636 NO RIDERS
Decalcomania, PS, 2" Gloss White (SH)
P.S. #607 U.S. ARMY
Divider, Separation (SH)
P.S. Item #01037A
P.S. Item #01037B
Lead Seal with Cord Attachment (SH)
P.S. #0815
Marker, I.D., Plastic (SH)
P.S. #01036
P.S. #01036-A
P.S. #01036-B
P.S. #01036-C
P.S. #01036-D
P.S. #01036-E
P.S. #01036-F
Pallet, P.S., Material Handling (SH)
3990-00-NSH-0008 (62 x 48")
U.S. Postal Service, Western Area Supply Center
Pocket, Imitation Leather (IB)
P.S. #D-1200-G
Safety Guard (SH)
P.S. Item #01075B
Seal, Metal Band (SH)
P.S. Item #0816-A
P.S. Item #0816-B
Seat Assembly, complete (SH)
P.S. #054-A
Seat Cover (SH)
P.S. #054-B
Strap, Mail Tray (IB)
P.S. Item #01067
Strap, Tie, Mail Carrier's, with buckle (IB)
P.S. #D-1216-D
P.S. #D-1216-E
P.S. #D-1216-F

**Military Resale Commodities**

Procedures for ordering military resale commodities are contained in Section 51-5.6, Code of Federal Regulations, Title 41.

| Item No. | Item name |
|---|---|
| 060 | Roller ball pen, red (IB). |
| 061 | Roller ball pen, blue (IB). |
| 062 | Roller ball pen, black (IB). |
| 063 | Retractable pen, black (IB). |
| 064 | Retractable pen, blue (IB). |
| 065 | Ultra fine tip marker, red (IB). |
| 066 | Ultra fine tip marker, blue (IB). |
| 067 | Ultra fine tip marker, black (IB). |
| 068 | Pencil, mechanical, 0.5 mm lead (IB). |
| 500 | Room air freshner (IB). |
| 501 | Doedorizer, toilet bowl (IB). |
| 503 | Bowl deodorizer (IB). |
| 504 | Bowl deodorizer (IB). |
| 510 | Cleaner, all purpose (IB). |
| 520 | Fabric Softener sheets, reusable, 8¾x4" (40 count) (IB). |
| 541 | Scrubber, bathroom, with handle (IB). |
| 542 | Scrubber, kitchen, with handle (IB). |
| 543 | Scrubber, grill & garage, with handle (IB). |

| Item No. | Item name |
|---|---|
| 544 | Scrubber, nylon net over polyurethane pad (IB). |
| 554 | Scrubber, nylon, rectangular (IB). |
| 555 | Scrubber, kitchen, 4⅝x3⅛x1⅝" (IB). |
| 556 | Scrubber, bathroom, 4⅝x3⅛x1⅝" (IB). |
| 557 | Scrubber, general household, 6⅜x3⅝x1" (IB). |
| 563 | Scrubber, plastic, for teflon (IB). |
| 564 | Scrubber, stainless steel (IB). |
| 568 | Board, ironing, table top(IB). |
| 570 | Clothespins, plastic (IB). |
| 574 | Clothesline, plastic, rayon reinforced, 100-ft. (IB). |
| 575 | Sponge, cellulose, 5½x3⅝x1⅛" (IB). |
| 576 | Sponge, cellulose, 7⅜x4x1¾" (IB). |
| 577 | Sponge, cellulose, 5½x3⅝x1" (IB). |
| 578 | Sponge, cellulose, 5½x3⅝x⅝" (IB). |
| 593 | Sponge, bath, circular (IB). |
| 594 | Swatter, fly, plastic (IB). |
| 596 | Cutlery set, plastic, heavy duty (6 ea knives, forks, spoons) (IB). |
| 597 | Knives, plastic, heavy duty (IB). |
| 598 | Forks, plastic, heavy duty (IB). |
| 599 | Spoons, plastic, heavy duty (IB). |
| 721 | Paint roller cover, economy, 9" (IB). |
| 723 | Paint roller cover, all purpose, 9" (IB). |
| 727 | Paint roller cover, high pile, 9" (IB). |
| 730 | Paint roller cover, for rough surfaces, 9" (IB). |
| 901 | Broom, mixed fiber (IB). |
| 902 | Broom, push, indoor/outdoor, 54" handle (IB). |
| 903 | Broom, parlor, corn, medium weight (IB). |
| 904 | Broom, corn, plastic cap (IB). |
| 905 | Broom, plastic filament, flagged ends (IB). |
| 907 | Broom, plastic filament, angle cut (IB). |
| 908 | Broom, plastic filament, angle tilt (IB). |
| 909 | Broom, whisk, corn (IB). |
| 912 | Brush, lint, plastic filament (IB). |
| 914 | Brush, barbecue, with scraper (IB). |
| 915 | Brush, counter, plastic (IB). |
| 916 | Brush, bowl, sanitary, nylon filament (IB). |
| 918 | Brush, scrub, household (IB). |
| 919 | Brush, scrub, plastic block, vinyl filament (IB). |
| 920 | Handle, mop, spring level, for wet mopheads (IB). |
| 922 | Applicator, wax, foam block (IB). |
| 923 | Mop, automatic, block sponge (IB). |
| 924 | Mop, block sponge, with scrub strip brush (IB). |
| 925 | Mop, dusting, nylon (IB). |
| 926 | Mop, stick, orlon/rayon yarn, wet (IB) |
| 927 | Mop, stick, rayon yarn, wet (IB). |
| 928 | Mop, stick, cotton yarn, wet (IB). |
| 933 | Refill, mop, automatic, block sponge, for 923 (IB). |
| 934 | Refill, mop, block sponge, for 924 (IB). |
| 936 | Mophead, orlon/rayon yarn, wet (IB). |
| 937 | Mophead, cotton yarn, wet (IB). |
| 940 | Towel, heritage design (IB). |
| 941 | Cloth, dish, knitted cotton (IB). |
| 942 | Dish cloth, heritage design (IB). |
| 943 | Towel, modern design (IB). |
| 944 | Dish cloth, modern design (IB). |
| 945 | Towel, kitchen, cotton (IB). |
| 946 | Potholder, quilted, cotton (IB). |
| 947 | Oven mitt, modern design (IB). |
| 948 | Potholder, modern design (IB). |
| 949 | Mitt, oven, quilted, cotton (IB). |
| 950 | Mop, dish and bottle, wood handle (IB). |
| 955 | Brush, vegetable/utility, plastic filament (IB). |
| 956 | Brush, bottle, nylon filament (IB). |
| 957 | Brush, dish and pan, nylon filament (IB). |
| 959 | Brush, pastry and basting (IB). |
| 962 | Cover, ironing board, silicone and pad, poly foam (IB). |
| 964 | Cover, ironing board, silicone, double coated (IB). |
| 965 | Cover, ironing board, color coated (IB). |
| 970 | Bag, washing machine, nylon with zipper (IB). |
| 971 | Towel dish, traditional design (IB). |
| 972 | Dish cloth, traditional design (IB). |
| 973 | Towel, contemporary design (IB). |
| 974 | Dish cloth, contemporary design (IB). |
| 975 | Oven mitt, tradtiional design (IB). |
| 977 | Oven mitt, contemporary design (IB). |
| 978 | Pot holder, contemporary design (IB). |
| 979 | Pot holder, traditional design (IB). |
| 980 | Cloth, all purpose, cotton (IB). |
| 983 | Cloth, dusting (IB). |
| 988 | Cloth, wash, face (IB). |
| 995 | Dustpan, plastic (IB). |

**Services**

*Administrative Services*

Department of Commerce: Herbert Hoover Building, 14th & Constitution Avenue, N.W., Washington, D.C. (SH)

Department of Defense: DCASR Building B-95, 805 Walker Street, Marietta, Georgia (SH)

Environmental Protection Agency: 1860 Lincoln Street, Denver, Colorado (SH)

Marfair Building, Washington, D.C. (SH)

Waterside Mall Complex, Washington, D.C. (SH)

345 Courtland Street, N.E., Atlanta, Georgia (SH)

General Services Branch, 230 South Dearborn Street, Chicago, Illinois (SH)

Beltsville Research Laboratory, Beltsville, Maryland (SH)

6100 Executive Boulevard, Rockville, Maryland (SH)

9100 Brookville Road, Silver Spring, Maryland (SH)

26 Federal Plaza, New York, New York (SH)

6th and Walnut Street, Philadelphia, Pennsylvania (SH)

Crystal Mall Complex, Arlington, Virginia (SH)

*Assembly*

Department of Defense:
- Belt, Trousers (IB)
- Food Packet, Long Range Patrol (8970-00-926-9222) (SH)
- Food Packet, Survival, Abandon Ship (8970-00-299-1365) (IB)
- Food Packet, Survival, General-Purpose, Individual (8970-00-082-5665) (IB)

General Services Administration: Living Kit, Basic and Supplemental (SH)

*Bursting and Packaging of Commemorative Stamps*

U.S. Postal Service: Washington, D.C. (SH)

*Cage Cleaning*

Department of Health and Human Services: Food and Drug Administration, Federal Office Building #8, 200 C Street, S.W., Washington, D.C (SH)

*Cardboard and Paper Scrap Recovery*

Department of Army: New Cumberland Army Depot, Pennsylvania (SH)

*Carpet Cleaning*

General Services Administration: Portland, Oregon, plus 10-mile radius (SH)

*Carwash*

Department of the Interior: Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon (SH)

*Catering Service*

Department of Army : New Cumberland Army Depot, Military Entrance Processing Station, Building 521, New Cumberland, Pennsylvania (SH)

*Commissary Shelf Stocking*

Department of Navy:
- Naval Air Station, Alameda, California (SH)
- Naval Air Station, Long Beach, California (SH)
- Naval Air Station, Moffett Field, California (SH)
- Naval Air Station, Point Mugu, California (SH)
- Naval Station, Treasure Island, San Francisco, California (SH)
- Mare Island Naval Shipyard, Vallejo,California (SH)
- Naval Air Station, Barbers Point, Oahu, Hawaii (SH)
- Naval Base, Pearl Harbor, Hawaii (SH)
- Naval Training Center, Great Lakes, Illinois (SH)
- Naval Air Station, Brunswick, Maine (SH)
- Naval Air Station, Patuxent River, Maryland (SH)
- Naval Construction Battalion Center, Gulfport, Mississippi (SH)
- Naval Air Station, Fallon, Neveda (SH)
- Naval Administrative Unit, Scotia, New York (SH)
- Naval Station, Roosevelt Roads, Puerto Rico (SH)
- Naval Education Training Center, Newport, Rhode Island (SH)
- Naval Station and Naval Weapons Station, Charleston, South Carolina (SH)
- Naval Station, Norfolk, Virginia (SH)
- Naval Air Station, Oceana, Virginia Beach, Virginia (SH)
- Naval Submarine Base, Bangor, Washington (SH)
- Naval Air Station, Whidbey Island, Oak Harbor, Washington (SH)
- Naval Support Activity, Sand Point, Seattle Washington (SH)

*Commissary Shelf Stocking and Custodial Service*

Department of Air Force:
- Gunter Air Force Station, Alabama (SH)
- Maxwell Air Force Base, Alabama (SH)
- Little Rock Air Force Base, Arkansas (SH)
- Lowry Air Force Base, Colorado (SH)
- Peterson Air Force Base, Colorado (SH)
- Homestead Air Force Base, Flordia (SH)
- Robins Air Force Base, Georgia (SH)
- Mountain Home Air Force Base, Idaho (SH)
- McConnell Air Force Base, Massachusetts (SH)
- Hanscom Air Force Base, Massachusetts (SH)
- Nellis Air Force Base, Nevada (SH)
- Cannon Air Force Base, New Mexico (SH)
- Lackland Air Force Base; Texas (SH)
- Sheppard Air Force Base, Texas (SH)

*Currency Packaging*

Department of Treasury:
Bureau of Engraving and Printing, Washington, D.C. (SH)

*Drill Sharpening*

Department of Navy: Naval Supply Center, San Diego, California (SH)

*Food Service*

Department of Air Force:
Sheppard Air Force Base, Texas (SH)

*Food Service Attendant*

Department of Army:
- Consolidated Enlisted Dining Facility, Building 61, Fort McPherson, Georgia (SH)
- Seneca Army Deport, Romulus, New York (SH)

*Furniture Rehabilitation*

General Services Admninistration:
- Altus Air Force Base, Oklahoma (SH)
- Lawton, Oklahoma including Fort Sill (SH)

