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Tuesday
November 13, 1984

Selected Subjects

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Selected Subjects

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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 729

[Amdt. 1]

Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule revises the definition of "peanuts" in 7 CFR 729.213(w) of the poundage quota regulations for peanuts to establish a uniform deduction for excess moisture for all marketing areas. As a result of this revision, the amount of moisture in excess of 7 percent will be deducted from the gross scale weight of all peanuts when determining the quantity of peanuts which are marketed.

DATES: This rule is effective as of August 1, 1984. Comments must be received on or before January 14, 1985, in order to be assured of consideration.

ADDRESSES: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Comments received may be inspected at Room 5750-South Building, USDA, between 8:15 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: David L. Kincannon, Program Specialist, (ASCS), (202) 382-0154).

SUPPLEMENTARY INFORMATION: This Interim rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified. "not major". It has been determined that this rule will not result in: (1) An annual effect on the ecomony of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State and local governments, or geographical regions; or (3) significant adverses effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this proposed rule applies are: Commodity Loans and Purchases, 10.051, as found in the Catalog of Federal Domestic Assistance.

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

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, or land use and appearance. Accordingly, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity 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).

Under the present definition of "peanuts" which is found in the poundage quota and marketing regulations at 7 CFR 729.213(w), the quantity of peanuts marketed from a farm is determined by subtracting from the gross scale weight of farmers stock peanuts: (1) Foreign material; and (2) mositure (a) in excess of 7 percent in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, that part of South Carolina in the Southeastern area, as defined in Part 729, and Texas; or (b) in excess of 8 percent for peanuts grown elsewhere.

The purpose of this rule is to revise the definition of "peanuts" as set forth in § 729.213(w) to provide for a uniform moisture level of 7 percent for all peanuts in all locations. As a result of this revision, the amount of moisture which is in excess of 7 percent will be deducted from the gross scale weight of farmers stock peanuts when determining the quantity of all peanuts which are marketed.

It has been concluded that the application of a uniform moisture level for determining the quantity of peanuts which are marketed should be adopted since: (1) USDA data indicates that moisture levels at the time peanuts are marketed tend to be uniform for each peanut type and production area, and (2) changes in marketing practices have tended to diminish the importance of moisture differences between peanut types.

In addition to the foregoing, the Commodity Credit Corporation (CCC) regulations governing the peanut price support program have been revised to change the definition of "net weight" at 7 CFR 1446.52(ee) to provide for a uniform moisture level of 7 percent when determining the net weight of peanuts which are eligible for price support. (See 49 FR 37729). Accordingly, it has been determined that, for the purpose of consistency, a uniform moisture level of 7 percent should also be adopted for the purpose of determining the quantity of peanuts which are marketed.

Since the marketing of the 1984 crop of peanuts has begun, it has been determined that the provisions of this interim rule must be made effective as of the beginning of the 1984 marketing year. However, comments on this interim rule are requested and must be received no later than 60 days from the date of publication of the interim rule in the **Federal Register** in order to be assured of consideration. A final rule will be published discussing the comments received together with any amendments which are determined to be necessary.

List of Subjects in 7 CFR Part 729

Poundage quotas, Penalties, Reporting and recordkeeping requirements.

Interim Rule

Accordingly 7 CFR Part 729 is amended as follows:

1. The authority citation for 7 CFR Part 729 reads as follows:

Authority: Secs. 301, 357, 358, 358a, 359, 372, 373, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended, 70 Stat. 206, as amended, secs. 801, 802, 803, 804, 805, 91 Stat. 944, as amended, 95 Stat. 1248, (7 U.S.C. 1301, 1357, 1358, 1358a, 1359, 1372, 1373, 1375, as amended); sec. 108A, 95 Stat. 1254 (7 U.S.C. 1445c–1).

2. In § 729.213(w), the second sentence is revised to read as follows:

§ 729.213 Definitions.

* * * * *

(w) *Peanuts.* * * * If a lot of farmers stock peanuts has been inspected by the Federal-State Inspection Service at the time of marketing, the quantity in the lot shall be the gross weight thereof less: (i) Foreign material, and (ii) moisture in excess of 7 percent. * * *

* * * * *

Signed at Washington, D.C., on November 6, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84-29561 Filed 11-9-84; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 488; Correction]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule correction.

SUMMARY: This document corrects a final rule issued October 31, 1984, establishing the quantity of California-Arizona lemons that may be shipped to the fresh market during the period November 4–10, 1984. The final rule should have established such quantity at 220,000 cartons, rather than 200,000 cartons as published. The final rule was published in the **Federal Register** (49 FR 44084) on November 2, 1984.

DATES: Effective for the period November 4–10, 1984.

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

Accordingly, § 910.788 Lemon Regulation 488 is corrected to read as follows:

§ 910.788 Lemon Regulation 488.

The quantity of lemons grown in California and Arizona which may be handled during the period November 4, 1984, through November 10, 1984, is established at 220,000 cartons.

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

Dated: November 6, 1984.

Thomas R. Clark,

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

[FR Doc. 84-29629 Filed 11-9-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-116 AD; Amdt. 39-4936]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires structural inspections and repairs or replacements, as necessary, on certain high time Boeing Model 747 series airplanes to ensure continued airworthiness. The incidence of fatigue cracks on these airplanes is expected to increase as they approach and exceed the manufacturer's original design life goal. This AD is prompted by a structural reevaluation which has identified certain significant structural components in which cracks, if allowed to grow undetected, would result in a loss of structural integrity.

EFFECTIVE DATE: November 23, 1984. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register effective November 23, 1984.

ADDRESSES: The service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information also may be examined at Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM–120S, EAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington; telephone (206) 431–2923. Mailing address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD which would require inspection of Boeing Model 747 series airplanes for cracks and subsequent repair of the structure was published in the **Federal Register** on February 2, 1984 (49 FR 4097). The comment period for the proposal closed on March 23, 1984.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. Comments were received from six operators, the Air Transport Association of America (ATA), and the Netherlands Department of Civil Aviation.

Several commenters requested that the reporting requirements should be mandatory. Since the procedures outlined in the Boeing Document D6–35022 (Sections 5.0 and 6.0) include reporting requirements, and are required by Paragraph A of this AD, reporting of defects is, in fact, mandatory. A note has been added to Paragraph E, however, to clarify this item.

Two commenters were concerned that the procedures for incorporation of additional aircraft into the candidate fleet were not defined. The FAA does not find it necessary to do this at this time. Any fleet size change would be the subject of additional rulemaking, and interested parties would thereby be given ample time to participate and, if adopted, ample time to schedule the additional new airplanes into the program.

Two commenters objected to the requirements of Paragraph B that all cracked structure must be repaired before further flight. By definition, this structure is critical and any cracks found must be repaired prior to further flight. Operators may always utilize Paragraph D for alternate means of compliance. The proposal is, therefore, not changed in this respect.

Another commenter recommended that the necessity of world candidate fleet participation should be highlighted in the AD. Since by law the FAA can only require compliance by U.S. operators and aircraft, this recommendation cannot be adopted.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub.

L. 96–511) and have been assigned OMB control number 2120–0056.

Approximately 73 airplanes of U.S. registry and 6 U.S. operators will initially be affected by this AD. It is estimated that the implementation of the Supplemental Structural Inspection Document (SSID) program for a typical operator will take approximately 1000 manhours. The average labor cost is $35 per manhour. Based on these figures, the cost to implement the SSID program is estimated to be $200,000.

The recurring inspection impact on the affected operators, is estimated to be 1275 manhours per airplane at an average labor cost of $35 per manhour. Based on these figures, the annual recurring cost of this AD is estimated to be $3,250,000.

Based on the above figures, the total cost impact of this AD is estimated to not exceed $3,450,000 for the first year and $3,250,000 for each year thereafter.

For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291, or a significant rule under DOT Regulatory Policies and Procedures. Few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule, with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft, Incorporation by reference.

Adoption of the Amendment

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

Boeing: Applies to Boeing Model 747 series airplanes, certificated in all categories, listed in Section 3.0 of Boeing Document No. D6–35022, "Supplemental Structural Inspection Document" (SSID), Revision A, dated April 1984. Compliance is required as indicated in the body of the AD.

To ensure the continuing structural integrity of the total Boeing Model 747 fleet accomplish the following on the candidate fleet, unless already accomplished:

A. Within one year after the effective date of the AD, incorporate a revision into the FAA approved maintenance inspection program which provides no less than the required Damage Tolerance Rating (DTR) for each Structural Significant Item (SSI) listed in Boeing Document D6–35022, Revision A, dated April 1984, or later FAA approved revisions. The required DTR value for each SSI is listed in the document. The revision to the maintenance program shall include and be implemented in accordance with the procedures in Sections 5.0 and 6.0 of the SSID.

B. Cracked structure must be repaired before further flight in accordance with an FAA approved method.

C. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and 21.199.

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

E. Operators who have acceptably incorporated Boeing Document No. D6–35022, Revision A, dated April 1984, or later FAA approved revisions, into their approved maintenance program are exempt from the provisions of this AD.

Note: Acceptable incorporation is considered to include the reporting requirements of Section 6.0 of the SSID.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective November 23, 1984.