Oklahoma City, Oklahoma, plus 25-mile radius, including FAA and Tinker Air Force Base (SH)
San Antonio, Texas, plus 40-mile radius (SH)
Wichita Falls, Texas, includiong Sheppard Air Force Base , (SH)
Spokane, Washington, plus 30-mile radius (SH)

*Furniture Rehabilitation (Metal)*

Department of Navy:
Naval Ordanance Station, Louisville, Kentucky (IB)

*Grounds Maintenance*

Department of Air Force:
18 Buildings, 1 Area, and 4 Athletic fields, Edwards Air Force Base, California (SH)
29 Buildings, Bergstrom Air Force Base, Texas (SH)
Department of Army:
5 Buildings and 6 Fields, Fort Ord, California (SH)
Lewiston Levee Parkway, Nez Perce County, Idaho (SH)
U.S. Army Reserve Facility-Portland (South), Sears Hall, 2731 SW Multnomah Boulevard, Portland, Oregon (SH)
U.S. Army Reserve Facility-Portland (West), Sharff Hall, 8801 N. Chautauqua Boulevard, Portland, Oregon (SH)
Asotin Recreation Area, Asotin County, Washington (SH)
Cemetery Grounds (includes opening and closing of graves), Fort Lawton, Washington (SH)
U.S. Army Reserve Facility, Mann Hall, N. 4415 Market Street, Spokane, Washington (SH)
U.S. Army Reserve Facility, N. 3800 Sullivan Road, Trentwood, Washington (SH)
Vancouver Army Barracks, Vancouver, Washington (SH)
Department of Commerce:
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington (SH)
Department of Energy:
Morgantown Energy Technology Center, Morgantown, West Virginia (SH)
Department of Interior:
National Park Service, LBJ Memorial Grove, Constitution Gardens, Washington, D.C. (SH)
Department of Navy:
Naval Weapons Center, China Lake, California (SH)
Naval Air Station, Recreation Areas, Lemoore, California (SH)
Mare Island Naval Shipyard, Combat Systems Technical School Command, Vallejo, California (SH)
Naval Air Station Miramar, 15 Parcel Areas, San Diego, California (SH)
Naval Postgraduate School, Monterey, California (SH)
U.S. Naval Security Activity, Skaggs Island, Sonoma, California (SH)
Naval Ordnance Station, Nonindustrial Area, Indian Head, Maryland (SH)
Naval Weapons Station, 2 Parks, 5 Buildings, and 7 Areas, Yorktown, Virginia (SH)
Naval Air Station, Whidbey Island, Washington (SH)
Department of Transportation:
Federal Aviation Administration, AFSFO, 55 Midway Avenue, Daytona Beach, Florida (SH)
Federal Aviation Administration, Airway Facilities Sector, 1100 South Service Road, Atlanta, Georgia (SH)
Federal Aviation Administration, Air Route Traffic Control Center, Ronkonkoma, New York (SH)
Federal Aviation Administration, New York TRACON Facility, Westbury, New York (SH)
Federal Aviation Administration, Air Route Traffic Control Center, Leesburg, Virginia (SH)
Department of Treasury:
U.S. Secret Service, Special Training Building and Complex, Beltsville Maryland (SH)
General Services Administration:
Federal Center, 620 Central Avenue, Alameda, California (SH)
Federal Building and U.S. Post Office, 11000 Wilshire Boulevard, Los Angeles, California (SH)
U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California (SH)
U.S. Court of Appeals, 7th and Mission Streets, San Francisco, California (SH)
Social Security Administration Complex, 6401 Security Boulevard, Baltimore, Maryland (SH)
Social Security Administration Computer Center, 6201 Security Boulevard, Baltimore, Maryland (SH)
Internal Revenue Service Center, 310 Lowell Street, Andover, Massachusetts (SH)
U.S. Custom House, 6 World Trade Center, New York, New York (SH)
Federal Building, 1002 N.E. Holladay, Portland, Oregon (SH)
Pioneer Courthouse, 520 S.W. Morrison, Portland, Oregon (SH)
U.S. Courthouse, 620 S.W. Main, Portland, Oregon (SH)
Wyatt Federal Building, 1220 S.W. Third, Portland, Oregon (SH)
Federal Building, 500 West 12th, Vancouver, Washington (SH)
U.S. Marine Corps:
Marine Corps Air Station, Yuma, Arizona (SH)

*Janitorial/Custodial*

Department of Agriculture:
Forest Service, Sequoia National Forest, 2 Buildings, Porterville, California (SH)
Forest Service, Coeur D'Alene Nursery, 3600 Nursery Road, Coeur d'Alene, Idaho (SH)
Forest Service, Fernan Ranger Station, 2502 E. Sherman Avenue, Coeur d'Alene, Idaho (SH)
Wallace Ranger District of the Panhandle National Forest, Coeur d'Alene, Idaho (SH)
Umpqua National Forest, Supervisor's Office, 2900 N.W. Stewart Parkway, Roseburg, Oregon (SH)
Department of Air Force:
5 Buildings, Bergstrom Air Force Base, Texas (SH)
Ellsworth Air Force Base, South Dakota (SH)
Fairchild Air Force Base, Washington (excluding USAF Hospital, Air National Guard and Commissary) (SH)
Griffiss Air Force Base, New York (SH)
McChord Air Force Base, Washington (SH)
Department of Army:
U.S. Army Reserve Center, Memorial Parkway, Huntsville, Alabama (SH)
National Defense University, Health Fitness, Fort McNair, Washington, D.C. (SH)
Pentagon Officers Athletic Center, The Pentagon, Washington, D.C. (SH)
U.S. Army Reserve Center, John Williams Street, Attleboro, Massachusetts (SH)
U.S. Army Reserve Center, Belmont & Manley Streets, Brockton, Massachusetts (SH)
U.S. Army Reserve Center, 915 W. Chestnut Street, Brockton, Massachusetts (SH)
U.S. Army Reserve Center, 675 American Legion Highway, Roslindale, Massachusetts (SH)
U.S. Army Reserve Center, 130 Eldridge Street, Taunton, Massachusetts (SH)
U.S. Army Reserve Center, Fort Snelling, Minnesota (SH)
U.S. Readiness Group, Fort Snelling, Minnesota (SH)
U.S. Army Reserve Center #3, 4301 Goodfellow Boulevard, St. Louis, Missouri (SH)
U.S. Army Reserve Center, Fort Drum, New York (SH)
U.S. Army Reserve Center, 111 Finney Boulevard, Malone, New York (SH)
U.S. Army Reserve Center, Burrstone Road, Utica, New York (SH)
U.S. Army Reserve Facility, Salem, Oregon (SH)
Lewisville Lake Park, Lewisville, Texas (SH)
U.S. Army Reserve Center, Butler Farm Road, Hampton, Virginia (SH)
U.S. Army Reserve Center, Marcella Road, Hampton, Virginia (SH)
U.S. Army Reserve Facility, Grant County Airport, Moses Lake, Washington (SH)
U.S. Army Reserve Facility, 14631 S.E. 1092nd Street, Renton, Washington (SH)
Hiram M. Chittenden Locks, Seattle, Washington (SH)
Vancouver Army Barracks, Vancouver, Washington (SH)
Yakima Firing Center, Yakima, Washington (SH)
Department of Defense:
DCASR Building B-95, 2 Buildings, Marietta, Georgia (SH)
Army and Air Force Exchange, Alamo Exchange Region, 5315 Summit Parkway, San Antonio, Texas (SH)
Department of Energy:
3 Buildings, Idaho Falls, Idaho (SH)
Morgantown Energy Technology Center, Morgantown, West Virginia (SH)
Department of Interior:
Bureau of Land Management, District Building, Roseburg, Oregon (SH)
Bureau of Land Management, Salem District Office, 1717 Fabry Road, S.E., Salem, Oregon (SH)

Department of Navy:
- Naval Air Station Miramar, California (SH)
- Naval and Marine Corps Reserve Center, Jackson, Mississippi (SH)
- Naval and Marine Corps Reserve Center, Newport News, Virginia (SH)
- Puget Sound Naval Shipyard, Equipment Maintenance Shops, Bremerton, Washington, (SH)
- Naval Air Station, 35 Buildings, Whidbey Island, Washington (SH)

Department of Transportation:
- Federal Aviation Administration, Air Traffic Control Tower, Atlanta, Georgia (SH)
- Federal Aviation Administration Facilities, Air Route Traffic Control Center, Hampton, Georgia (SH)
- Federal Aviation Administration, TRACON Facility, Westbury, New York (SH)
- Federal Aviation Administration Facilities, 7 Buildings, Spokane, Washington (SH)

Department of Treasury:
- Bureau of Engraving and Printing, Annex Building, 14th & C Streets, S.W., Washington, D.C. (SH)
- Bureau of Engraving and Printing, Main Building, 14th & C Streets, S.W., Washington, D.C. (SH)

General Services Administration:
- Federal Building, 3rd Avenue and 1st Street, Cullman, Alabama (SH)
- Federal Building, 109 St. Joseph Street, Mobile, Alabama (SH)
- GSA Motor Pool and Parking Garage, St. Joseph Street, Mobile, Alabama (SH)
- John A. Campbell U.S. Courthouse, 113 St. Joseph Street, Mobile, Alabama (SH)
- Federal Building and U.S. Courthouse, 15 Lee Street, Montgomery Alabama (SH)
- Federal Building, 55 East Broadway, Tucson, Arizona (SH)
- Federal Building and U.S. Courthouse, 1130 "O" Street, Fresno, California (SH)
- Federal Building, 801 I Street, Sacramento, California (SH)
- John E. Moss Federal Building, 650 Capitol Mall, Sacramento, California (SH)
- Denver Federal Center, Building 85, Denver, Colorado (SH)
- Federal Building—U.S. Courthouse, 401 S.E. First Avenue, Gainesville, Florida (SH)
- Federal Building, 51 SW First Avenue, Miami, Florida (SH)
- Federal Building, U.S. Courthouse, U.S. Post Office, 601 North Florida Avenue, Tampa, Florida (SH)
- Federal Building, 355 Hancock Avenue, Athens, Georgia (SH)
- Federal Building, 275 Peachtree Street, N.E., Atlanta, Georgia (SH)
- U.S. Court of Appeals, Forsyth & Walton Streets, Atlanta, Georgia (SH)
- IRS Center, 4800 Buford Highway, Chamblee, Georgia (SH)
- Federal Building, Moultrie, Georgia (SH)
- Federal Building, U.S. Post Office and U.S. Courthouse, Thomasville, Georgia (SH)
- Federal Regional Center, Pinetree Boulevard, Thomasville, Georgia (SH)
- Federal Building, U.S. Post Office, 304 N. 8th, Boise, Idaho (SH)
- Federal Building and U.S. Courthouse, 205 4th Street, Coeur d'Alene, Idaho (SH)
- Federal Parking Facility, 450 South Federal Street, Chicago, Illinois (SH)
- Interagency Motor Pool, 701 South Clinton Street, Chicago, Illinois (SH)
- U.S. Customhouse, 610 South Canal Street, Chicago, Illinois (SH)
- OSHA Training Center, 1555 Times Drive, Des Plaines, Illinois (SH)
- Federal Building and U.S. Courthouse, 101 First Street, S.E., Cedar Rapids, Iowa (SH)
- Federal Building, 210 Walnut Street, Des Moines, Iowa (SH)
- Leased Space, 603–11 East 2nd Street, Des Moines, Iowa (SH)
- U.S. Courthouse, 123 East Walnut Street, Des Moines, Iowa (SH)
- Federal Building, 400 South Clinton, Iowa City, Iowa (SH)
- Federal Building, U.S. Post Office and Courthouse, 330 Shawnee, Leavenworth, Kansas (SH)
- U.S. Post Office-Courthouse, 601 Broadway, Louisville, Kentucky (SH)
- Federal Building, U.S. Post Office, U.S. Courthouse, Frederica and 5th Streets, Owensboro, Kentucky (SH)
- Federal Building and U.S. Post Office, 40 Western Avenue, Augusta, Maine (SH)
- U.S. Federal Building & Post Office, 212 Harlow, Bangor, Maine (SH)
- Roth Building, Social Security Administration Complex, 5536 Caswell Road, Baltimore, Maryland (SH)
- Social Security Administration Computer Center, 6201 Security Boulevard, Woodlawn, Maryland (SH)
- John W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts (SH)
- U.S. Custom House, 8 McKinley Square, Boston, Massachusetts (SH)
- GSA Depot Building 58, Hingham Industrial Park, 349 Lincoln Street, Hingham, Massachusetts (SH)
- Springfield Federal Building, Main and Bridge Streets, Springfield, Massachusetts (SH)
- Federal Records Center, 380 Trapelo Road, Waltham, Massachusetts (SH)
- Waltham Federal Center, 424 Trapelo Road, Waltham, Massachusetts (SH)
- Gerald R. Ford Museum, 303 Pearl Street, N.W., Grand Rapids, Michigan (SH)
- Federal Building, U.S. Post Office, and U.S. Courthouse, Main and Poplar Streets, Greenville, Mississippi (SH)
- Federal Building, U.S. Post Office, 200 East Washington Street, Greenwood, Mississippi (SH)
- William M. Colmer Federal Building-Courthouse, 701 Main Street, Hattiesburg, Mississippi (SH)
- Federal Building, 100 West Capitol Street, Jackson, Mississippi (SH)
- U.S. Post Office and U.S. Courthouse, 245 East Capitol Street, Jackson, Mississippi (SH)
- Federal Building & U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebraska (SH)
- Social Security Administration District Office Building, 22 Morris Street, Hackensack, New Jersey (SH)
- Social Security Administration District Office Building, 686 Nye Avenue, Irvington, New Jersey (SH)
- Social Security Administration District Office Building, 396 Bloomfield Avenue, Montclair, New Jersey (SH)
- Federal Building, 20 Washington Place, Newark, New Jersey (SH)
- Federal Building, 3rd & Hill Avenue, Gallup, New Mexico (SH)
- Leo W. O'Brien Federal Building, Clinton Avenue & N. Pearl Street, Albany, New York (SH)
- U.S. Post Office and Courthouse, 455 Broadway, Albany, New York (SH)
- Federal Building, 111 West Huron, Buffalo, New York (SH)
- Internal Revenue Service, 120 Church Street, New York, New York (SH)
- U.S. Courthouse Annex, 1 St. Andrews Plaza, New York, New York (SH)
- U.S. Courthouse, 40 Foley Square, New York, New York (SH)
- Federal Building, 45 Bay Street, Staten Island, New York (SH)
- U.S. Courthouse and Federal Building, Broad and Catherine Streets, Utica, New York (SH)
- Federal Building, 401 West Trade Street, Charlotte, North Carolina (SH)
- Social Security Administration Building, 215 West Third Avenue, Gastonia, North Carolina (SH)
- Federal Building, 125 South Main Street, Muskogee, Oklahoma (SH)
- Federal Building and Courthouse, 5th and Okmulgee, Muskogee, Oklahoma (SH)
- Federal Building, U.S. Courthouse, 211 East 7th Avenue, Eugene, Oregon (SH)
- Federal Building, 511 N.W. Broadway, Portland, Oregon (SH)
- Federal Building, Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon (SH)
- Federal Warehouse 2760 NW Yeon Avenue, Portland, Oregon (SH)
- Lloyd Group Buildings, 5 Locations, Portland, Oregon (SH)
- Pioneer Courthouse, 520 SW Morrison, Portland, Oregon (SH)
- U.S. Courthouse, Broadway and Maine, Portland, Oregon (SH)
- U.S. Customs House, 220 N.E. 8th Avenue, Portland, Oregon (SH)
- Federal Office Building, Cass & Stephen Streets, Roseburg, Oregon (SH)
- Federal Building, 6th & State Streets, Erie, Pennsylvania (SH)
- Federal Building and Courthouse, 228 Walnut Street, Harrisburg, Pennsylvania (SH)
- L. Mendel Rivers Federal Building, 334 Meeting Street, Charleston, South Carolina (SH)
- U.S. Post Office—Courthouse, Broad and Meeting Street, Charleston, South Carolina (SH)
- Federal Building/U.S. Courthouse, 515 9th Street, Rapid City, South Dakota (SH)
- Federal Building—U.S. Courthouse, 400 South Phillips Street, Sioux Falls, South Dakota (SH)
- Armed Forces Examining Station and Bureau of Mines Building, 1100 Filmore Street, Amarillo, Texas (SH)
- J. Marvin Jones Federal Building and U.S. Courthouse, 295 E. 5th Street, Amarillo, Texas (SH)
- Jack Brooks Federal Building, U.S. Post Office—Court House, Willow and Broadway Streets, Beaumont, Texas (SH)

3 Bridges and 1 Building, El Paso, Texas (SH)
U.S. Courthouse, 511 E San Antonio Avenue, El Paso, Texas (SH)
Forest Service Building, 507 25th Street, Ogden, Utah (SH)
U.S. Customs House, 101 E. Main Street, Norfolk, Virginia (SH)
U.S. Post Office and Courthouse, 600 Granby Mall, Norfolk, Virginia (SH)
Federal Building, 400 N. 8th Street, Richmond, Virginia (SH)
U.S. Courthouse, 10th and Main Streets, Richmond, Virginia (SH)
GSA Center, 2 Buildings, Auburn, Washington (SH)
Federal Building, 3002 Colby Avenue, Everett, Washington (SH)
Federal Center, 25th & Dover Streets, Moses Lake, Washington (SH)
Federal Building, U.S. Post Office, 403 West Lewis Street, Pasco, Washington (SH)
Federal Building, U.S. Post Office and Courthouse, 825 Jadwin Avenue, Richland, Washington (SH)
Federal Archives and Records Center, 6125 Sandpoint Way, Seattle, Washington (SH)
Federal Building, Immigration and Naturalization Services, 815 Airport Way, Seattle, Washington (SH)
Federal Center South, 4735 E. Marginal Way, Seattle, Washington (SH)
Federal Building, U.S. Post Office, W. 904 Riverside, Spokane, Washington (SH)
Federal Building, 500 W. 12th Street, Vancouver, Washington (SH)
Federal Center, 14 Buildings, Walla Walla, Washington (SH)
Smithsonian Institution: National Zoological Park, Washington, D.C. (SH)
Smithsonian Institution Service Center, 1111 North Carolina Street, N.E., Washington (SH)
Paul E. Garber Complex, 3904 Old Silver Hill Road, Suitland, Maryland (SH)
U.S. Marine Corps: Marine Corps Development and Education Command, 5 Buildings, Quantico, Virginia (SH)
U.S. Postal Service: Mailbag Facility, 7600 West Roosevelt Road, Forest Park, Illinois (SH)
Veterans Administration:
Veterans Administration Medical Center, Building #32, Dublin, Georgia (SH)

*Janitoria/Elevator Operator*

Department of the Treasury:
Bureau of Engraving and printing, Public Debt Building, Washington, D.C. (SH)
General Services Administration:
Veterans Administration Clinic Building, 17 Court Street, Boston, Massachusetts (SH)
Federal Building, 35 Ryerson Street, Brooklyn, New York (SH)
Federal Building, 201 Varick Street, New York, New York (SH)
Veterans Administration Building, 252 Seventh Avenue, New York, New York (SH)

*Keypunch and Verification*

General Services Administration:
GSA Region 2, Automated Telecommunication Service, Data Services Division, 26 Federal Plaza, New York, New York (SH)

*Laundry*

Department of Air Force:
Hill Air Force Base, Utah (Wiping Rags only) (SH)
Department of Army:
U.S. Army Medical Materiel Agency, Fort Detrick, Maryland (SH)
Department of Navy:
Naval Training Center, Great Lakes, Illinois (SH)

*Mailing*

Department of Agriculture:
Washington, D.C. (Metropolitan area) (SH)
Department of Commerce:
National Oceanic and Atmospheric Administration, 5 Offices, Rockville, Maryland (SH)
National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia (SH)
Department of Defense:
Defense Supply Service, National Committee for Employer Support for Guard and Reserve, 1117 N. 19th Street, Arlington, Virginia (SH)
Department of Education:
Office for Civil Rights, Office of Program Review & Assistance, 330 C Street, S.W., Washington, D.C. (SH)
Department of Energy:
Distribution, 12th & Pennsylvania, N.W., Washington, D.C. (SH)
Department of Health and Human Services:
Office of the Secretary, Washington, D.C. (SH)
National Institutes of Health, Bethesda, Maryland (SH)
Alcohol, Drug Abuse, and Mental Health Administration, Rockville, Maryland (SH)
Food and Drug Administration, Rockville, Maryland (SH)
Health Resources Administration Rockville, Maryland (SH)
Health Services Administration, Rockville, Maryland (SH)
Office of Assistant Secretary for Health, Rockville, Maryland (SH)
Department of Housing and Urban Development:
Washington, D.C. (SH)
Department of the Interior:
18th & C Streets, N.W., Washington, D.C. (SH)
U.S. Geological Survey, 2 Divisions, Reston, Virginia (SH)
Department of Labor:
200 Constitution Avenue, N.W., Washington, D.C. (SH)
Manpower Administration, Washington, D.C. (SH)
President's Committee on Employment of the Handicapped, Washington, D.C. (SH)
Department of Transportation:
National Highway Traffic Administration, 400 7th Street, N.W., Washington, D.C. (SH)
Office of the Secretary, Distribution Unit, 400 7th Street, S.W., Washington, D.C. (SH)
Department of the Treasury:
Bureau of Engraving and printing, 14th & C Streets, S.W., Washington, D.C. (SH)
Bureau of Public Debt, 14 & C Streets, S.W., Washington, D.C. (SH)
Architectural and transportation Barriers Compliance Board:
330 C Street, S.W., Washington, D.C. (SH)
Environmental Protection Agency:
Specialized Procurement Unit, 401 M Street, S.W., Washington, D.C. (SH)
Federal Election Commission:
1325 K Street, N.W., Washington, D.C. (SH)
Federal Trade Commission:
Pennsylvania Avenue & 6th Street, N.W., Washington, D.C. (SH)
General Services Administration:
National Archives & Records Services, 7th & Pennsylvania Avenue, N.W., Washington, D.C. (SH)
Library of Congress:
Washington, D.C. (SH)
Merit Systems Protection Board:
Office of Special Counsel, 1120 Vermont Avenue, N.W., Washington, D.C. (SH)
National Credit Union Administration:
Printing Service, 1375 K Street, N.W., Washington, D.C. (SH)
National Science Foundation:
1800 G Street, N.W., Washington, D.C. (SH)
Office of Personnel Management:
1900 E Street, N.W., Washington, D.C. (SH)
Smithsonian Institute:
Supply Division, Washington, D.C. (SH)
U.S. Commission on Civil Rights:
1211 Vermont Avenue, N.W., Washington, D.C. (SH)
U.S. Consumer Product Safety Commission:
Washington, D.C. (SH)
U.S. Information Agency:
400 C Street, S.W., Washington, D.C. (SH)

*Mattress and Box Spring Rehabilitation*

General Services Administration: Orders for renovated mattresses may be arranged through GSA regional offices. IB will provide requirements for mattress and box spring renovation for GSA Regions W, 2, 3, 4, 5, 6, 7, and 8 only. (IB)

*Microfilming Contract Files*

Department of Navy: OICC Trident, Bremerton, Washington, (SH)

*Microfilm Reproduction*

Department of Navy: Naval Submarine Base Bangor, Silverdale, Washington, (SH)

*Operation of USDA Central Shipping and Receiving Facility*

Department of Agriculture: South Building, 12th & C Streets, S.W., Washington, D.C. (SH)

*Operation of Visitors Center Gift Shop*

Department of Treasury: Bureau of Engraving and Printing, 14th & C Streets, S.W., Washington, D.C. (SH)

*Pallet Repair*

Department of Navy:
Naval Supply Center, Norfolk, Virginia (SH)
Naval Supply Center, Cheatham Annex, Williamsburg, Virginia (SH)
Naval Supply Center, Puget Sound, Bremerton, Washington (SH)

*Parts Sorting*

Department of Air Force: Hill Air Force Base, Utah (SH)

*Photocopying*

Department of Agriculture: National Agricultural Library Building, Beltsville, Maryland (SH)

*Publications Distributon*

Department of Navy: Naval Construction Battalion Center, Gulfport, Mississippi (SH)

*Repair and Maintenance of Electric Typewriters Only*

General Services Administration:
Health and Human Services, 300 S. Wacker Drive, Chicago, Illinois (SH)
Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois (SH)
Social Security Administration, 600 W. Madison, Chicago, Illinois (SH)
Syracuse, New York (including Onondaga County) (SH)

*Repair and Maintenance of Manual Typewriters Only*

General Services Administration: Federal Court House Building, Syracuse, New York (SH)

*Repair of Air Cargo Pallet Top and Side Nets*

Department of Air Force:
Wright-Patterson Air Force Base, Ohio (SH)
McChord Air Force Base, Washington (SH)