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

Note: For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **FOR FURTHER INFORMATION CONTACT.**

Issued in Seattle, Washington, on October 9, 1984.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 84–29660 Filed 11–9–84; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 33

Domestic Exchange-Traded Options; Risk Disclosure Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending Commission rule 33.4 to clarify the risk disclosure obligations of an FCM to an option customer with respect to the trading strategy of an unaffiliated commodity trading advisor. The Commission is also amending rule 33.7, which sets forth form and content requirements for the risk disclosure statement required to be distributed to option customers by futures commission merchants and introducing brokers. These amendments will reduce the paperwork burden associated with the preparation of such disclosure statements by eliminating the double-space text requirement of rule 33.7(a); deleting the table of contents from rule 33.7(b); and rearranging the bold-face text of rule 33.7(b)(1). In addition, the Commission also is clarifying procedures under rule 33.7 to make clear that rule 33.7 does not require the inclusion of the terms and conditions of any option contract within the text of the risk disclosure statement.

EFFECTIVE DATE: December 13, 1984.

FOR FURTHER INFORMATION CONTACT: Kevin M. Foley, Chief Counsel, or Robert H. Rosenfeld, staff attorney, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: Part 33 of the Commission's regulations govern the pilot program under which options on certain futures contracts and physical commodities are traded on domestic boards of trade. These regulations, *inter alia*, require futures commission merchants ("FCMs") and introducing brokers to provide option customers with uniform disclosure statements (supplemented by additional information as specified by the disclosure statement) which explain the mechanics and risks of option trading and, in the case of customer accounts for which discretion is given for option trading, to provide an explanation of the nature and risks of the strategies to be used in connection with such a discretionary account. Commission rules

33.7 and 33.4(b)(9)(i). As part of its continued monitoring of the option pilot program, the Commission has identified certain provisions of the above-mentioned rules which can be amended so as to reduce the paperwork burden associated with the preparation of such disclosure documents by FCMs without reducing in any way the amount of information required to be disclosed to option customers.

Amendments to Commission Rule 33.4

Commission rule 33.4(b)(9)(i), 17 CFR 33.4(b)(9)(i) (1984), currently requires as a condition for contract market designation to trade commodity options, that a board of trade adopt rules that require each member FCM which engages in the offer and sale of option contracts for which trading discretion is given to:

> provide the option customer with an explanation of the nature and risks of the strategy or strategies to be used in connection with the option customer's account.

The Commission understands that certain FCMs may hesitate to carry discretionary option trading accounts managed by unaffiliated advisors, because of the burden and uncertainty of preparing disclosure statements with respect to option trading strategies that were not formulated by those FCMs. Although the Commission previously has made clear that rule 33.4(b)(9)(i) does not require the disclosure of the specific elements of a trading program (such as the timing and frequency of buy and sell signals),[1] the Commission nevertheless recognizes that requiring FCMs to explain even the general nature and risks of option strategies developed by an unaffiliated trading advisor may be impracticable.

In order to avoid such a result, the Commission no longer will require FCMs to explain to option customers the nature and risks of the strategy or strategies to be used by an unaffiliated trading advisor in connection with the option customer's account. In this regard, the Commission notes that such disclosure of risks must be made by a customer's commodity trading advisor pursuant to Commission rule 4.31 and, as a result, the disclosure of risks by the FCM with respect to trading strategy may be duplicative. Nonetheless, the Commission's option pilot program is premised upon the assumption of direct and primary regulatory responsibilities by the contract markets for the participation of their member firms.[2] Thus, in order to maintain oversight by the contract markets over this aspect of option trading, the Commission is amending rule 33.4(b)(9)(i) to require contract markets to adopt rules that require member FCMs to *ensure* that option customers are provided with an explanation of the nature and risks of the strategy or strategies to be used in connection with their discretionary option trading account. In this connection, an FCM may be deemed to have taken the affirmative steps necessary to ensure that an advisor having discretionary control over an option customer's account has, in fact, made the required risk disclosure with respect to trading strategies if such FCM receives and retains in its files a copy of the trading advisor's Disclosure Document and the signed and dated acknowledgment required under Commission rule 4.31(d), 17 CFR § 4.31(d), in which the prospective customer states that he has received a Disclosure Document for the trading program pursuant to which the trading advisor will direct the customer's account or will guide his trading.[3]

Amendments to Commission Rule 33.7

Commission rule 33.7 sets forth the requirements of the written disclosure statement to be distributed to customers prior to the entry of the first commodity option transaction. Currently, Commission rule 33.7(a) requires the disclosure statement to be double-spaced, except for paragraphs (b)(2) (i) through (viii), printed in not less than 10-point size type, and, where indicated, in all capital letters.

The Commission believes that a significant reduction in the length of the disclosure statement (and a corresponding reduction in printing costs) can be achieved by eliminating the requirement that the disclosure statement be double-spaced and is amending rule 33.7(a) to delete that requirement. In order, however, to ensure the clarity and intelligibility of disclosure statements, rule 33.7(a) will continue to require 10-point size type and, where indicated, capital letters.

Finally, the Commission wishes to make clear that FCMs may continue to use their existing supply of disclosure statements and, if they so desire, to continue printing disclosure statements using double-spaced text. The Commission merely is providing FCMs the opportunity to reduce printing costs by using single-spaced text.

Commission rule 33.7(b) sets forth the specific text required to be printed in the option disclosure statements. The Commission believes that additional space may be saved and the intelligibility of the document improved by (1) eliminating the required section *Contents of Disclosure Statement* (1)–(7) (which appears after the initial bold-face text) and (2) incorporating the bold-face language of rule 33.7(b)(1) into the initial bold-face language of 33.7(b), and is amending these rules accordingly. The Commission believes that the table of contents can be eliminated because rules 33.7(b) (1)–(6) will continue to require explanatory headings under each topic. The Commission further believes that the bold-face risk disclosure language of rule 33.7(b)(1) should more consistently be incorporated into the initial bold-face text portion of rule 33.7(b). Finally, the Commission is amending the bold-face text set forth in Commission rule 33.4(b) in order to clarify that an option grantor's possible price loss at the exercise or expiration of the option is reduced by the premium received for granting the option.

Clarification of Procedure Under § 33.7

Commission rule 33.7 requires that each option customer must receive a detailed and comprehensive risk disclosure statement, and that each option customer must sign an acknowledgment which indicates that the option customer has read and understood the disclosure statement prior to the entry of the first commodity option transaction for the account of an option customer. The Commission has mandated such a comprehensive disclosure requirement in order to ensure that customers who have had little or no exposure to the commodity markets will be fully informed of the risks and mechanics of option trading.[4] The Commission continues to believe that such informed disclosure to option customers is an essential element of its efforts to protect the public and maintain the integrity of the pilot program.

The Commission is aware, however, that some FCMs have implemented

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[1] 46 FR 54500, 54506 (Nov. 3, 1981).

[2] 46 FR 54500, 54502 (Nov. 3, 1981). Placing these regulatory responsibilities on the exchanges assures that sufficient regulatory resources will be deployed to prevent a recurrence of the abuses which have characterized commodity options in the past.

[3] The Commission wishes to emphasize that this amendment affects only an FCM's obligation under rule 33.4(b)(9)(i). It does not relieve an FCM of any other obligation it may have to its customers under the Act and the regulations thereunder or otherwise. In particular, this amendment does not relieve an FCM of the obligation "to acquaint itself sufficiently with the personal circumstances of each option customer to determine what further facts, explanations and disclosures are needed in order for that particular option customer to make an informed decision whether to trade options." *See* 46 FR 54500, 54507 (November 3, 1981).

[4] 46 FR 54500, 54507 (Nov. 3, 1981).

disclosure procedures that were not intended by rule 33.7 and which result in unnecessarily lengthy disclosure statements. Specifically, the Commission understands that some FCMs interpret rule 33.7 as requiring the inclusion of all currently traded option contract terms and conditions within the body of the disclosure statement. The Commission wishes to make clear that rule 33.7 does not require the inclusion of the terms and conditions of *any* option contract within the text of the disclosure statement. In this regard, the disclosure statement that is required by rule 33.7(a) to be provided to, and acknowledged by, customers prior to opening a commodity option *account* should be distinguished from the additional information required under the disclosure statement that an FCM or person soliciting or accepting the order must disclose to a customer prior to the entry of the first commodity option *transaction. Compare* Commission rules 33.7(a) and 33.7(c). Thus, while the disclosure statement containing all of the text as set forth in rule 33.7(b) must be provided to, and acknowledged as having been received and understood by, an individual prior to the opening of an option account for that person,[5] the specific details of a particular option contract intended to be purchased or sold by a customer may, consistent with rule 33.7(b)(2) and (c), be provided to that customer at any time prior to the entry of the first order for such contract.[6]

Basis for Adoption of Final Rules

Section 553(b) of the Administrative Procedure Act ("APA"), 5 U.S.C. 553(b), ordinarily requires that notice of proposed rulemaking be published in the **Federal Register** and that opportunity for public comment be provided when an agency promulgates new rules. APA section 553(b)(B), however, provides an exception to this requirement:

> when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

As previously discussed, the amendments to rules 33.4 and 33.7 will reduce the length of the disclosure statement and thereby reduce costs associated with its preparation by eliminating certain spacing requirements and deleting certain duplicative language requirements without changing the substantive disclosure requirements under those rules. As a result, the Commission finds that these rule amendments, which essentially implement the policy objectives of the Paperwork Reduction Act, 44 U.S.C. 3501, do not raise an substantive issues for which notice and public comment would be necessary.

Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.*, requires that agencies, in proposing rules, consider their impact on small entities. Section 3(a) of the RFA defines the term "rule" to mean "any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) * * * for which the agency provides an opportunity for notice and public comment." Since adoption of the amendments has not been effected with notice and public comment, those amendments do not constitute "rule" amendments for purposes of the RFA and the analyses or certification specified by the RFA is not required.