*Repair of Rubberized Items*

Department of Army:
Mattress Pneumatic (Noninsulated 8465–00–254–8887), Fort Bliss, Texas (SH)
Mattress Pneumatic (Insulated 8465–00–518–2781), Fort Bliss, Texas (SH)
Ponchos (8405–00–935–3257), Fort Bliss, Texas (SH)
Bag, Clothing, Waterproof (8465–00–261–6909), Fort Bliss, Texas (SH)

*Repair Service*

Department of Army:
Bag, Sleeping (8465–00–242–7855 and 8465–01–049–0088), Fort Bliss, Texas (SH)
Case, Sleeping Bag (8465–00–237–8719), Fort Bliss, Texas (SH)
Liner, Field Jacket (8415–00–782–2888), Fort Bliss, Texas (SH)
Liner, Trousers, Field (8415–00–782–2926), Fort Bliss, Texas (SH)
Bag, Barracks (8465–00–530–3692), Fort Bliss, Texas (SH)
Bag, Duffel (8465–00–141–0932), Fort Bliss, Texas (SH)
Department of Navy:
Electrode Holder Assemblies, Bremerton, Washington (SH)

*Seedling Harvesting*

Department of Agriculture: Forest Service, Humboldt Nursery, McKinleyville, California (SH)

*Sewing*

Department of Army: Redstone Arsenal, Alabama (Provide specified end items produced through use of customized, heavy-duty sewing service) (SH)

*Shrink Wrapping Gift Packages*

U.S. Postal Service: Washington, D.C. (SH)

*Sponge Rubber Mattresses Rehabilitation*

General Services Administration: Requirements for Gas Region 3 (IB)

*Tax Form Order Fulfillment*

Department of Treasury: Internal Revenue Service, Buffalo, New York (SH)

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federal register

Friday
October 19, 1984

Part V

# Department of Housing and Urban Development

**Office of the Assistant Secretary for Housing—Federal Housing Commissioner**

**24 CFR Parts 200, 203, 204, 220, 221, 235, and 237**

**Single Family Mortgage Insurance on Indian Reservations and Other Restricted Lands; Proposed Rule**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Housing—Federal Housing Commissioner**

**24 CFR Parts 200, 203, 204, 220, 221, 235, and 237**

**[Docket No. R-84-1208; FR-1921]**

## Single Family Mortgage Insurance on Indian Reservations and Other Restricted Lands

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

**ACTION:** Proposed rule.

**SUMMARY:** This rule implements, in part, section 248 of the National Housing Act, which permits mortgage insurance on one- to four-family residences located on Indian trust or otherwise restricted land. The rule is limited to the insurance of mortgages on leaseholds where an individual Indian or Indian family is the mortgagor. (The insurance of mortgages where the Indian tribe is the mortgagor will be covered in a separate rule making.)

**DATES:** Comment due date: February 18, 1985.

**ADDRESSES:** Interested persons are invited to send written comments to the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Persons submitting comments should include their names and addresses and refer to the docket number and title indicated in the heading of this rule. All comments submitted will be available for public inspection in the Office of the Rules Docket Clerk at the above address during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Brain J. Chappelle, Acting Director, Single Family Development Division, Department of Housing and Urban Development, Room 9270, 451 Seventh Street SW., Washington, D.C. 20410. Telephone: (202) 755-6720. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The following is a summary and explanation of the proposed rule.

Section 422 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, approved November 30, 1983 (1983 Act) added a new section 248 to the National Housing Act (NHA) which authorizes the Secretary to insure mortgages covering single family properties located on Indian lands where either the Indian tribe or an individual member of an Indian tribe is the mortgagor. Section 248 authorizes the Secretary to insure such properties without regard to marketability of title or any other provision of the NHA which the Secretary determines is contrary to promoting the availability of such insurance.

This rule implements that part of section 248 dealing with the insurance of mortgages where an *individual* is the mortgagor. Because of complex legal and implementational problems surrounding mortgages to Indian tribes, the Department has decided to go ahead with publication of a proposed rule relating to mortgages made to individuals, and to promulgate rules covering insured mortgages where the tribe is the mortgagor in a later rulemaking.

As a general principle, FHA insurance programs require that the mortgagee convey marketable title to the property to the Commissioner when filing a claim for mortgage insurance benefits. Limited circumstances already exist under which a mortgagee can transfer good, marketable title to property on Indian land. FHA has insured mortgages on such property in the past. Where an Indian owns property that "either is held by the United States in trust for them or is subject to a restriction against alienation imposed by the United States," the owner may request the Secretary of Interior's approval to mortgage such property. (See 25 U.S.C. 483a) Upon approval, the land is subject to foreclosure or sale under the terms of the mortgage or deed of trust, in accordance with the laws of the State in which the land is located. For the purpose of any foreclosure or sale proceeding, Indian owners are regarded as vested with an unrestricted fee simple title to the land, the United States is not a necessary party to the proceeding, and any conveyance of the land under such a proceeding divests the United States of title to the land.

However, no comparable procedure exists with respect to the mortgaging of a leasehold. Since many leases restrict ownership of housing on tribal land to Indians, such restrictions have precluded non-Indian mortgagees from foreclosing on the property and conveying good, marketable title to the Department. Because of the inexperience of most mortgagees in dealing with tribal courts and tribal governments, mortgagees have been disinclined to lend money where alienation of the property is restricted and where mortgage insurance cannot be obtained. The enactment of section 248 has removed the marketability of title restriction and has given the Secretary authority to waive any other limitation in the National Housing Act that the Secretary determines is contrary to promoting the availability of such insurance on Indian reservations.

Proposed new 24 CFR 203.43g (and 235.32) would contain the new requirements for single family mortgage insurance on leased Indian land. In recognition of the special legal status of Indian land, paragraph (a) of these sections exempts this program from requirements related to nondiscrimination in housing and equal employment opportunity, and makes the requirement of good marketable title inapplicable to the insurance of individual mortgages on Indian lands. The purpose of this new section is to permit tribes to restrict leaseholds to Indians without denying the benefits of mortgage insurance. Since Title VIII of the Civil Rights Act of 1968 (the Federal Fair Housing Act) is not applicable to Indian-owned lands (*cf.* 24 CFR 905.105(b)), its provisions would not be applied in the rule. Similarly, any construction or rehabilitation that may be financed should be eligible for a priority in favor of Indian contractors. The Department expects Indians to comply with preference requirements contained in the Indian Self-Determination and Education Assistance Act, (Pub. L. 93-638). The marketability requirement of § 203.366 is expressly made inapplicable.

Paragraph (b) (Mortgage lien) requires that, where the mortgagor cannot establish that the mortgage will be a first lien, he or she will have to establish that the tribal government having jurisdiction over the property has passed a law providing for the satisfaction of FHA-insured and Secretary-held mortgages before other obligations against the property are satisfied.

Paragraph (c) (Pledge of assets) requires that the individual Indian mortgagor pledge his or her share of distributed income from tribal resources or tribal assets, excluding any Federal grants received by the tribe. However, the Secretary may not refuse to insure a mortgage under this section on the ground that a mortgagor has no such income to pledge. Where the mortgagor has pledged such income and fails to make a good-faith effort to cure a default, the Secretary shall, after assignment of the mortgage, garnish the mortgagor's share of distributed income.

Paragraph (d) (Eviction procedures) requires that mortgagee to submit evidence with the application for mortgage insurance to establish that the

tribe having jurisdiction over the mortgaged property has adopted eviction procedures to be used in the event of foreclosure. HUD will determine (based in part on any prior experience, if applicable) whether the adopted enforcement mechanisms are adequate. Tribes will be notified of unacceptable performance and will have a right to a hearing on HUD's determination. Where enforcement performance is found to be poor, the Department will not issue any new commitments to insure on any mortgages to members of that tribe until the problem has been resolved to the Department's satisfaction.

Paragraph (e) (Sale of leasehold) provides that a mortgage insured under this section may be assumed, subject to credit approval by the lender and the consent of the tribe to an assumption of the existing lease or the grant of a new lease, without an adjustment of the interest rate. Any other sale of a property subject to a mortgage insured under this section may be made only if a new lease is granted, except that a sale following a foreclosure may be accompanied by an assumption of the lease with the consent of the tribe.

Paragraph (f) (Claim procedure) permits mortgagees to assign mortgages insured under this section once the mortgagor is more than 90 days in default. Such assignments shall be accomplished in accordance with the regulations contained in Subpart B of Part 203.

Paragraph (g) (Foreclosure by Commissioner) permits the Commissioner to institute foreclosure when the Commissioner determines such action is necessary to protect the insurance fund from undue loss. The foreclosure by the Secretary may take place in a tribal court, court of competent jurisdiction, or Federal district court.

Paragraph (h) (Construction advances) permits the insurance of advances used to construct single family housing on Indian lands. Advances will only be insured where: (1) The mortgage complies with the requirements of paragraph (b) of the section; (2) the mortgagor and mortgagee have executed an agreement, approved by HUD, setting forth the terms and conditions under which advances will be made; (3) advances are made as provided in this commitment; (4) the principal amount of the mortgage is held by the mortgagee in an interest bearing account, trust, or escrow for the benefit of the mortgagor or his or her creditors as provided in the agreement; and (5) the mortgage bears interest on the amount advanced to the mortgagor or his or her creditors and the amount held in an account or trust for the benefit of the mortgagor.

Definitions necessary to the interpretation of this new program authority have been added in paragraph (i).

Section 203.17(a) (and 235.22) is proposed to be amended to require that tribal governments enact laws, where appropriate, providing for the satisfaction of FHA-insured and Secretary-held mortgages before other obligations against the property are satisfied. Such laws would serve as substitute protection for the Secretary where a first lien cannot otherwise be established or recorded. The Department would appreciate public comment on the difficulty Indians may have in establishing the mortgage as a first lien, and on any other alternatives to requiring the tribe to enact laws giving the obligations first priority.

Section 203.350 is proposed to be amended to provide the mortgagee the right to assign mortgages insured under § 203.43g or § 235.32, where the mortgagor is more than 90 days in default.

Section 204.1 is proposed to be amended to exclude mortgage insurance on Indian land from eligibility for coinsurance.

Because of the impairment of the leasehold's marketability inherent in this program, and the right of the mortgagee to assign the mortgage, the Department does not believe this program is appropriate for use in conjuction with coinsurance.

Section 220.1 is proposed to be amended to exclude mortgage insurance on Indian lands from eligibility under the Urban Renewal Mortgage Insurance Program. This is a small program and would be unlikely to have applicability to Indian land.

Section 221.1 is proposed to be amended to exclude mortgage insurance on Indian land from eligibility under the Department's Low Cost and Moderate Income Mortgage Insurance Program. The lower maximum mortgage amounts and the small number of mortgages actually insured under this program are the reasons the Department has excluded this program at this time. Public comment is invited on whether there is a need for section 221 insurance on Indian lands.

The Department also has not proposed amendments to provide for mortgage insurance for condominium or cooperative units under this new authority, because it appears that new section 248 of the National Housing Act did not contemplate coverage of those types of ownership interests. (Section 248(a) speaks of a mortgage "covering a property upon which there is located a one- to four-family residence * * *"). However, 24 CFR Part 235 is proposed to be amended in a manner consistent with the proposed Part 203 amendments, in order to make clear that this program will be available in conjuction with the section 235 Homeownership Assistance Payments Program.

Section 237 is proposed to be amended to exclude mortgage insurance on Indian land from eligibility under the Special Mortgage Insurance for Low and Moderate Income Families Program. This small program has a maximum mortgage amount of only $18,000. In addition, there must exist approved counseling services to provide services to the mortgagor concerning his or her budget, debt management, etc. Since the Department does not believe these agencies currently exist in sufficient numbers on Indian land, and because of the low maximum mortgage amount, the Department proposes to exclude this program from eligibility.

Two additional items require discussion even though they do not involve proposed regulatory amendments. First, the requirement in existing § 203.37 that a leasehold have a term of "not less than 99 years which is renewable" or not less than 10 years beyond the term of the mortgage, should not pose a problem on Indian lands even though current statutes administered by the Department of the Interior normally limit leases to a maximum term of 25 years. There currently exists a Memorandum of Understanding between the FHA Commissioner and the Bureau of Indian Affairs which provides that, where leasehold interests in trust lands (i.e. owned by the United States in trust for the tribes) are offered as security for mortgages to be insured by FHA, the leases shall be for 50-year periods from the date of execution of the mortgage. The requirement is then met by executing a 25-year lease and a simultaneous 25-year extension. These leases would, therefore, be eligible.