Section 15 Considerations

These amendments, which are intended to reduce an existing paperwork burden, apply to all affected classes of registrant and, as such, do not appear to raise any anticompetitive concerns within the meaning of section 15 of the Act.

List of Subjects in 17 CFR Part 33

Contract markets, Commodity futures, Commodity options, Consumer protection Fraud, Risk disclosure statement.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 2(a)(1)(A), 4c, 4d, 4f and 8a(5), 7 U.S.C. 2(a)(1)(A), 6c, 6d, 6f and 12a(5) (1982) and pursuant to the authority contained in 5 U.S.C. 552(b)(B), the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 33—REGULATION OF DOMESTIC EXCHANGE-TRADED COMMODITY OPTION TRANSACTIONS

1. Section 33.4 is amended by revising paragraph (b)(9)(i) to read as follows:

§ 33.4 Designation as a contract market for the trading of commodity options.

* * * * *

(b) * * *

(9) * * *

(i) The futures commission merchant must ensure that the option customer is provided with an explanation of the nature and risks of the strategy or strategies to be used in connection with the option customer's account;

* * * * *

2. Section 33.7 is amended by revising paragraph (a), the introductory portion of paragraph (b), and paragraph (b)(1) to read as follows:

§ 33.7 Disclosure.

(a) No futures commission merchant or, in the case of an introduced account, no introducing broker may open or cause the opening of a commodity option account for an option customer unless the futures commission merchant or introducing broker (1) furnishes the option customer with a separate written disclosure statement as set forth in this section and (2) receives from the option customer an acknowledgment signed and dated by the option customer that he received and understood the disclosure statement. The disclosure statement and the acknowledgment shall be retained by the futures commission merchant or the introducing broker in accordance with § 1.31 of this chapter. The disclosure statement must be as set forth in paragraph (b) of this section, typed or printed in type of not less than 10-point size, and, where indicated, in all capital letters.

(b) The disclosure statement must read as follows:

OPTIONS DISCLOSURE STATEMENT

BECAUSE OF THE VOLATILE NATURE OF THE COMMODITIES MARKETS, THE PURCHASE AND GRANTING OF COMMODITY OPTIONS INVOLVE A HIGH DEGREE OF RISK. COMMODITY OPTION TRANSACTIONS ARE NOT SUITABLE FOR MANY MEMBERS OF THE PUBLIC. SUCH TRANSACTIONS SHOULD BE ENTERED INTO ONLY BY PERSONS WHO HAVE READ AND UNDERSTOOD THIS DISCLOSURE STATEMENT AND WHO UNDERSTAND THE NATURE AND EXTENT OF THEIR RIGHTS AND OBLIGATIONS AND OF THE RISKS INVOLVED IN THE

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[5] Commission rule 33.7(a) requires written acknowledgment by a customer with respect to the disclosure statement as set forth in § 33.7(b). Since the contract information required to be provided to customers pursuant to rule 33.7(b)(2) is not, as explained above, part of the disclosure statement, FCMs are not required to obtain an acknowledgment that a customer received such information. As required by rule 33.7(e), however, FCMs must implement internal procedures that would document the delivery of such information.

[6] Commission rule 33.7(c) requires an FCM or person soliciting or accepting an order to provide an option customer with all of the information required under the disclosure statement prior to the entry of the "first commodity option transaction" for the customer's account. Since rule 33.7(b)(2) requires the disclosure of the specific terms of the particular option contract intended to be traded, an FCM must disclose the information required by rule 33.7(c) with respect to the first transaction for any option contract traded by a customer for which the terms and conditions have not been previously provided by the FCM. Of course, the FCM must provide new or additional information if the information previously provided has become inaccurate or incomplete. *See* § 33.7(f); 47 FR 56996, 57001 (Dec. 22, 1982).

OPTION TRANSACTIONS COVERED BY THIS DISCLOSURE STATEMENT.

BOTH THE PURCHASER AND THE GRANTOR SHOULD KNOW WHETHER THE PARTICULAR OPTION IN WHICH THEY CONTEMPLATE TRADING IS AN OPTION WHICH, IF EXERCISED, RESULTS IN THE ESTABLISHMENT OF A FUTURES CONTRACT (AN "OPTION ON A FUTURES CONTRACT") OR RESULTS IN THE MAKING OR TAKING OF DELIVERY OF THE ACTUAL COMMODITY UNDERLYING THE OPTION (AN "OPTION ON A PHYSICAL COMMODITY"). BOTH THE PURCHASER AND THE GRANTOR OF AN OPTION ON A PHYSICAL COMMODITY SHOULD BE AWARE THAT, IN CERTAIN CASES, THE DELIVERY OF THE ACTUAL COMMODITY UNDERLYING THE OPTION MAY NOT BE REQUIRED AND THAT, IF THE OPTION IS EXERCISED, THE OBLIGATIONS OF THE PURCHASER AND GRANTOR WILL BE SETTLED IN CASH.

A PERSON SHOULD NOT PURCHASE ANY COMMODITY OPTION UNLESS HE IS ABLE TO SUSTAIN A TOTAL LOSS OF THE PREMIUM AND TRANSACTION COSTS OF PURCHASING THE OPTION. A PERSON SHOULD NOT GRANT ANY COMMODITY OPTION UNLESS HE IS ABLE TO MEET ADDITIONAL CALLS FOR MARGIN WHEN THE MARKET MOVES AGAINST HIS POSITION AND, IN SUCH CIRCUMSTANCES, TO SUSTAIN A VERY LARGE FINANCIAL LOSS.

A PERSON WHO PURCHASES AN OPTION SHOULD BE AWARE THAT IN ORDER TO REALIZE ANY VALUE FROM THE OPTION, IT WILL BE NECESSARY EITHER TO OFFSET THE OPTION POSITION OR TO EXERCISE THE OPTION. IF AN OPTION PURCHASER DOES NOT UNDERSTAND HOW TO OFFSET OR EXERCISE AN OPTION, THE PURCHASER SHOULD REQUEST AN EXPLANATION FROM THE FUTURES COMMISSION MERCHANT OR THE INTRODUCING BROKER. CUSTOMERS SHOULD BE AWARE THAT IN A NUMBER OF CIRCUMSTANCES, SOME OF WHICH WILL BE DESCRIBED IN THIS DISCLOSURE STATEMENT, IT MAY BE DIFFICULT OR IMPOSSIBLE TO OFFSET AN EXISTING OPTION POSITION ON AN EXCHANGE.

THE GRANTOR OF AN OPTION SHOULD BE AWARE THAT, IN MOST CASES, A COMMODITY OPTION MAY BE EXERCISED AT ANY TIME FROM THE TIME IT IS GRANTED UNTIL IT EXPIRES. THE PURCHASER OF AN OPTION SHOULD BE AWARE THAT SOME OPTION CONTRACTS MAY PROVIDE ONLY A LIMITED PERIOD OF TIME FOR EXERCISE OF THE OPTION.

THE PURCHASER OF A PUT OR CALL IS SUBJECT TO THE RISK OF LOSING THE ENTIRE PURCHASE PRICE OF THE OPTION—THAT IS THE PREMIUM PAID FOR THE OPTION PLUS ALL TRANSACTION COSTS.

THE COMMODITY FUTURES TRADING COMMISSION REQUIRES THAT ALL CUSTOMERS RECEIVE AND ACKNOWLEDGE RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT BUT DOES NOT INTEND THIS STATEMENT AS A RECOMMENDATION OR ENDORSEMENT OF EXCHANGE-TRADED COMMODITY OPTIONS.

(1) Some of the risks of option trading.

Specific market movements of the underlying future or underlying physical commodity cannot be predicted accurately.

The grantor of a call option who does not have a long position in the underlying futures contract or underlying physical commodity is subject to risk of loss should the price of the underlying futures contract or underlying physical commodity be higher than the strike price upon exercise or expiration of the option by an amount greater than the premium received for granting the call option.

The grantor of a call option who has a long position in the underlying futures contract or underlying physical commodity is subject to the full risk of a decline in price or the underlying position reduced by the premium received for granting the call. In exchange for the premium received for granting a call option, the option grantor gives up all of the potential gain resulting from an increase in the price of the underlying futures contract or underlying physical commodity above the option strike price upon exercise or expiration of the option.

The grantor of a put option who does not have a short position in the underlying futures contract or underlying physical commodity (*e.g.*, commitment to sell the physical) is subject to risk of loss should the price of the underlying futures contract or underlying physical commodity decrease below the strike price upon exercise or expiration of the option by an amount in excess of the premium received for granting the put option.

The grantor of a put option on a futures contract who has a short position in the underlying futures contract is subject to the full risk of a rise in the price in the underlying position reduced by the premium received for granting the put. In exchange for the premium received for granting a put option on a futures contract, the option grantor gives up all of the potential gain resulting from a decrease in the price of the underlying futures contract below the option strike price upon exercise or expiration of the option. The grantor of a put option on a physical commodity who has a short position (*e.g.*, commitment to sell the physical) is subject to the full risk of a rise in the price of the physical commodity which must be obtained to fulfill the commitment reduced by the premium received for granting the put. In exchange for the premium, the grantor of a put option on a physical commodity gives up all the potential gain which would have resulted from a decrease in the price of the commodity below the option strike price upon exercise or expiration of the option.

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Issued in Washington, D.C., on November 6, 1984, by the Commission.

Jean A. Webb,

Acting Secretary of the Commission.

[FR Doc. 84-29717 Filed 11-9-84; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Monensin Blocks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by A.E. Staley Manufacturing Co., providing for additional labeling statements for use of its monensin block.

EFFECTIVE DATE: November 13, 1984.

FOR FURTHER INFORMATION CONTACT: Jack Taylor, Center for Veterinary Medicine (HFV-126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: A.E. Staley Manufacturing Co., 2200 Eldorado St., Decatur, IL 62525, submitted a supplement to NADA 109-471 revising the labeling for monensin block to include dairy and beef replacement heifers with the other classes of pasture cattle currently provided for. The supplemental NADA is approved and the regulations are amended to reflect the approval. Elanco Products Co. has authorized the Center for Veterinary Medicine to refer to NADA's 38-878, 95-735, and their related master files to support this approval.

This is a Category II supplement (42 FR 64367; December 23, 1977) involving a revised animal production claim. Elanco recently received approval for essentially the same revision (Federal Register of September 28, 1983; 48 FR 44204). Because use of A.E. Staley's product is being extended to immature cattle intended for breeding purposes, the Center for Veterinary Medicine has determined this approval will not significantly increase human exposure to residues of the drug in edible tissues. The effectiveness for increased rate of weight gain has been established in pasture cattle of the subject weight category. Therefore, a reevaluation of the underlying safety and effectiveness data was not required.

Approval of this supplement is an administrative action that did not require generation of new effectiveness or safety data. Therefore, a freedom of information summary (pursuant to 21

CFR 514.11(e)(2)(ii)) is not required for this action.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1448a [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1448a *Monensin blocks* by revising the first sentence of paragraph (a)(4)(iii) to read; "Block to be fed free choice to pasture cattle (slaughter, stocker, feeder, and dairy and beef replacement heifers) weighing more than 400 pounds."

Effective date. November 13, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 5, 1984.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-29612 Filed 11-9-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-190; Re: Notice No. 483]

Columbia Valley Viticultural Area

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

ACTION: Treasury decision, final rule.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is adopting an American viticultural area in Washington and Oregon known as "Columbia Valley." This proposal is the result of a petition filed by Walter Clore of Prosser, Washington on behalf of Chateau Ste. Michelle Vineyards, and a petition filed by William Blosser of the Sokol Blosser Winery, Dundee, Oregon. The establishment of the Columbia Valley viticultural area and the use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines originate, and will help consumers to identify the wines they purchase.

DATE: This final rule is effective December 13, 1984.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Under 27 CFR 4.25a(e)(2), any interested person may petition ATF to establish a grape-growing region as an American viticultural area. Approved American viticultural areas are listed in 27 CFR Part 9.

Petitions. ATF was petitioned by Mr. Walter J. Clore, a wine consultant in Prosser, Washington, to establish a viticultural area in central Washington State known as "Columbia Valley."

ATF also received a separate petition from Mr. William Blosser of the Sokol Blosser Winery in Dundee, Oregon, to include an adjacent portion of Oregon within the Columbia Valley viticultural area. Both petitions used similar geographic criteria to define the boundaries of the Columbia Valley viticultural area.

In response to these petitions, ATF proposed the Columbia Valley viticultural area in Notice No. 483 on August 24, 1983 [48 FR 38497]. That notice proposed parts of both Washington and Oregon as part of the Columbia Valley viticultural area, and solicited comments regarding the proposed boundaries.

Comments. ATF received three written comments within the comment period which ended on October 11, 1983.

Lewis and Clark College and Law School, Portland, Oregon, commented in favor of the establishment of the Columbia Valley viticultural area in both Washington and Oregon. They stated that the Columbia Valley in both States experiences similar climate, soils, elevation and geographical features. They further noted that they own 2,400 acres of land adjoining the Columbia River east of Umatilla, Oregon which has been identified as suitable for the production of high quality varietal wine grapes.

The Department of Agriculture, State of Washington, submitted a comment opposing establishment of the viticultural area as proposed. They argued that the Columbia Valley appellation should inform consumers where grapes are grown, but that the Oregon region has no significant viticultural activity. The Department further stated that consumers would be confused if they saw Columbia Valley wines being produced by Oregon wineries in the Willamette Valley, and that adoption of a two-state viticultural area would dilute Washington's efforts to inform the public about Washington wines. ATF disagrees with this comment because it does not concern name, boundaries or geographic data which are the criteria in 27 CFR 4.25(e)(2) for establishment of viticultural areas.

Mike Wallace, Hinzerling Vineyards in Prosser, Washington submitted a comment objecting to adoption of a multistate viticultural area on the basis that it would be contrary to the intent of 27 CFR Part 4. He stated there is no significant grape growing in the Oregon portion, that commercial wines have not been produced from grapes from the Oregon portion of Columbia Valley, and that the Oregon portion is different from Washington since most land within the Oregon area is located on north facing slopes. Hinzerling also stated that the laws of Oregon and Washington conflict on appellations of origin. Because of this, Oregon winemakers located outside the viticultural area cannot produce "Columbia Valley" appellation wine. Similarly, Washington winemakers producing "Columbia Valley" appellation wine would be subject to Oregon regulations which have been issued without input from Washington wineries. ATF disagrees with this comment. Commercial wine production, limited grape growing, and State laws are not criteria for establishment of viticultural areas. Other comments submitted also show that the Oregon portion of Columbia Valley is suited for viticulture. See discussion under "Topography and Geographical Features."

Name

The name "Columbia Valley" was well established by the petitions. In 1804-1806, the Lewis and Clark Pacific Expedition explored and mapped the

area, and their maps show both the Columbia River and the Columbia Valley. Later, other explorers and pioneers referred to the treeless basin in Washington, Oregon, and Idaho as the Columbia Valley , Columbia Plain, Great Columbia Plain, Columbia Plateau, Columbia Basin and Inland Empire. The term Columbia Valley is widely used today to refer to the viticultural area, and appears in literature, magazines, newspapers, and maps. No comments addressed the name.

Climate

Climate differentiates the Columbia Valley viticultural area from surrounding areas. In general, the Columbia Valley viticultural area is characterized as experiencing a growing season of over 150 days, a total degree day average of over 2,000, and annual rainfall of 15 inches or less. No comments were addressed to the climate of the area.

Growing season. As outlined in both petitions, frost free days (32 degrees F.) within the Columbia Valley average 150 or more per year. The growing season ranges from a high of 204 days at The Dalles to 201 days at Chelan, Wash.; 194 days at the Grand Coulee Dam and at Milton-Freewater, Oreg.; 186 days at Ephrata, Wash.; 184 days at Kennewick and Yakima; 175 days at Brewster, Wash.; 171 days at Walla Walla; 164 days at Wasco, Oreg.; 157 days at Clarkston Heights, Wash.; and 152 days at Moro and Heppner, Oregon. Areas outside the Columbia Valley experience a growing season of less than 150 days with seasons averaging 128 days at Goldendale, Wash.; 132 days at Cle Elum, Wash.; 87 days at Plain, Wash.; 124 days at Colville, Wash.; 121 days at Colfax, Wash.; and 137 days at Dufur, Oregon.

The portion of the Columbia Valley lying between the Snake River and Banks Lake was deleted from the viticultural area because it experiences a shorter growing season similar to areas outside the Columbia Valley (Colfax 121 days, Ritzville 137 days, Moses Lake 143 days, Odessa 124 days, Hatton 135 days, Wilson Creek 130 days).

Degree days. Total degree days as measured by the scale developed by Winkler and Amerine of the University of California range between 2,000 and 3,000 for areas within the Columbia Valley although some locations experience readings well in excess of 3,000 degree days. Typical readings are 2,636 degree days at Kennewick, Wash.; 2,666 at Sunnyside, Wash.; 2,274 at Yakima; 2,818 at Wenatchee, Wash.; 2,512 at Grand Coulee Dam, Wash.; 2,605 at Clarkston Heights, Wash.; 2,881 at Walla Walla (FAA); 3,230 at Richland, Wash.; 3,014 at The Dalles; 2,073 at Moro, Oreg.; 2,040 at Heppner, Oreg.; 3,006 at Milton-Freewater, Oreg.; and 2,711 degree days at Pendleton. Surrounding areas experience less than 2,000 degree days with 1,820 at Goldendale, Wash.; 1,678 at Cle Elum, Wash.; and 1,901 degree days at Colville, Washington.

Rainfall. Within the Columbia Valley rainfall is less than 15 inches annually, ranging from a low of 6 to 9.9 inches throughout Benton County, Wash., to 10 inches in Wenatchee, Wash.; 15 inches in Walla Walla; 13 inches in Clarkston Heights, Wash.; 14 inches at The Dalles; 12 inches at Moro, Oreg.; 13½ inches at Milton-Freewater, Oreg.; and 12 inches at Pendleton. Rainfall in surrounding areas is higher, with an annual average of 17 inches at Goldendale, Wash.; 22 inches at Cle Elum, Wash.; 17 inches at Colville, Wash.; and 39 inches at Mill Creek, Washington.

Topography and Geographical Features

The Columbia Valley is a large, treeless basin surrounding the Yakima, Snake and Columbia Rivers in Washington and Oregon. The area is distinguished by its broadly undulating or rolling surface, cut by rivers and broken by long sloping basaltic uplifts extending generally in an east-west direction. The area is dominated by its major rivers.

The Cascade Mountain Range forms the western boundary of the Columbia Valley. To the north, the Okanogan Highlands form the boundary while on the east, the Greater Spokane area and the eastern portion of the high rolling Palouse Prairie constitute the boundary of the valley. The southern boundary is defined by the Blue Mountains, the 2,000' contour line and the foothills of the Cascade Mountains southwest of the Columbia River. The Columbia Valley is treeless while all surrounding areas are forested. Elevation in surrounding areas exceeds 2,000' while the elevation in the Columbia Valley generally does not exceed 2,000'.