Second, there is an unresolved issue involving fire insurance. The general HUD rule (see § 203.379) is that the mortgagee's claim for insurance benefits on fire-damaged property will be reduced by the cost of repair or the insurance proceeds received, whichever is greater. The Department is concerned that its present rule on fire-damaged property constitutes a limitation on the availability of FHA mortgage insurance where fire insurance may be difficult to obtain, since mortgagees may be unwilling to assume the risk of loss. The Department solicits public comment on this issue.

The proposed rule would also amend § 200.163(a)(2) to exempt the Indian insurance program from processing under the direct endorsement program. Given HUD's current limited experience with the direct endorsement program, the Department has decided to process these mortgage applications itself. Once experience is gained in this area, HUD will be in a better position to monitor the success of the program, develop guidelines for dealing with any unique circumstances that may arise, and assess whether direct endorsement processing in connection with this program would be practicable.

While not an amendment in this rule, the Department wishes to make clear that the initial mortgage insurance premium (MIP) for this program will be the same as that charged under the Department's existing programs, until such time as our actuarial data may indicate it should be changed. The statute permits an MIP of up to 3 percent. Should a higher MIP later be determined to be necessary, the Department would also reconsider whether the one-time premium payment currently required under the single family program regulations remains appropriate. Under the proposed rule, however, insured mortgages under this program will be subject to the same one-time MIP payment as required under existing single-family programs.

The Department recognizes that conforming amendments in Subparts B (Contract Rights and Obligations) and C (Servicing Responsibilities) of 24 CFR Part 203 will be necessary to reflect differences in procedure and terminology between HUD's regular single-family insuring authorities and the new insuring authority created by section 248 of the NHA. These changes will be included in final rule making on this subject. Additionally, Subpart C will be amended in the final rule to implement explicit counseling requirements contained in the new section 248(f)(1) of the NHA, to the effect that a face-to-face interview between mortgator and mortgatee, and the provision of other specific information to the mortgagor, are prerequisites to acceptance by the Secretary of the assignment of the mortgage.

**Findings**

This proposed rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, at the above address.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities because it merely expands the types of mortgages eligible for HUD insurance to include leaseholds on one- to four-family residences located on Indian trust or otherwise restricted lands, where an individual Indian or Indian family is the mortgagor.

This rule was listed as item number 59 (49 FR 15921) in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15918), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The programs listed in the Catalog of Federal Domestic Assistance which would be affected by this proposed rule are as follows: 14.108, Rehabilitation Mortgage Insurance; 14.117, Mortgage Insurance—Homes; 14.119, Mortgage Insurance—Homes for Disaster Victims; 14.121, Mortgage Insurance Homes in Outlying Areas; 14.123, Mortgage Insurance Housing in Older, Declining Areas.

**List of Subjects**

*24 CFR Part 200*

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: Housing and community development, Mortgage insurance, Organization and functions (government agencies), Reporting and recordkeeping requirements, Minimum property standards, and Incorporation by reference.

*24 CFR Part 203*

Home improvement, Loan programs: Housing and community development, Mortgage insurance, Solar energy.

*24 CFR Part 204*

Mortgage insurance.

*24 CFR Part 220*

Home improvement; Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Urban renewal.

*24 CFR Part 221*

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

*24 CFR Part 235*

Cooperatives, Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

*24 CFR Part 237*

Low and moderate income housing, Mortgage insurance.

The collection of information requirements contained in this rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Please send any comments regarding the collection of information requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C., 20503, Attention: Desk Officer for HUD.

Accordingly, HUD proposes to amend 24 CFR Parts 200, 203, 204, 220, 221, 235 and 237 as follows:

## PART 200—INTRODUCTION

1. Section 200.163(a)(2) is proposed to be revised to read as follows:

**§ 200.163 Direct endorsement.**

(a) * * *

(2) Single family mortgages insured under any of the programs listed in paragraph (a)(1) of this section under sections 223, 225, 238(c), 244, or 248 of the National Housing Act are not eligible for processing under this section. The provision contained in 24 CFR 221.55 which permits a builder/mortgagor to sell a property to a displaced family on a deferred basis is not available in the Direct Endorsement program.

* * * * *

## PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

2. Section 203.17(a) is proposed to be revised to read as follows:

**§ 203.17 Mortgage provisions.**

(a) *Mortgage form.* The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated. Except as otherwise provided for mortgages insured under § 203.43g, the mortgage shall be a first lien upon property that conforms with property standards prescribed by the Commissioner. For mortgages insured under § 203.43g, the mortgage shall either be a first lien, or, if there is no lien recording system, the tribal government shall have enacted a law satisfactory to the Commissioner providing for the satisfaction of FHA-insured and Secretary-held mortgages before other obligations against the property are satisfied. Property covered by a mortgage insured under § 203.43g must conform with property standards prescribed by the Commissioner. The entire principal amount of the mortgage must have been disbursed to the mortgagor or to the mortgator's creditors for his or her account, and with the mortgagor's consent.

* * * * *

3. Part 203 is proposed to be amended by adding a new § 203.43g, to read as follows:

**§ 203.43g Eligibility of mortgages on Indian land.**

A mortgage on a leasehold covering a one- to four-family residence located on Indian land where the mortgagor is an individual Indian who will occupy it as a principal residence shall be eligible for insurance under this part, notwithstanding otherwise applicable requirements related to marketability of title, if the mortgage meets the requirements of this subpart as modified by this section.

(a) *Exemptions.* The provisions of Subparts I and J of Part 200, and §§ 203.30 and 203.366 shall not apply to mortgages insured under this section.

(b) *Mortgage lien.* Where a mortgagor is unable to meet the requirements of § 203.32 or § 203.50(j)(1), the mortgagor shall, in lieu of such requirements, demonstrate that the tribal government having jurisdiction over the property to be mortgaged has enacted a law satisfactory to the Commissioner providing for the satisfaction of FHA-insured and Secretary-held mortgages before other obligations against the property are satisfied. The Commissioner will insure the mortgage where such a tribal law is found to provide adequate priority over other obligations.

(c) *Pledge of assets.* (1) An individual Indian mortgagor shall pledge his or her share of distributed income from tribal resources or tribal assets (excluding any Federal grants received by the tribe), to be available to reimburse the Commissioner for any mortgage insurance claim paid in connection with the insured mortgage. The Commissioner may not, however, refuse to insure a mortgage under this section on the ground that there is no distributed income from tribal resources or tribal assets attributable to the prospective mortgagor.

(2) Where tribal income is available and where the Commissioner determines that a mortgagor is not making a good-faith effort to cure a default, the Commissioner, after assignment, shall commence proceedings for the garnishment of the mortgagor's share of tribal or trust fund income in order to collect mortgage payments that are past due.

(d) *Eviction procedures.* The mortgagee must submit evidence with the application for mortgage insurance that the tribe having jurisdiction over the property to be mortgaged has adopted eviction procedures to be used in the event of foreclosure. Where appropriate, HUD will consider a tribe's performance under any existing eviction procedures in assessing the adequacy of any eviction procedures adopted. Where the tribe has adopted adequate procedures but fails to maintain adequate enforcement procedures, no commitment will be issued (after notice to the tribe and an opportunity for a hearing) for the insurance of new mortgages to tribal members until HUD has determined that there has been an improvement in enforcement.

(e) *Sale of leasehold.* A mortgage insured under this section may be assumed, subject to credit approval by the lender and the consent of the tribe to an assumption of the existing lease or the grant of a new lease, without an adjustment of the interest rate. Any other sale of a property subject to a mortgage insured under this section may be made only if a new lease is granted, except tht a sale following a foreclosure may be accompanied by an assumption of the lease with the consent of the tribe.

(f) *Claim procedure.* A mortgagee shall be entitled to receive the benefits of insurance for mortgages insured under this section where the mortgagor is more than 90 days in default, and the mortgagee submits to the Commissioner appropriate documentation in accordance with Subpart B of this part and pertinent financial records such as asset pledge contracts.

(g) *Foreclosure by Commissioner.* If the Commissioner determines such action is necessary to protect the insurance fund from undue loss, the Commissioner may initiate foreclosure proceedings with respect to any mortgage acquired under this subsection. Such proceeding may take place in a tribal court, a State court or competent jurisdiction, or a Federal district court.

(h) *Construction advances.* The Commissioner may issue a commitment for the insurance of advances made during construction. The Commissioner will insure advances made by the mortgagee during construction if the following conditions are satisfied:

(1) The mortgage complies with the requirements of paragraph (b) of this section.

(2) The mortgagor and the mortgagee execute a mortgage loan agreement, approved by the Commissioner, setting forth the terms and conditions under which advances will be made.

(3) The advances are made only as provided in the commitment.

(4) The principal amount of the mortgage is held by the mortgagee in an interest bearing account, trust, or escrow for the benefit of the mortgagor, pending advancement to the mortgagor or to his or her creditors as provided in the loan agreement.

(5) The mortgage shall bear interest on the amount advanced to the mortgagor or to his or her creditors and on the amount held in an account or trust for the benefit of the mortgagor.

(i) *Definitions.* As used in this section and elsewhere in this part, the term:

(1) "Indian" means an individual member of any Indian tribe and that member's family.

(2) "Indian land" means trust or otherwise restricted land (i) as defined by the Secretary of the Interior, over which an Indian tribe is recognized by the United States as having governmental jurisdiction; (ii) held in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation; or (iii) acquired by Alaska natives under the Alaska Native Claims Settlement Act or any other land acquired by Alaska natives pursuant to statute by virtue of their unique status as Alaska natives.

(3) "Indian tribe" means any Indian or Alaska native tribe, band, nation, or other organized group or community of

Indians or Alaska natives recognized as eligible for the services provided to Indians or Alaska natives by the Secretary of the Interior because of its status as such an entity, or that is an eligible recipient under Chapter 67 of Title 31, United States Code.

4. Section 203.350 is proposed to be revised to read as follows:

**§ 203.350 Assignment of defaulted mortgage—in general.**

(a) The Commissioner may approve the assignment to the Commissioner of any mortgage covering a one- to four-family residence where the Commissioner finds that the default was caused by circumstances beyond the mortgagor's control.

(b) The Commissioner shall, upon application by the mortgagee, approve the assignment to the Commissioner of any mortgage covering a one- to four-family residence where the mortgage was insured under § 203.43g or under § 235.32 of this chapter and the mortgage has been in default for more than 90 days.

## PART 204—COINSURANCE

**§ 204.1 [Amended]**

5. Section 204.1 is proposed to be amended by adding, in the list of excepted provisions, immediately after "203.43b Eligibility of mortgages covering housing intended for seasonal occupance.", the following:

203.43g Eligibility of mortgages on Indian land.

## PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

**§ 220.1 [Amended]**

6. Section 220.1(a) is proposed to be amended by adding, in the list of excepted provisions, immediately after "203.42 Rental properties.", the following:

203.43g Eligibility of mortgages on Indian lands.

## PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

**§ 221.1 [Amended]**

7. Section 221.1(a) is proposed to be amended by adding, in the list of excepted provisions, immediately after "203.42 Rental properties.", the following:

203.43g Eligibility of mortgages on Indian lands.

## PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

8. Section 235.22(a) is revised to read as follows:

**§ 235.22 Mortgage provisions.**

(a) *Mortgage form.* The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated. Except as otherwise provided for mortgages insured under § 235.32, the mortgage shall be a first lien upon property that conforms with property standards prescribed by the Commissioner. For mortgages insured under § 235.32, the mortgage shall either be a first lien, or, if there is no lien recording system, the tribal government shall have enacted a law satisfactory to the Commissioner providing for the satisfaction of FHA-insured and Secretary-held mortgages before other obligations against the property are satisfied. Property covered by a mortgage insured under § 235.32 must conform with property standards prescribed by the Commissioner. The entire principal amount of the mortgage must have been disbursed to the mortgagor or to the mortgagor's creditors for his or her account, and with the mortgagor's consent.

9. Part 235 is proposed to be amended by adding a new § 235.32, to read as follows:

**§ 235.32 Eligibility of mortgages on Indian land.**

A mortgage on a leasehold covering a one- to three-family residence located on Indian land where the mortgagor is an individual Indian who will occupy it as a principal residence shall be eligible for insurance under this part, notwithstanding otherwise applicable requirements related to marketability of title, if the mortgage meets the requirements of this subpart as modified by this section.

(a) *Exemptions.* The provisions of Subparts I and J of Part 200, and §§ 203.30 and 203.366 of Part 203 shall not apply to mortgages insured under this section.

(b) *Mortgage lien.* Where a mortgagor is unable to meet the requirements of § 203.32 of this chapter, the mortgagor shall, in lieu of such requirements, demonstrate that the tribal government having jurisdiction over the property to be mortgaged has enacted a law satisfactory to the Commissioner providing for the satisfaction of FHA-insured and Secretary-held mortgages before other obligations against the property are satisfied. The Commissioner will insure the mortgage where such a tribal law is found to provide adequate priority over other obligations.

(c) *Pledge of assets.* (1) An individual Indian mortgagor shall pledge his or her share of distributed income from tribal resources of tribal assets (excluding any Federal grants received by the tribe), to be available to reimburse the Commissioner for any mortgage insurance claim paid in connection with the insured mortgage. The Commissioner may not, however, refuse to insure a mortgage under this section on the ground that there is no distributed income from tribal resources or tribal assets attributable to the prospective mortgagor.

(2) Where tribal income is available and where the Commissioner determines that a mortgagor is not making a good-faith effort to cure a default, the Commissioner, after assignment, shall commence proceedings for the garnishment of the mortgagor's share of tribal or trust fund income in order to collect mortgage payments that are past due.

(d) *Eviction procedures.* The mortgagee must submit evidence with the application for mortgage insurance that the tribe having jurisdiction over the property to be mortgaged has adopted eviction procedures to be used in the event of foreclosure. Where appropriate, HUD will consider a tribe's performance under any existing eviction procedures in assessing the adequacy of any eviction procedures adopted. Where the tribe has adopted adequate procedures but fails to maintain adequate enforcement procedures, no commitment will be issued (after notice to the tribe and an opportunity for a hearing) for the insurance of new mortgages to tribal members until HUD has determined that there has been an improvement in enforcement.

(e) *Sale of leasehold.* A mortgage insured under this section may be assumed, subject to credit approval by the lender and the consent of the tribe to an assumption of the existing lease or the grant of a new lease, without an adjustment of the interest rate. Any other sale of a property subject to a mortgage insured under this section may be made only if a new lease is granted, except that a sale following a foreclosure maybe accompanied by an assumption of the lease with the consent of the tribe.

(f) *Claim procedure.* A mortgagee shall be entitled to receive the benefits of insurance for mortgages insured

under this section where the mortgagor is more than 90 days in default, and the mortgagee submits to the Commissioner appropriate documentation in accordance with Subpart B of this part and other pertinent financial records such as asset pledge contracts.

(g) *Foreclosure by Commissioner.* If the Commissioner determines such action is necessary to protect the insurance fund from undue loss, the Commissioner may initiate foreclosure proceedings with respect to any mortgage acquired under this subsection. Such proceeding may take place in a tribal court, a State court of competent jurisdiction, or a Federal district court.

(h) *Construction advances.* The Commissioner may issue a commitment for the insurance of advances made during construction. The Commissioner will insure advances made by the mortgagee during construction if the following conditions are satisfied:

(1) The mortgage complies with the requirements of paragraph (b) of this section.

(2) The mortgagor and the mortgagee execute a mortgage loan agreement, approved by the Commissioner, setting forth the terms and conditions under which advances will be made.

(3) The advances are made only as provided in the commitment.

(4) The principal amount of the mortgage is held by the mortgagee in an interest bearing account, trust, or escrow for the benefit of the mortgagor, pending advancement to the mortgagor or to his or her creditors as provided in the loan agreement.

(5) The mortgage shall bear interest on the amount advanced to the mortgagor or to his or her creditors and on the amount held in an account or trust for the benefit of the mortgagor.

(i) *Definitions.* As used in this section and elsewhere in this part, the term:

(1) "Indian" means an individual member of any Indian tribe and that member's family.

(2) "Indian land" means trust or otherwise restricted land (i) as defined by the Secretary of the Interior, over which an Indian tribe is recognized by the United States as having governmental jurisdiction; (ii) held in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation; or (iii) acquired by Alaska natives under the Alaska Native Claims Settlement Act or any other land acquired by Alaska natives pursuant to statute by virtue of their unique status as Alaska natives.

(3) "Indian tribe" means any Indian or Alaska native tribe, band, nation, or other organized group or community of Indians or Alaska natives recognized as eligible for the services provided to Indians or Alaska natives by the Secretary of the Interior because of its status as such an entity, or that is an eligible recipient under Chapter 67 of Title 31, United States Code.

## PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

10. Section 237.5 is proposed to be revised to read as follows:

### § 237.5 Cross-reference.

To be eligible for insurance under this subpart, a mortgage shall meet all of the eligibility requirements for insurance under Part 203, Subpart A of this chapter, except § 203.51; or under Part 220, Subpart A of this chapter; Part 221, Subpart A of this chapter; or under Part 234, Subpart A of this chapter, except that in addition to meeting such eligibility requirements, the mortgage shall comply with the special requirements of this subpart. Mortgages and loans processed under the Direct Endorsement program set forth in § 200.163, or mortgages insured under §203.43g or § 235.32 of this chapter, shall not be eligible under this part.

(Secs. 211 and 248 of the National Housing Act (12 U.S.C. 1715b, 1715z–13; sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: September 18, 1984.

**Maurice L. Barksdale,**

*Assistant Secretary for Housing, Federal Housing Commissioner.*

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Friday
October 19, 1984

Part VI

# Department of Agriculture

Farmers Home Administration

7 CFR Part 1951

Special Debt Set-Aside of a Portion of the Indebtedness of Farmer Program Borrowers; Interim Rule

7 CFR Part 1980

Guaranteed Loan Programs; Interim Rule

**DEPARTMENT OF AGRICULTURE**

**Farmers Home Administration**

**7 CFR Part 1951**

## Special Debt Set-Aside of a Portion of the Indebtedness of Farmer Program Borrowers

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its account servicing regulation, Part 1951, Subpart A to incorporate a special procedure for postponing or setting-aside a portion of the indebtedness of existing farmer program loans. The intended effect of this emergency servicing action is to assist financially distressed FmHA borowers and is not meant to implement either 7 U.S.C. 1981a (§ 331A) of the Consolidated Farm and Rural Development Act) or various Court decisions pertaining to that section. This action will provide farm borrowers the opportunity to make critical decisions on disposition of the current crop income and develop plans for continuing the farming operation. Borrowers who received a Pretermination Notice but who have not been sent an acceleration notice by close of business October 19, 1984, will be notified that the procedures set out in the Pretermination Notice will no longer be used. Those borrowers will be sent notice of the set-aside program.

**EFFECTIVE DATE:** October 19, 1984. This interim rule is subject to revision following a comment period of 30 days from the date of publication. Comments must be received before November 19, 1984.

**ADDRESSES:** Submit written comments, in duplicate, to the office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Agriculture Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection during regular working hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Chester Bailey, Senior Loan Officer, Emergency Division, Farmers Home Administration, USDA, Room 5424–S, Washington, D.C. 20250, telephone (202) 382–1642 and Duane Ischer, Senior Loan Officer, Emergency Division, Farmers Home Administration, USDA, Room 5420–S, Washington, D.C. 20250, telephone (202) 382–1632.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be major because it may have an annual effect on the economy of $100 million or more.

Pursuant to the request to David Stockman, Director of the Office of Management and Budget (OMB) from John Block, Secretary of Agriculture dated October 4, 1984, OMB has agreed to the publication of these regulations in advance of provision of the materials required pursuant to Executive Order 12291, Sections 3 and 4, which will be provided soon thereafter.

This rule implements one of the four Farm Credit Initiatives announced by President Ronald Reagan on September 18, 1984.

### Discussion of Interim Rule

FmHA is implementing the special debt set-aside immediately, via publication of this interim rule. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rule making because of the financial stress presently being experienced by many FmHA farm borrowers.

Many FmHA borrowers are experiencing severe financial difficulties which threaten their ability to continue operation. High interest rates, declining real farm equity, and low real farm income have reduced these farmers' debt repayment capacity. Implementation now will provide FmHA farm borrowers the opportunity to make critical decisions on disposition of the current crop income and develop plans for continuing the farming operation. It is essential that work out plans be developed during the coming months in order that those farm borrowers can make sound management decisions regarding use and availability of credit. Creation of the special debt set-aside does not impose new requirements upon FmHA borrowers for assistance or change eligibility requirements.

Further, pursuant to the Administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable; and good cause is found for making this final action effective less than the 30 days after publication of this document in the **Federal Register**.

*Programs Affected*

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance: 10.404—Emergency Loans; 10.406—Farm Operating Loans; 10.407—Farm Ownership Loans; 10.410—Rural Housing Loans; and 10.416—Soil and Water Loans.

*Intergovernmental Consultation*

Intergovernmental Consultation should be carried out in accordance with 7 CFR Part 3015, Subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities." For affected programs see FmHA Instruction 1940–J, available in any FmHA office.

*Environmental Impact Statement*

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, Environmental Impact Statement is not required.

*Background*

The current FmHA regulations for account servicing in the cited Code of Federal Regulations must be amended to incorporate these changes. The changes made by this interim rule provide for that portion of existing FmHA loans necessary to produce a positive cash flow to be postponed or set aside for 5 years at zero percent interest. No more than $200,000 or 25 percent, whichever is less, of a borrower's FmHA debt will be set-aside. This special authority is available only to FmHA borrowers indebted on September 18, 1984, and will be available to such borrowers until September 30, 1985.

This change affects Operating Loans, Farm Ownership Loans, Economic Opportunity Loans, Soil and Water Loans, Recreation Loans (but *not* association recreation loans), Emergency Loans, Economic Emergency Loans and *only* those Rural Housing Loans which were made for farm service buildings.

### List of Subjects in 7 CFR Part 1951

Servicing and collections, Loan programs—Agriculture.

Accordingly, § 1951.1 is added to Subpart A of Part 1951, Chapter XVIII, Title 7, Code of Federal Regulations, to read as follows:

## PART 1951—SERVICING AND COLLECTIONS

### Subpart A—Account Servicing Policies

* * * * *

**§ 1951.41 Special debt set-aside of a portion of the insured loan indebtedness of farmer program borrowers.**

(a) *Period of time available.* The authorities contained in this section will be available to financially stressed FmHA farmer program borrowers (OL, FO, EO, SW, EE, EM, RL (but not association recreation loans) and/or *only* those Rural Housing loans which were made for farm service buildings) until September 30, 1985, unless extended by the Administrator.

(b) *Notice to borrowers.* Borrowers who received a Pretermination Notice but who had not been sent an acceleration notice by close of business October 19, 1984, will be sent Exhibit G with Exhibit C–1 (available in any FmHA office). County Supervisors are to send Exhibit C–1 (available in any FmHA office) of this Subpart to all farmer program borrowers with the following exceptions:

(1) Borrowers whose accounts have been accelerated prior to close of business October 19, 1984.

(2) Borrowers who have been convicted (criminally) in a court of law of converting FmHA security.

(3) Borrowers who have been determined able to graduate to other sources of credit and have been requested to do so. If it is later determined that a borrower cannot graduate to other credit, the borrower will then be sent Exhibit C–1 (available in any FmHA office).

(4) Borrowers who owe only loans which were assumed on ineligible rates and terms, acquired by a credit sale, and/or any Other Real Estate (ORE) loan.

(5) Borrowers who are currently under the jurisdiction of a bankruptcy court.

(6) Borrowers whose files are in the OGC or U.S. Attorney's Office for legal action. If the file is later returned to FmHA without any legal action being taken, the borrower will be sent Exhibit C–1 (available in any FmHA office).

(7) Borrowers who were not indebted to FmHA on September 18, 1984.

(8) Borrowers who have voluntarily conveyed and the deed has been recorded.

Farmer Programs borrowers who are sent Exhibit C–1 (available in any FmHA office), must, within 30 days after receiving said Exhibit, request an appointment with the County Supervisor. Any borrower not requesting an appointment will not be considered for the set-aside program. This will not be appealable. County Supervisors, upon receiving a request for an appointment, will send Exhibit C–2 (available in any FmHA office) of this subpart to the borrower, setting up an appointment to discuss the set-aside program.

(c) *Definitions.* (1) Special debt set-aside used in this section means postponing payment of a portion of a borrower's insured farm loan indebtedness to FmHA, not to exceed 25 percent of the total unpaid principal and interest owed or $200,000, whichever is less, for a period of 5 years at zero percent rate of interest. Set-aside will not be considered for any debt not owed to FmHA on September 18, 1984.

(2) Typical year plan as used in this section means a farm budget which accurately reflects the borrower's planned cash flow and use of assets during the set-aside period.

(i) Production records used in the preparation of a typical year plan will be as set forth in § 1945.163(a)(1) of Part 1945, Subpart D of this Chapter (Emergency Loan Program regulations). Verification by ASCS is not required.