One written comment stated that most of the land in the Oregon portion of the Columbia Valley is located on north facing slopes. This differs from Washington State where nearly all vineyards are located on south facing slopes. The respondent stated that this difference makes the Oregon portion of the valley physically and climatologically distinct from Washington.

Wade Wolfe of Chateau Ste. Michelle Vintners further elaborated by stating that south facing slopes such as those found in Washington are critical to successful culture of Vinifera grapes due to the region's cool growing season and extreme winters. He stated south facing slopes increase solar radiation in the summer and promote air drainage in the winter, and that nearly all vineyards in eastern Washington are located on south facing slopes. Because most of the land within the Oregon portion is located on north facing slopes, he urged its deletion from the Columbia Valley viticultural area.

ATF finds the fact that most of the Oregon portion of the Columbia Valley is on north facing slopes insufficient evidence to exclude Oregon from the viticultural area. Evidence was submitted that vineyards exist in Boardman where a winery has recently been bonded, while other vineyards are planted in the Walla Walla Valley in Oregon. The Lewis & Clark College and Law School stated in their comment that they own 2,400 acres of land adjacent to the Columbia River east of Umatilla, Oregon, which have been identified as suitable for the production of high quality wine grapes. Further, evidence submitted by the College states that this region is quite warm and certain cooler region varietal grapes such as Pinot Noir grow well on north facing slopes. From this evidence, ATF concludes that viticulture is possible in the Oregon portion of the Columbia Valley and that even though much of the land is located on north facing slopes, it is not a deterrent to viticulture in the Oregon Columbia Valley. Since this area of the Oregon Columbia Valley falls within the geographic criteria for the viticultural area, rainfall, heat summation, and growing season, it is being included within the Columbia Valley viticultural area.

Boundaries

The Columbia Valley contains approximately 23,000 square miles, has a maximum length of 185 miles from east to west, and 200 miles from north to south. ATF is including the entire valley within the viticultural area except for the portion between Banks Lake and the Snake River. Therefore, the Columbia Valley viticultural area contains 18,000 square miles.

The Columbia Valley viticultural area includes the Yakima Valley viticultural area, recognized in T.D. ATF–128, April 4, 1983 [48 FR 14374], and the Walla Walla Valley viticultural area, recognized in T.D. ATF–165, February 6, 1984 [49 FR 4374].

Evidence of Viticulture

Grapes are not indigenous to the Columbia Valley viticultural area, but both Vinifera and Labrusca vines are grown. The oldest planted Vinifera vines still in existence were planted by German immigrants in the Tampico vicinity, west of Union Gap, in 1871. Others were planted in the Kennewick area in 1895, and in the Walla Walla area by 1899.

Planting of premium Vinifera grapes began in the Columbia Valley in the mid 1960's. By 1981 there were over 6,610 acres of Vinifera grapes including 2,700 acres of bearing vineyards. Predominant varieties include White Riesling, Chenin Blanc, Chardonnay, Cabernet Sauvignon, Gewurztraminer, Merlot, Semillon, Sauvignon Blanc, Muscat, Pinot Noir, and Grenache. Nearly 20,000 acres of Concord grapes also grow within the viticultural area, but they are not used in wine production.

Two of the written comments requested the deletion of the Oregon portion of the Columbia Valley because of a lack of commercial grape production in that area. ATF, however, finds that grapes are being cultivated at Boardman, Oregon, and in the Oregon portion of the Walla Walla Valley, and that other areas in Oregon have been identified as having potential for grape production. Since all other geographic evidence indicates the Oregon portion of the Columbia Valley is similar to the Washington portion, the viticultural area includes both Oregon and Washington portions.

Thirteen wineries are present within the Columbia Valley viticultural area, 12 in Washington and one in Oregon.

Relationship Between State and Federal Regulation

ATF has determined that on the basis of all geographic evidence the Columbia Valley viticultural area should be adopted as proposed, encompassing portions of both Washington and Oregon.

One requirement found in Federal wine labeling regulations is that in order to use a viticultural area designation, the wine must conform to the laws and regulations of all the States contained in the viticultural area (27 CFR 4.25a(e)(3)(v)). In this case it means wine labeled with a Columbia Valley appellation must conform to both Washington and Oregon regulations relating to production and labeling of wine. This requirement was imposed by T.D. ATF-53 [43 FR 37672] to insure that wine bearing a multistate viticultural appellation not be produced under different standards which could vary significantly according to the State in which the wine was produced.

One respondent opposed inclusion of the Oregon portion of Columbia Valley in the viticultural area because Oregon laws are more stringent than Washington State laws, and Oregon laws would be imposed on Washington vintners making Columbia Valley wine. Furthermore, he pointed out that Washington State law would not allow an Oregon winery located outside the Columbia Valley to produce Columbia Valley wine. ATF, however, rejects these arguments for excluding Oregon from the viticultural area. The only valid criteria for establishing a viticultural area are found in 27 CFR 4.25a(e)(2) (i)–(iii), and include evidence of the name, boundaries, and geographical features of the area. The application of State laws is not a criterion for the establishment of American viticultural areas.

Miscellaneous

ATF does not wish to give the impression that by approving Columbia Valley as a viticultural area, it is approving or endorsing the quality of the wine from the area. ATF is approving this area as being distinct and not better than other areas. By approving this area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Columbia Valley wines.

Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that if promulgated as a final rule, it would not have a significant impact on a substantial number of small entities. Therefore, the requirement contained in the Regulatory Flexibility Act (5 U.S.C. 603, 604) for a final regulatory flexibility analysis does not apply to this final rule.

Compliance With Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

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

Drafting Information

The principal author of this document is Charles N. Bacon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director is amending 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.74 to Subpart C to read as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

* * * * *

Sec.

9.74 Columbia Valley.

* * * * *

Paragraph 2. Subpart C is amended by adding § 9.74 which reads as follows:

§ 9.74 Columbia Valley.

(a) *Name.* The name of the viticultural area described in this section is "Columbia Valley."

(b) *Approved maps.* The approved maps for determining the boundary of the Columbia Valley viticultural area are nine 1:250,000 scale U.S.G.S. maps. They are entitled:

(1) "Concrete, Washington, U.S.; British Columbia, Canada," edition of 1955, limited revision 1962;

(2) "Okanogan, Washington," edition of 1954, limited revision 1963;

(3) "Pendleton, Oregon, Washington," edition of 1953, revised 1973;

(4) "Pullman, Washington, Idaho," edition of 1955, revised 1974;

(5) "Ritzville, Washington," edition of 1953, limited revision 1965;

(6) "The Dalles, Oregon, Washington," edition of 1953, revised 1971;

(7) "Walla Walla, Washington, Oregon," edition of 1953, limited revision 1963;

(8) "Wenatchee, Washington," edition of 1957, revised 1971; and

(9) "Yakima, Washington," edition of 1958, revised 1971.

(c) *Boundaries.* The Columbia Valley viticultural area is located in Adams, Benton, Chelan, Columbia, Douglas, Fery, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Stevens, Walla Walla, Whitman, and Yakima Counties, Washington, and in Gillman, Morrow, Sherman, Umatilla, and Wasco Counties, Oregon. The beginning point is found on "The Dalles" U.S.G.S. map at the confluence of the Klickitat and Columbia Rivers:

(1) Then north and east following the Klickitat and Little Klickitat Rivers to U.S. Highway 97 northeast of Goldendale;

(2) Then north following U.S. Highway 97 to the 1,000' contour line southwest of Hembre Mountain;

(3) Then west following the Toppenish Ridge, across unnamed mountains of 2,172' and 2,363' elevation, to the peak of Toppenish Mountain, elevation 3,609';

(4) Then northwest in a straight line for approximately 11.3 miles to the intersection of Agency Creek with the township line between R. 15 E. and R. 16 E.;

(5) Then north following the township line between R. 15 E. and R. 16 E. to the Tieton River;

(6) Then northeast following the Tieton River to the confluence with the Naches River;

(7) Then east in a straight line for approximately 15.3 miles to the intersection of the 46° 45' latitude line with the Yakima River;

(8) Then north following the Yakima River to the confluence with the North Branch Canal approximately one mile northwest of Throp;

(9) Then north, east, and southeast following the North Branch Canal to its intersection with U.S. Interstate 90 in Johnson Canyon;

(10) Then east following U.S. Interstate 90 to the Columbia River;

(11) Then north following the Columbia River to the township line between T. 21 N. and T. 22 N. immediately north of the Rock Island Dam;

(12) Then west following the township line between T. 21 N. and T. 22 N. for approximately 7.1 miles (from the west shore of the Columbia River) to the 2,000' contour line immediately west of Squilchuck Creek;

(13) Then north and west following the 2,000' contour line to the township line between R. 18 E. and R. 19 E. west of the landing area at Cashmere-Dryden;

(14) Then north following the township line between R. 18 E. and R. 19 E. for approximately 4.4 miles to the 2,000' contour line in Ollala Canyon;

(15) Then east, north, and northwest following the 2,000' contour line to the township line between R. 19 E. and R. 20 E. immediately west of Ardenoir;

(16) Then north following the township line between R. 19 E. and R. 20 E for approximately 2.8 miles to the 2,000' contour line immediately north of the secondary road;

(17) Then southwest and north following the 2,000' contour line to the township line between T. 28 N. and T. 29 N.;

(18) Then east following the township line between T. 28 N. and T. 29 N. for approximately 2.1 miles to the 2,000' contour line immediately east of Lake Chelan;