(ii) Unit price used in preparation of a typical year plan will be established by the State Director and issued as a State supplement. The State Director will consult with other USDA agencies and agricultural lenders in the State before establishing commodity prices. State Directors and Farmer Program Chiefs in adjoining States should consult with each other before releasing their established commodity price list. A typical year price list will usually be in addition to the price list prepared for annual planning purposes.

(3) Cash flow projection for the purpose of this secion is a listing on a monthly, quarterly, semi-annual or annual basis, of all anticipated cash inflows, and all anticipated cash outflows—both farm and non-farm for the typical year.

(4) Positive cash flow projection used in this section means that the Farm and Home Plan for the typical year shows a balance available (line 16 in Table J) of at least 110 percent of the amount needed to pay all the year's debts due including tax liability shown on Table K. For borrowers using the Coordinated Financial Statement for Agriculture (CFSA), Form 1930–2, "Cash Flow Statement," balance available (the total of lines 16, 52, and 54 less the total of lines 36 thru 47 except 46) will be at least 110 percent of debt repayment (lines 46, 48, 49, 55 and 56).

(d) *General requirements.* County Supervisors are authorized to approve the special set-asides, provided the following requirements are met.

(1) The County Supervisor must determine that a positive cash flow projection is not possible without some servicing action. The County Supervisor must then calculate the borrower's cash flow projection, using the rescheduling and reamortization authorities set out in § 1951.33 and §1951.40 of this Subpart. Next, the County Supervisor will calculate the borrower's cash flow projection, using rescheduling and reamortization at the limited resource rate, if the borrower is eligible for the limited resource rate. Not all borrowers are eligible for limited resource rates. If a positive cash flow projection can be achieved by using the rescheduling and reamortization authorities, the borrower's account will be rescheduled or reamortized (including at the limited resource rate, if eligible) but the borrower will not receive a special set-aside. The County Supervisor must thoroughly document the steps taken to develop these cash flow projections and must place this documentation in the borrower's case file. Limited Resource rates must be considered, if the borrower is eligible, in determining whether a positive cash flow can be achieved. *If a positive cash flow projection is possible, the borrower is not eligible for a special set-aside.* The borrowers will be given an opportunity to appeal, as provided in Subpart B of Part 1900 of this chapter.

(2) The County Supervisor must determine whether the borrower owns any assets which do not contribute to essential family living expenses or to the maintenance of a sound farming operation. The County Supervisor must determine whether the borrower could sell those assets and, if so, for how much. The County Supervisor will then prepare new cash flow projections which take into account the sale of these assets. If a positive cash flow projection can be achieved, the borrower is not eligible for a special set-aside. The borrower will be given an opportunity to appeal, as provided in subpart B of Part 1900 of this chapter.

(3) The County Supervisor will take the balance available shown on the cash flow projections and will subtract the amount needed to pay all the years' debts including tax liability, except the payment due on the FmHA debt. The result is the amount available to be paid on the FmHA debt. The County Supervisor will then determine how much of a borrower's total FmHA debt (principal plus interest on all loans) would have to be set-aside in order for the borrower's operation to have a

positive cash flow projection during the next 5 years, with the borrower paying whatever the cash flow projections show is the amount available on the FmHA debt. Only as much of the FmHA debt will be set-aside as is needed to create a positive cash flow projection within the next 5 years. In no case will this reduction exceed $200,000 or 25 percent, whichever is less, of the borrower's total FmHA debt. If a borrower has more than one FmHA loan, the loan with the highest interest rate after rescheduling will be considered for set-aside first. When loan(s) with less than the highest interest rate are set aside, thereby, causing a higher interest rate loan(s) to be excluded from the set-aside, the County Supervisor must document in the case file the reason for taking such action.

(4) If a positive cash flow projection cannot be achieved with the maximum (25 percent or $200,000, whichever is less) special set-aside, the County Supervisor will assist the borrower in asking other creditors to voluntarily adjust their debts, as authorized in Subpart A of Part 1903 of this Chapter. If other creditors adjust their debts and a special set-aside of the FmHA debt will result in a positive cash flow projection, a special set-aside may be approved.

(5) If a positive cash flow projection during the next 5 years cannot be achieved, even with other creditors voluntarily adjusting their debts and with the maximum special set-aside (25 percent of the total FmHA debt or $200,000, whichever is less), no portion of the debt will be set-aside. The borrower will be given an opportunity to appeal, as provided in Subpart B of Part 1900 of this Chapter.

(6) In order for a borrower to receive a set-aside, the typical year plan must show that a positive cash flow can be expected during the set-aside period and that the borrower will be able to begin making payments on the set-aside portion of the debt at the end of the 5 year set-aside period. Also, the County Committee must certify on FmHA 440–2, "County Committee Certification or Recommendation," that the borrower meets all of the following requirements:

(i) Has acted in good faith by demonstrating sincerity and honesty in meeting agreements and promises made with FmHA;

(ii) Has been unable to pay their accounts as scheduled due to:

(A) Reduction in essential farm income and/or from a nonfarm job due to unemployment or underemployment of the borrower-operator or spouse caused by circumstances beyond the borrower's control; or

(B) Reduction in income due to illness, injury or death of an individual borrower, or stockholder, member or partner who operates the farm; or

(C) Reduction in income due to natural disasters, an outbreak of uncontrollable disease, and/or uncontrollable insect damage which caused severe loss of agricultural production that reduced the repayment ability of the borrower to the degree that scheduled payments cannot be made.

(iii) Has applied the improvements and key practices spelled out in Item D of the Farm and Home Plan or identified in the CFSA's cash flow schedules.

(iv) Has properly maintained chattel and real estate security and properly accounted for the sale of security, including crops, livestock and livestock production.

(7) If the County Committee does not make this certification, the borrower will be given an opportunity to appeal as provided in Subpart B or Part 1900 of this Chapter.

(8) The best lien obtainable will be taken on all assets except for household goods and personal automobiles needed for family living. Also, principal partners and stockholders will have to sign the new note as individuals. Borrowers who refuse to comply with these requirements will not be given a special set-aside and this denial is not appealable.

(9) Special set-asides of more than $100,000 will be reviewed by the District Director, who will note his/her recommendation in the file.

(10) A borrower will be given only one special set-aside. A borrower who receives a special set-aside of less than the maximum will not be able to obtain a larger amount of set-aside at a later date unless original calculations were in error.

(11) Exhibit F (available in any FmHA office) of this subpart will be completed for each note when a set-aside is approved.

(e) *Processing.* (1) Borrowers who are eligible for a special set-aside will have their loans rescheduled or reamortized in accordance with § 1951.33 and § 1951.40 of this Subpart, except that the original note(s) will be marked "Reamortized with Set-Aside" or "Rescheduled with Set-Aside." If the borrower is eligible, the loan will be rescheduled or reamortized at the limited resource interest rate. The County Supervisor will contact the Finance Office to find out the amount of interest and principal owed on the date of approval of the special set-aside. All loan servicing actions approved in connection with the debt set-aside must be dated the same date. See Exhibit D of this subpart for example(s) of a FO and Limited Resource OL with set-aside.

(2) Form FmHA 440–2 will contain the following statement: "The borrower meets the criteria for obtaining a special set-aside." The list of criteria found in § 1951.41(d)(6) will either be written on or attached to Form FmHA 440–2.

(3) The date of approval is when the 5 year set-aside period begins. The date of approval is also the date that will be inserted on the rescheduled or reamortized Form FmHA 1940–17, "Promissory Note" and on Exhibit E (available in any FmHA office).

(4) The County Supervisor will send the Finance Office Exhibit E (available in any FmHA office).

(5) The County Supervisor will record and maintain a record of approved special set-asides, in accordance with FmHA Instruction 1905–A, available in any FmHA office.

(f) *Finance Office Actions.* (1) The Finance Office will establish the set-aside portion of the debt as a separate account in accordance with Exhibit E of this subpart.

(2) The Finance Office will remove the borrower's name from its delinquency report.

(3) The Finance Office will provide the County Office with a quarterly status report for each borrower receiving a set-aside.

(4) Six months prior to the end of the set-aside period, the Finance Office will notify the County Supervisor of the amount and date of the upcoming borrower's installment(s) due.

(5) The interest rate on the set-aside portion of the note, after the set-aside period will be the same on the non-set-aside portion.

(g) *Cancellation of special set-aside.* (1) Borrowers who incur debts or purchase items not planned for in the farm budget without the County Supervisors's approval, violate any of the covenants contained in any security instruments, loan agreements or cease farming will have their set-aside cancelled by the County Supervisor.

(2) The County Supervisor will give notice to the borrower of FmHA's intention to cancel the set-aside, setting forth the specific facts requiring cancellation and inform the borrower of appeal rights. Exhibits B–1 and B–2 of Part 1900 of Subpart B of this chapter will be used. If the borrower does not appeal or if the decision to cancel is upheld in an appeal, the borrower will be notified in writing of cancellation of the set-aside. The actual cancellation is not appealable.

(3) The County Office will be responsible for notifying the Finance

Office of the cancellation using a properly executed Exhibit E (available in any FmHA office).

(h) *Servicing.* (1) Notes which are rescheduled and set-aside in accordance with this section will not be consolidated during the set-aside period.

(2) Notes which are not set-aside in accordance with this section may be rescheduled or reamortized in accordance with § 1951.33 and § 1951.40 of this subpart during the set-aside period. The rescheduling or reamortization may be at the Limited Resource rate. The set-aside will stay in effect, but will not be increased or extended beyond the original five year term. The County Office will forward to the Finance Office Form FmHA 1951–4 any time the interest rate is changed on a note during the set-aside period. The top of the form will be market "Interest Change in Set-Aside" in red.

(i) *Deficiency Judgments.* Interest will begin to accrue (at the higher of the note rate or the judgment rate) on the set-aside portion if FmHA receives a deficiency judgment.

Authorities: 7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70.

Dated: October 17, 1984.

Kathleen W. Lawrence,

*Acting Under Secretary for Small Community and Rural Development.*

[FR Doc. 84–27831 Filed 10–18–84; 8:45 am]

BILLING CODE 3410–07–M

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## 7 CFR Part 1980

## Guaranteed Loan Programs

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its regulations to add a debt adjustment program (DAP) for guaranteed operating (OL) and farm ownership (FO) loans. This amendment is needed to provide the policies and procedures for establishing the DAP to provide lenders with a tool to enable them to continue to provide credit to farmers who do not now have adequate security and/or ability to repay their loans. The intended effect of this action is to provide assistance to both lenders and their farm borrowers in a time of financial difficulty.

**EFFECTIVE DATE:** October 19, 1984. Comments must be received on or before November 19, 1984.

**ADDRESS:** Submit written comments, in duplicate, to the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA Room 6348, South Agriculture Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Russell Beckham, Deputy Director, Farm Real Estate and Production Division, Farmers Home Administration, USDA, Room 5449, South Agriculture Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447–4572.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be major because it will have an annual effect on the economy of $100 million or more.

Pursuant to the request to David Stockman, Director of the Office of Management and Budget (OMB) from John Block, Secretary of Agriculture dated October 4, 1984, the OMB has granted an exemption to the requirements of Executive Order 12291, Section 3, prior to publication in the **Federal Register.** A regulatory impact analysis shall, however, be conducted soon thereafter.

This rule implements one of the four Farm Credit Initiatives announced by President Ronald Reagan on September 18, 1984.

### Memorandum of Law

*Subject:* **Federal Register** document for 7 CFR 1980—Subpart A, B, Guaranteed Loan Programs.

The changes to FmHA regulations proposed by this **Federal Register** document have been reviewed by the Office of the General Counsel and determined to be within the scope of FmHA authority. The provisions in Subpart B, Exhibit B, of Part 1980 are consistent with FmHA's authority to guarantee loans at 7 U.S.C. 1921 et seq. The Secretary's general rulemaking and delegation authority for Part 1980 is furnished by 7 U.S.C. 1989.

Daniel Oliver,

*General Counsel.*

This regulation does not directly affect any FmHA programs or projects which are subject to intergovernmental consultation.

The Catalog of Federal Domestic Assistance numbers are 10.406 Farm Operating Loans and 10.407 Farm Ownership Loans.

This document has been reviewed in accordance with 7 CFR part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, and Environmental Impact Statement is not required.

### Discussion of Interim Rule

The FmHA programs affected by this regulation change are Farm Ownership (FO) guaranteed loans and Operating (OL) guaranteed loans.