(19) Then southeast and north following the 2,000' contour line (beginning in the "Wenatchee" U.S.G.S. map, passing through the "Ritzville" and "Okanogan" maps, and ending in the "Concrete" map) to the point where the 2,000' contour line intersects the township line between T. 30 N. and T. 31 N. immediately west of Methow;

(20) Then east following the township line between T. 30 N. and T. 31 N. for approximately 20.2 miles to the 2,000' contour line east of Monse;

(21) Then south and east following the 2,000' contour line to the township line between T. 30 N. and T. 31 N. west of Alkali Lake;

(22) Then northeast in a straight line for approximately 10.7 miles to the point of intersection of the 2,000' contour line with Coyote Creek;

(23) Then east, north, south, east, and north following the 2,000' contour line to the township line between T. 29 N. and T. 30 N. immediately west of the Sanpoil River;

(24) Then east following the township line between T. 29 N. and T. 30 N. for approximately 2.3 miles to the 2,000' contour line immediately east of the Sanpoil River;

(25) Then south, east, and north following the 2,000' contour line to the township line between T. 29 N. and T 30 N. at Ninemile Flat;

(26) Then east following the township line between T. 29 N. and T. 30 N. for approximately 10.7 miles to the township line between R. 36 E. and R. 37 E.;

(27) Then south following the township line between R. 36 N. and R. 37 E. to the township line between T. 26 N. and T. 27 N.;

(28) Then west following the township line between T. 26 N. and T. 27 N. to Banks Lake;

(29) Then south following Banks Lake to Dry Falls Dam;

(30) Then west and south following U.S. Highway 2 and Washington Highway 17 to the intersection with Washington Highway 28 in Soap Lake;

(31) Then southeast in a straight line for approximately 4.7 miles to the source of Rocky Ford Creek near a fish hatchery;

(32) Then south following Rocky Ford Creek and Moses Lake to U.S. Interstate 90 southwest of the town of Moses Lake;

(33) Then east following U.S. Interstate 90 to the Burlington Northern (Northern Pacific) Railroad right-of-way at Raugust Station;

(34) Then south following the Burlington Northern (Northern Pacific) Railroad right-of-way to Washington Highway 260 in Connell;

(35) Then east following Washington Highway 260 through Kahlotus to the intersection with Washington Highway 26 in Washtucna;

(36) Then east following Washington Highways 26 and 127 through La Crosse and Dusty to the intersection with U.S. Highway 195 at Colfax;

(37) Then south following U.S. Highway 195 to the Washington-Idaho State boundary;

(38) Then south following the Washington-Idaho State boundary to the Snake River and continuing along the Snake River to the confluence with Asotin Creek;

(39) Then west following Asotin Creek and Charley Creek to the township line between R. 42 E. and R. 43 E.;

(40) Then north following the township line between R. 42 E. and R. 43 E. to Washington Highway 128 in Peola;

(41) Then north following Washington Highway 128 to the intersection with U.S. Highway 12 in Pomeroy;

(42) Then west following U.S. Highway 12 for approximately 5 miles to the intersection with Washington Highway 126 [in Zumwalt];

(43) Then southwest following Washington Highway 128, and U.S. Highway 12 (indicated as U.S. Highway 410 on the "Walla Walla" U.S.G.S. map) through Marengo, Dayton, and Waitsburg to Dry Creek in Dixie;

(44) Then south in a straight line for approximately 1.5 miles to the 2000' contour line marking the watershed between Dry Creek and Spring Creek;

(45) Then south and southwest following the 2000' contour line to the place where it crosses Oregon Highway 74 in Windmill, Oregon;

(46) Then west following Oregon Highway 74 to Highway 207 in Heppner;
(47) Then southwest following Oregon Highway 207 to Highway 206 in Ruggs;
(48) Then northwest following Oregon Highway 206 to the intersection with the township line between T. 1 S. and T. 2 S.;
(49) Then west following the township line between T. 1 S. and T. 2 S. to the Deschutes River;
(50) Then north following the Deschutes River to the Willamette Base Line;
(51) Then west following the Willamette Base Line to the township line between R. 12 E. and R. 13 E.;
(52) Then north following the township line between R. 12 E. and R. 13. to the Columbia River;
(53) Then west following the Columbia River to the confluence with the Klickitat River and the point of beginning.

Signed: September 18, 1984.

Stephen E. Higgins,

Director.

Approved: October 24, 1984.

Edward T. Stevenson,

Deputy Assistant Secretary (Operations).

[FR Doc. 84-29698 Filed 11-9-84 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-11; Notice 8]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend the corrosion test requirements and procedures in Motor Vehicle Safety Standard No. 108 applicable to semi-sealed replaceable bulb headlamps and lens/reflector components of such headlamps.

The bulb removal corrosion test adopted in this notice was proposed on September 30, 1983 (48 FR 44866). In essence, it requires that the bulb be removed from the lamp and the test chamber at the end of the required 23-hour period of exposure to salt spray, for the final hour of eight of the ten 24-hour test cycles. This notice also adds motorcycles to the categories of vehicle allowed to be equipped with semi-sealed replaceable bulb headlamps. A revised bulb connector test is also adopted herein.

EFFECTIVE DATE: December 13, 1984.

ADDRESS: Petitions for reconsideration should refer to the docket number and the notice number and be submitted to: Administrator, National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: On January 17, 1983, NHTSA proposed the adoption of a new type of headlamp system, a semi-sealed unit comprising a bonded lens/reflector and a standardized replaceable light source (48 FR 1992). To insure that the new lamps offered durability of photometrics equivalent to sealed beam systems, NHTSA proposed that the new lamps conform to certain requirements after being subjected to a battery of environmental tests.

One of the most important of these tests was intended to demonstrate resistance of the lamp to corrosion, as the agency was aware of the vulnerability of non-sealed composite headlamps to moisture. One of the reasons the agency never allowed European headlamps was their lack of corrosion resistance. The ECE standard does not assure that a high level of reflector corrosion resistance is provided. German vehicle inspection data showed significant rejections due to dull, corroded and damaged headlamp reflectors. Thus, a good corrosion test for reflectors was needed-particularly since replacement lamps which include reflectors will be sold as aftermarket items. Because of this concern about corrosion resistance of the reflector, NHTSA originally requested that Ford propose a test for corrosion resistance immediately after receipt of its petition. Ford responded by proposing a 48-hour test, based on the requirements of SAE J575 June 1980 which is intended for other automotive lighting equipment. Ford later suggested a 240-hour test that was contained in a draft of a proposed SAE standard, XJ1383. The ASTM procedure (B-117-73) referred to in the proposed SAE standard is a standard method of salt spray (fog) testing, applicable to testing of ferrous and non-ferrous metals. It is also used to test inorganic and organic coating, etc., especially where such tests are the basis for material or product specifications. Ford, which originally proposed the test in XJ1383, stated that the 240-hour period was developed with the SAE Lighting Committee to establish a minimum level of performance of a lamp exposed to typical corrosive environments encountered in the United States. The test is nearly five times longer than is now used for lighting devices. The 240-hour period is intended to simulate a level of exposure at least equivalent to that experienced during the service life of the vehicle. According to Ford, this 240-hour test is expected to detect the problems of corrosion of headlamp elements that have been a source of complaint with older European style headlamps. Therefore, in January 1983 NHTSA proposed that the headlamp be subjected to ten 24-hours cycles of a salt spray test in which the salt spray would be activated for the first 23 hours and deactivated the 24th. At the conclusion of the test, the headlamp was to have met the photometric requirements of Standard No. 108 with no evidence of external or internal corrosion or rust. Loss of adhesion of any applied coating was not permitted more than .125 inch (3.2 mm) from any sharp edges on the inside or outside. Corrosion could occur on terminals provided there was no loss of function.

On the basis of comments, NHTSA adopted a corrosion test modified in both major and minor respects (June 2, 1983, 48 FR 24690). Corrosion was not to be visible "without magnification." Corrosion could occur on terminals "provided there is no voltage drop greater than 3 percent from that measured before the test when measured per paragraph 6.4 of SAE J580 August 1979." The major change, however, was to specify that during the hour of salt spray deactivation in each cycle the bulb was to be removed. NHTSA viewed this as a necessary change to assure adequate reflector corrosion resistance, even though it was an accelerated test. The corresponding introduction of a salt atmosphere on the inside of the lamp could create excessive salt deposits not easily removed, so NHTSA did not require that the lamp demonstrate photometric conformance.

The agency received petitions for reconsideration on various requirements of the corrosion test from Ford, Volkswagen of America, and Westfallische Metall Industrie, manufacturer of Hella lamps. Ford objected to the introduction of the voltage drop limitation on the bulb and connector, stating that it had not been

proposed in the NPRM or suggested by any commenter. Ford further objected that the requirement was impracticable and unreasonable and that it appeared that the agency intended to specify 3% of the lamp's design voltage. The two other petitioners objected to the specification that the bulb be removed during the final hour of the cycle, on the basis that the requirement had not been proposed and that the test was not representative of real world conditions. The agency agreed that the connector voltage drop test should specify current drop in a fixed test setup and such a test would be adopted and it would delete reference to paragraph 56.4 of SAE J580, August 1979, to avoid confusion. To remove any question about adequacy of notice, the agency on September 30, 1983, amended paragraphs S4.1.1.36(d)(4) and S6.5 to adopt the corrosion test as originally proposed in January 1983, along with the photometric test (48 FR 44818). At the same time it published a notice of proposed rulemaking (48 FR 44866) covering the corrosion test as adopted on June 2, 1983.

Under the September 1983 NPRM, the test would be applicable to all replaceable bulb headlamps and replacement lens-reflector assemblies, and was a modified version of the one objected to by petitioners for reconsideration. With a connector attached to the terminals, the lamp would undergo the ten consecutive 24-hour cycle salt spray test, with the bulb removed for the final hour of each cycle when the spray was deactivated. The lamp would then be rinsed with deionized water and allowed to dry. The strictures against corrosion would remain, and could occur on terminals provided that the current did not decrease more than 3% compared to pretest conditions when using a test set up not identical but similar to Figure 1 in SAE J580, August 1979 and as further detailed in the proposed rule. The power source would be set to provide 12.8 volts and the resistance would be set to produce 10 amperes of current for pretest conditions.

The agency proposed the accelerated test which includes bulb removal as a reasonable way of judging resistance of the reflector to degradation caused by oxygen and moisture which are always present in the atmosphere. It is not an impracticable test; one European headlamp manufacturer, Robert Bosch, had informed NHTSA that certain of its headlamps with metal reflectors already met the standard as adopted in June 1983. In addition, the agency tested the replaceable bulb headlamp used by Ford which has a plastic reflector; it met the requirements with 10 bulb removals in a 240-hour period. The agency did receive conflicting data on the ability of various headlamps to pass the bulb removal corrosion test, but with its own tests and the data furnished by Bosch, the agency concluded that the proposed requirement would be practicable and reasonable for both metal and plastic reflector headlamps.

Finally, in line with SAE J584 and paragraph S4.1.1.34 which, in essence, allow a motorcycle to be equipped with passenger car headlighting equipment, NHTSA proposed that a motorcycle may be equipped with one or two replaceable bulb headlamps meeting all the requirements of the standard.

Comments were received, principally, from Ford Motor Company, Robert Bosch Corporation, Volkswagen of America, and General Motors Corporation. In addition, comments from Sylvania on a rulemaking petition submitted by Volkswagen to allow use of H–4 bulbs, stated that environmental tests for reflector integrity are important to lamp performance and should not be compromised.

Robert Bosch confirmed that it had run extensive tests on its lamps, and that it could meet the proposed corrosion test. In Ford's view, reflector corrosion resistance could be adequately judged by removing the bulb at the end of the first two 24-hour cycles only. It pointed out that a modification of this nature would eliminate the cost concerned with weekend overtime which would be required if the bulb had to be removed during each day of the 10-day test. Hella recommended that the bulb be allowed to remain installed for two cycles. GM recommended that the entire assembly be tested for 240 hours of continuous salt spray. VW recommended that the corrosion test not be amended, but it also presented modifications to simplify weekend scheduling problems. It suggested three alternatives to the proposal: a 5-day test, a reduction in bulb removal from 10 cycles to 8, and a variation in the 10-day cycle under which the bulb could remain out for more than one hour, and in for more than 23 hours. The agency reviewed these comments carefully and has decided to adopt VW and Hella's suggestion that the bulb be allowed to remain in the lamp for 2 of the 10 cycles, in order to accommodate weekend scheduling programs and to eliminate overtime. Although this requirement is slightly less severe than proposed, based on the agency's successful testing of a current production Mark VII headlamp at 10 cycles NHTSA has concluded that the results at 8 cycles should not differ greatly. To increase objectivity and repeatability, however, the amendment limits the periods of non-removal to the manufacturer's choice of any two periods at the end of the fourth through seventh cycles; bulb removal is specified for the first three and final three cycles. The agency is interested in being flexible in this regard without reducing the objective of the standard.

GM recommended that the entire assembly be tested for 240 hours of continuous salt spray and that afterwards there would be no evidence of corrosion that would result in failure of any other test specified for replaceable bulb headlamps, such as photometrics.

GM appears to have misinterpreted this section since the test applies to the headlamp but not to mounting and aiming hardware. In any event, the bulb removal has no effect on this aspect of performance. GM provided no substantiation for its opinion that a variability of the composition of the salt spray will have a measurable effect on lamp performance. NHTSA has dealt with this concern by restricting the location of the lamp within the cabinet, and by specifying the amount of time that the cabinet can be open. In accordance with GM's comments, language is adopted that the headlamp is mounted in the middle of the test chamber to provide a more uniform exposure of the test sample, even though sizes of test chambers may differ. Further, language is added clarifying that the bulb is removed from the test chamber during the hour of salt spray deactivation. Finally, 2 minutes is now specified as the maximum that the chamber may be opened during bulb removal or replacement.

The proposal from Ford for a change in the language of the electrical connector test has been adopted.

No comments were received on the proposal that motorcycles be added to the categories of vehicles allowed to use Standard No. 108's replaceable bulb headlighting system, and the standard is amended as proposed.

NHTSA has considered this rule and has determined that it is not major within the meaning of Executive Order 12291, "Federal Regulation," or significant under Department of Transportation regulatory policies and procedures, as its adoption does not require any person to change current practices under the standard. A regulatory evaluation was prepared for the amendment adopted on June 2, 1983, and placed in the docket. (A free copy of

this document can be obtained from the Docket Section.) It is considered fully relevant for purposes of this rule.

NHTSA has concluded that this rule will not have a significant impact on the human environment. The lamps that will be manufactured pursuant to the rule are expected to be lighter, thus slightly reducing the overall material content of the automobile. This would have a small positive effect on the environment. No adverse impact on safety is anticipated.

The agency has also considered the impacts of this rule under the Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the rule, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, these manufacturers would be affected only to the extent that they elected to take advantage of the new headlighting option that is amended by the rule. The number of different components in the inventories of headlamp distributors will increase, but not to the extent that any significant problem will be created. Finally, small organizations and governmental jurisdictions would be affected only to the extent that they choose to buy vehicles equipped with the new headlamps. The organization and jurisdictions making that choice would not be significantly affected by the price of the new headlamps.

The agency believes that existing headlamp bulbs and plastic reflectors can meet the requirement. Additional coats of lacquer on reflectors are an approach to improving corrosion resistance. The cost of lacquer coatings appears to be low. The agency therefore does not anticipate a significant cost impact as a result of this requirement.

Because of the criticality of reflector integrity to headlamp performance and the relationship of the corrosion test to it, it is hereby found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest. Accordingly, the amendment is effective 30 days after publication in the Federal Register.

List of Subjects in 49 CFR Part 571

Imports, motor vehicle safety, motor vehicles, rubber and rubber products, tires.

The engineer and lawyer primarily responsible for this rule are Jere Medlin and Taylor Vinson, respectively.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.108 [Amended]

In consideration of the foregoing, 49 CFR 571.108, Moter Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment,* is amended as follows:

1. S4.1.1.36 is revised to read:

S4.1.1.36 Instead of being equipped with a headlighting system specified in Table I or Table III, a passenger car, multipurpose passenger vehicle, truck, bus, or motorcycle manufactured on or after July 1, 1983, may be equipped with a system of one or two replaceable bulb headlamps, if the vehicle is a motorcycle, or two replaceable bulb headlamps, if the vehicle is a passenger car, multipurpose passenger vehicle, truck, or bus, designed to conform to the following requirements.

2. S4.1.1.36(d)(4) is revised to read:

(4) After a corrosion test conducted in accordance with S6.5, there shall be no evidence of external or internal corrosion or rust visible without magnification. Loss of adhesion of any applied coating shall not occur more than 0.125 in (3.2 mm) from any sharp edge on the inside or outside. Corrosion may occur on terminals only if the current produced during the test of paragraph S6.5(c) is not less than 9.7 amperes.

3. S6.1 is amended to delete "S6.5".

4. S6.5 is revised to read:

S6.5 *Corrosion.* (a) A connector test shall be performed on each filament circuit prior to the test in subparagraph (b) according to Figure 1 of SAE Standard J580, August 1979. The power source shall be set to provide 12.8 volts and the resistance shall be set to produce 10 amperes.

(b) The headlamp with connector attached to the terminals, unfixtured and in its designed operating attitude with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be subjected to a salt spray (fog) test in accordance with ASTM B117–73, "Method of Salt Spray (FOG) Testing," for a period of 240 hours, consisting of ten successive 24-hour intervals. During each interval, the headlamp shall be mounted in the middle of the chamber and exposed for 23 hours to the salt spray. The spray shall not be activated for the 24th hour. The bulb shall be removed from the headlamp and from the test chamber during the one hour of salt spray deactivation and reinserted for the start of the next test cycle, at the end of the first and last three 23-hour periods of salt spray exposure, and at the end of any two of the fourth through seventh 23 hour periods of salt-spray exposure. The test chamber shall be closed at all times except for a maximum of two minutes which is allowed for removal or replacement of a bulb during each cycle. After the ten cycles, the lens reflector unit without the bulb shall be immersed in deionized water for five minutes, then secured and allowed to dry by natural convection only.

(c) Using the voltage, resistance and pretest setup of paragraph (a), the current in each filament circuit shall be measured after the test conducted in paragraph (b).

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on November 6, 1984.

Diane K. Steed,

Administrator.

[FR Doc. 84–29616 Filed 11–9–84; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 40446–4076]

Pacific Coast Groundfish Fishery

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

ACTION: Final rule; correction.

SUMMARY: This document corrects an error by deleting a repetitious portion of the regulatory text in a final rule for the Pacific Coast Groundfish Fishery that was published July 5, 1984, 49 FR 27518.

FOR FURTHER INFORMATION CONTACT: Donna D. Turgeon, 202–634–7432.