FmHA guaranteed loans are made and serviced by commercial sources such as Federal Land banks, Production Credit Association, banks, insurance companies and savings and loan associations. FmHA may provide the lender with a guarantee not to exceed 90 percent of loss of principal and interest on a loan. When possible, the guarantee coverage is set at less than 90 percent of the new loan amount to assure an appropriate sharing of risk between the private lender and the Federal Government.

The January 1984 Federal Reserve Bulletin states that 31 percent of the nation's medium-size farmers ($40,000 to $199,999 annual sales) and 19 percent of the small-size farmers ($10,000 to $39,999 annual sales) have debt asset ratios greater than 40 percent and could be in serious difficulty. This represents over 150,000 farmers nationwide. A large percentage of the nation's small and medium-size farmers operate farms which fall within the FmHA definition of a family size farm. Eligible farmers operating not larger than family-size farms can be provided FmHA assistance through guranteed OL and FO loan authorities. In many cases, lenders have outstanding loans with small and medium-size farmers who do not have adequate security and/or do not have the ability to repay their loans within a reasonable period of time. FmHA can provide assistance to both lenders and their customers by use of the DAP administered in conjunction with 7 CFR Part 1903, Subpart A "Voluntary Debt Adjustment"and the guaranteed loan authorities for OL and FO loans under 7 CFR Part 1980, Subparts A and B. Lenders who wish to participate in this program must be willing to adjust their loans by permanently writing off at least 10 percent of the principal and interest due on their existing loan(s). The amount written off must be sufficient to establish a financial position which is compatible with the borrower's debt payment ability and provide for a positive cash flow in the borrower's operating budget.

The purpose of the DAP is to provide lenders with a tool that would enable them to continue to provide credit during a work out period with loans which are now classified as problem loans. Without this alternative method of continuation, many lenders would have no choice but to force some of their borrowers to liquidate assets or otherwise leave agriculture. To meet the expected need for DAP, a significant amount of funds available for guaranteeing FO and OL loans will be made available for this program.

FmHA finances only 12 percent of agricultural credit in the nation through its regular non-guaranteed loan programs. The vast majority of farm loans (approximately 88 percent) come from nongovernmental sources. Government should remain the lender of last resort. FmHA must participate more actively with nongovernment lenders to counter the economic difficulties their farm borrowers are presently experiencing.

FmHA is implementing the DAP immediately, via publication of this interim rule. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking because of the financial stress presently being experienced by agricultural lenders and their farm borrowers. Implementation now will provide lenders and farm borrowers the opportunity to make critical decisions on disposition of the current crop income and develop plans for continuing the farming operation. It is essential that work out plans be developed during the coming months in order that those farm borrowers can make sound management decisions regarding use and availability of credit. Creation of the DAP does not impose new requirements upon lender for assistance or change eligibility requirements. Benefits will accrue to farmers in faster loan response to loan requests, ability to maintain relationship with their regular sources of credit and develop work out plans for financially stressed operations.

**List of Subjects in 7 CFR Part 1980**

Loan programs—agriculture.

## PART 1980—GENERAL

Accordingly, Subpart B of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

### Subpart B—Farmer Program Loans

1. In § 1980.101, paragraph (a) is revised to read as follows:

**§ 1980.101 Introduction.**

(a) *Policy.* This subpart supplemented by Subpart A of this part, contains regulations for making the following Farmer Program loans guaranteed by the Farmers Home Administration (FmHA): Operating (OL), Farm Ownership (FO), Soil and Water (SW), Recreation (RL), and Emergency (EM) loans. It is the policy of FmHA to make loans to any otherwise qualified applicant without regard to race, color, religion, sex, national origin, marital status, age or physical/mental handicap providing the applicant can execute a legal contract. These regulations apply to lenders, holders, borrowers, FmHA personnel, and other parties involved in making, guaranteeing, holding, servicing, or liquidating such loans. Exhibit A provides policies and procedures for an Approved Lender Program (ALP) for Guaranteed Operating (OL) loans and Guaranteed Farm Ownership (FO) loans. Exhibit B provides policies and procedures for a Debt Adjustment Program (DAP) for Guaranteed Operating (OL) loans and Guaranteed Farm Ownership (FO) loans.

* * * * *

2. Exhibit B is added to Subpart B of Part 1980 to read as follows:

**Exhibit B—Debt Adjustment Program—Farmers Home Administration (FmHA) Guarantees of Loans with Accompanying Debt Adjustment by Lender**

*I. General.*

This Exhibit provides policies and procedures for the debt adjustment program (DAP) for guaranteed operating loans (OL) described in § 1980.175 and Farm Ownership (FO) Loans described in § 1980.180 of this subpart. All sections of Subparts A and B of Part 1980 apply except as modified by Exhibit A of this subpart and this Exhibit. The objective of the DAP is to provide lenders with a tool to enable them to continue to provide credit to operators of not larger than family farms who do not have the ability to repay their loan(s) and/or do not have adequate security for their loan(s) without debt adjustment. Borrowers, lenders and loan(s) guaranteed must meet all requirements for guaranteed OL and/or FO loans in this subpart.

A. *Authority.* The authorizations in this Exhibit provide: (1) a significant amount of funds available for guaranteeing FO and OL loans will be made available for the DAP; (2) only loans to farmers which are classified as problem loans by the lender or the lender's credit examination and supervising agency, will be considered for a guarantee; and (3) the lender must actually write off, by permanent cancellation, at least 10 percent of the total principal and interest outstanding on each loan which the lender wants guaranteed. The total principal and interest outstanding includes all loans owed the lender by the borrower regardless of guarantees, co-signers or other warranty. The amount written off must be sufficient to provide a positive cash flow projection necessary to service all debts, pay all operating expenses and provide for family living expenses. For the purposes of this Exhibit a cash flow projection is a listing of all anticipated cash inflows for the year (both farm and non-farm); and all anticipated cash outflows (both farm and non-farm) including operating expense and capital outlays as well as family living expenditures and tax payments. For the purposes of this Exhibit a positive cash flow is a cash flow (as defined above) which reflects a balance available of at least 110 percent of the amount needed to pay all the year's debts due including anticipated tax liability. The adjusted indebtedness must be adequately secured.

B. *Policy.* Private lenders now hold a substantial number of farm operating and real estate loans to operators of not larger than family size farms which are classified as problem loans. The terms, conditions and amount of these loans will have to be adjusted in order to permit a cash flow projection for inflows to exceed outflows. When lenders request FmHA guarantees for such loans, the following conditions must be met before an FmHA guarantee will be issued:

(1) The lender must permanently write off at least 10 percent of the total outstanding principal and interest owed on the existing loan(s). This will be accomplished by making a new loan for the adjusted amount due. The amount of the loan after adjustment on which a guarantee is requested must create a financial position which is compatible with the borrower's debt payment ability. Guarantees will only be issued on new loans reflecting the adjusted balance.

(2) Although the FmHA can guarantee up to 90 percent of the remaining adjusted indebtness under § 1980.20 of Subpart A of this part, FmHA will, whenever possible, set the coverage at less than 90 percent of the new loan to assure an appropriate sharing of risk between the private lender and the Federal Government. A guarantee of 75 to 80 percent is an appropriate guarantee level.

(3) A guarantee will not be issued unless the farming operation shows a projected positive cash flow and the borrower is determined to be eligible for a guaranteed OL or FO loan under this subpart.

(4) Lenders who wish to participate in this debt adjustment program will be encouraged to apply for Approved Lender Program (ALP) status under Exhibit A of this subpart to expedite processing of requests for a guarantee. However, guarantees are not limited to lenders with ALP status.

*II. Processing Guaranteed OL and/or FO Loans With Debt Adjustments*

FmHA personnel responsible for accepting, processing and approving or denying requests for Loan Note Guarantees will follow the policies, responsibilities and procedures in Part 1903, Subpart A, "Voluntary Debt

Adjustment" (except § 1903.9(a)) to determine the amount which the lender must permanently write off in order to create a financial position which is compatible with the borrower's debt payment ability and which provides for a positive cash flow in the operating budget. Lenders applying for guarantees will be expected to enter into any necessary debt adjustment negotiations with the borrower's other creditors who have provided supplier or dealer type open accounts and/or secured credit.

(A) Guarantees will not be issued under this Exhibit to lenders who will not write off part of their outstanding loan(s) to meet the conditions in paragraph I B(1) of this Exhibit. The write off in any case must be at least 10 percent of the total interest and principal balance outstanding on each loan which the lender wants guaranteed. The amount of write off determined necessary (but not less than 10 percent of total interest and principal) must be permanently cancelled by the lender with no agreement for reinstatement of that portion of the debt. Form FmHA 403–1, "Debt Adjustment Agreement," will be executed by the borrower and the lender. Lenders will provide evidence in the form of a written certification (see Attachment 1 to this Exhibit) for the FmHA file which attests to the amount of the existing loan, amount of write off and amount of the new balance upon which the guarantee is requested.

(B) Lenders must abide by limitations on loan purposes, loan limitations, interest rates, terms and security requirements as set forth for OL and FO loans in §§ 1980.175 and 1980.180 of this subpart. The lender will not be permitted to substitute a reduced level of interest rate charge in lieu of an additional write off to create a positive cash flow. Guarantees will not be issued for loan notes when the rate charged is in excess of the lender's best rate to its best farm customers. (See §§ 1980.175(e) and 1980.180(f)). Lenders will be required to certify that the interest rate in each case is not in excess of the best rate being charged its best farm customers. See Attachment 1 to this Exhibit to use as a guide for this certification by the lender. The lender's certification will be placed in the FmHA file.

(C) All requests for guaranteed OL and FO loans will be processed under Part 1980 Subparts A and B, including Exhibit A of this subpart, except as modified by this Exhibit B for debt adjustment. Except as modified by Exhibit A to this subpart, FmHA personnel responsible for processing a request for guarantee under this Exhibit B will review each request for guarantee to determine that: (1) values placed on assets by the lender are consistent with market values for the area; (2) the borrower has suitable tenure on any essential leased land, facilities or equipment; (3) operating cost(s), yields, production and prices used in the farm budget are realistic for the farm and the operator; and (4) all conditions required in paragraph I B(1) and (3) of this Exhibit are met. Form FmHA 449–23, "Guaranteed Loan Evaluation", must be completed and must contain these four determinations. This form will be placed in the case file.

(D) Any Debt Adjustment Program loan guaranteed will be on a separate Note and Loan Note Guarantee. One lender may receive both a guaranteed OL and FO with a Loan Note Guarantee for each note. Any other loans guaranteed to the same lender for operating or other purposes will be processed under Subparts A and B of Part 1980 except as modified by Exhibit A of this subpart.

(E) The guarantee fee(s) are in § 1980.21 of Subpart A (1% initial fee, 1% Substitution fee) and are paid as in § 1980.61(f) of Subpart A.

(F) Applications are accepted and processed under Subparts A and B of Part 1980 except as modified by Exhibit A of this subpart.

(G) The Types of Assistance Codes for DAP guaranteed loans are:

FO–33

OL–49

**Attachment 1 to Exhibit B**

To: County Supervisor, FmHA

_____

_____

Subject: Certification of Writeoff and Interest Rate.

Borrower's Name: _____

This lending institution certifies that:

1. The total unpaid principal and interest balance on the original loans was $—— and the amount of write-off on this balance is $——. The new loan balance of $—— is the amount requested for a guarantee. The amount of write off is permanently cancelled with no agreement for reinstatement of that portion of the debt.

2. The interest rate to be charged on the new loan balance to the above-mentioned borrower is ——%, which is not in excess of the best interest rate being charged our best farm customers.

(Name of Lender)_____

Lender's IRS I.D. No. _____

By: _____

Date: _____

Title: _____

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: October 16, 1984.

**Kathleen W. Lawrence,**

*Acting Under Secretary Small Community and Rural Development.*

[FR Doc. 84–27751 Filed 10–18–84; 8:45 am]

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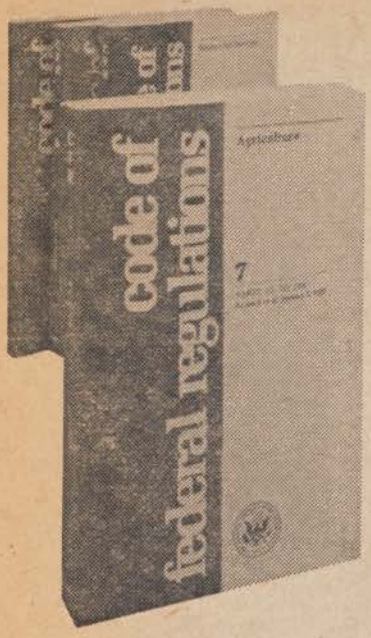


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