Dated: November 7, 1984.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

The following corrections are made in FR Doc. 84–17781:

§ 663.27 [Corrected]

In § 663.27, beginning on page 27520, column 3, delete the entire first revision text for paragraphs (b)(2) and (b)(3), beginning with "(b) * * *" extending onto column 1 on page 27521, and ending with the word "balance".

(16 U.S.C. 1801 *et seq.*)

[FR Doc. 84–29702 Filed 11–9–84; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 49, No. 220
Tuesday, November 13, 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.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2429

Processing of Cases; Request for Stay of Arbitration Award

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority and Federal Services Impasse Panel).

ACTION: Proposed rule; request for comments.

SUMMARY: Section 2429.8 of the Authority's rules and regulations pertains to requests for stays of arbitration awards filed in conjunction with exceptions to the awards. The Authority recently determined in an unfair labor practice case that where exceptions to an arbitration award have been timely filed, the award is not final and binding and a party does not have to comply with the award until the exceptions have been resolved by the Authority. Therefore, based upon the Authority's decision in that case, if a party files timely exceptions to an award it is not necessary to also file a request for a stay of the award. Consequently, § 2429.8 governing such requests is no longer necessary and should be revoked.

COMMENT DATE: Written comments received by December 17, 1984, will be considered.

ADDRESS: Comments should be mailed to Jerome P. Hardiman, Assistant Chief Counsel for Arbitration, Federal Labor Relations Authority, 500 C Street, SW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Jerome P. Hardiman, Assistant Chief Counsel for Arbitration, Federal Labor Relations Authority, 500 C Street, SW., Washington, D.C. 20424; (202) 382–0898.

SUPPLEMENTARY INFORMATION: Section 7122(b) of the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7122(b), provides that if an exception to an arbitration award is not filed with the Authority during the time period prescribed for such filing then the award becomes final and binding. The Authority previously proposed to revise § 2429.8 of its rules and regulations, which governs requests for stays of arbitration awards filed in conjunction with exceptions, to more accurately reflect the language and intent of 5 U.S.C. 7122(b) (46 FR 57056). The Authority proposed to revise § 2429.8 to provide that the filing of an exception would operate as a stay of the award. However, based upon comments received concerning the proposed revision and further consideration of the matter, the Authority decided not to revise the provision at that time and therefore withdrew the proposal (47 FR 38133). The Authority recently determined in an unfair labor practice case, *U.S. Soldiers' and Airmen's Home, Washington, D.C. and American Federation of Government Employees, Local 3090, AFL–CIO*, 15 FLRA No. 26 (1984), *request for reconsideration denied* (September 20, 1984), *petition for review filed*, No. 84–1439 (D.C. Cir. Aug. 24, 1984), that where exceptions to an arbitration award have been timely filed, the award is not final and binding within the meaning of 5 U.S.C. 7122 and a party does not have to comply with the award until the exceptions have been resolved by the Authority. Based upon the Authority's decision in that case, it is not necessary for a party filing exceptions to also file a request for a stay of the award. Consequently, § 2429.8 of the Authority's rules and regulations is unnecessary and should be revoked.

List of Subjects in 5 CFR Part 2429

Administrative practice and procedure, Government employees, Labor-management relations.

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

§ 2429.8 [Removed]

It is proposed to amend 5 CFR Part 2429 by removing and reserving § 2429.8.

Dated: November 7, 1984.

Federal Labor Relations Authority.
Henry B. Frazier III.
Acting Chairman.
Ronald W. Haughton.
Member.

[FR Doc. 84–29719 Filed 11–9–84; 8:45 am]
BILLING CODE 6727–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 27

Cotton Classification Under Cotton Futures Legislation

AGENCY: Agricultural Marketing Service (USDA).

ACTION: Proposed rule.

SUMMARY: This rulemaking would amend the regulation designating spot markets for futures contract settlement purposes. The present regulation names the New Orleans Commodity Exchange as a contract market for the trading of cotton futures. This exchange now conducts trading in Chicago, Illinois under the name of the Chicago Rice & Cotton Exchange. The proposed amendment would revise the regulations of the Agricultural Marketing Service to reflect these changes.

DATE: Comments must be submitted on or before December 13, 1984.

ADDRESS: Written comments may be sent to Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, (202) 447–2147.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in accordance with Executive Order 12291 and has been determined not to be a "major rule" since it does not meet the criteria for a major regulatory action as stated in the Order. No new costs or additional requirements are being imposed on the affected industry or others.

William T. Manley, Deputy Administrator, AMS has certified that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C.

601) because no substantive changes would be made to the present regulations since this proposal would merely acknowledge that a designated cotton exchange is operating at a different location under a different name.

Background

The U.S. Cotton Futures Act (90 Stat. 1841–46; 7 U.S.C. 15b) requires the Secretary of Agriculture to designate spot cotton markets for use in establishing settlement differences for cotton delivered under futures contracts whenever the grade delivered differs from the base grade set out in the contract. There are eight such bona fide spot cotton markets designated by the Secretary at the present time (7 CFR 27.93).

The Cotton Futures Act further requires that the settlement differences for each "basis grade" futures contract shall be determined by the actual commercial differences established by the sale of spot cotton in the spot markets of not less than five places designated by the Secretary (from among the forementioned list of bona fide spot markets (7 U.S.C. 15b(f)).

On June 30, 1981, the New Orleans Commodity Exchange (NOCE) was designated by the Commodity Futures Trading Commission (CFTC) as a contract market for the trading of futures contracts in short staple cotton. The Secretary subsequently designated five spot cotton markets for settlement differences for cotton delivered under any contract of the NOCE. Such designation is required by the Cotton Futures Act and was accomplished by amending paragraph (a) of 7 CFR 27.94, (46 FR 35105).

Proposed Amendment

In September of 1983, the NOCE relocated its operations to Chicago, Illinois and reopened for trading as the Chicago Rice & Cotton Exchange (CRCE). The CFTC concurred with these changes. The CRCE will operate as an approved contract market under the CFTC's Order of Designation issued June 30, 1981 when the exchange was functioning as the NOCE.

The Department proposes to conform its regulations with the action of the CFTC and acknowledge that the NOCE is now doing business as the CRCE. Paragraph (a) of 7 CFR 27.94 would be amended by substituting "Chicago Rice & Cotton Exchange" for "New Orleans Commodity Exchange." This proposed amendment would not affect the earlier designation of cotton markets for determining settlement differences under contracts traded on the exchange. The changes have not caused the designation to lapse and this proposal would merely restate section 27.94 to include the current name of the exchange.

List of Subjects in 7 CFR Part 27

Classification, Cotton, Micronaire, Samples, Spot markets.

PART 27—[AMENDED]

Accordingly, § 27.94(a) of Title 7 of the Code of Federal Regulations governing cotton classification under cotton futures legislation would be amended as shown.

1. The authority citation for Part 27 reads as follows:

Authority: 90 Stat. 1841–1846; 7 U.S.C. 15b.

2. Section 27.94 is amended by revising paragraph (a) to read as follows:

§ 27.94 Spot markets for contract settlement purposes.

* * * * *

(a) For cotton delivered in settlement of any No. 1 contract of the New York Cotton Exchange or any contract of the Chicago Rice & Cotton Exchange:

Dallas, Tex, Greenville, S.C., Lubbock, Tex., Memphis, Tenn., Montgomery, Ala.

* * * * *

Dated: November 7, 1984.

William T. Manley,

Acting Administrator.

[FR Doc. 84–29701 Filed 11–9–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 320

[Docket No. 40787–4087]

Adjustment Assistance for Firms and Industries

AGENCY: International Trade Administration, Commerce.

ACTION: Proposed rule.

SUMMARY: The International Trade Administration proposes to issue regulations on adjustment assistance for firms and industries adversely affected by imports. Certain authorities for the adjustment assistance program have been transferred within the Department of Commerce from the Assistant Secretary for Economic Development to the Under Secretary for International Trade. The proposed rule will reflect such transfer and recent amendments to the authorizing legislation.

DATES: Comments must be submitted on or before December 13, 1984.

ADDRESS: Interested persons are invited to submit written comments, original and two copies to: Office of Trade Adjustment Assistance, International Trade Administration, Department of Commerce, Room H–4205, Washington, D.C. 20230. Comments should refer to this rule by its title, "Adjustment Assistance for Firms and Industries."

FOR FURTHER INFORMATION CONTACT: Donald T. Baker, Deputy Assistant Secretary for Trade Adjustment Assistance, 202/377–0150, August G. Fromuth, Deputy to the Deputy Assistant Secretary for Trade Adjustment Assistance, 202/377–0150, Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of the General Counsel, 202/377–0937, or Harry J. Connolly, Jr., Attorney-Advisor, Office of the General Counsel, 202/377–0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: This document proposes regulations implementing the provisions of Chapter 3 of Title II of the Trade Act of 1974, as amended (19 U.S.C. 2341 *et seq.*), which is the legislative authority for providing adjustment assistance to firms and industries. (The authority under Chapter 4 of the same Title (19 U.S.C. 2371 *et seq.*), which was the legislative authority for providing adjustment assistance to communities, expired September 30, 1982 and, therefore, regulations implementing the provisions of Chapter 4 are not being proposed.) The Secretary of Commerce transferred authority to certify firms and to approve and administer adjustment assistance under this Chapter on or after October 1, 1981 from the Assistant Secretary for Economic Development to the Under Secretary for International Trade. The Assistant Secretary for Economic Development retains the above authority with respect to adjustment assistance approved prior to October 1, 1981. (Department Organization Order 10–3, dated February 16, 1982.) Regulations pertaining to adjustment assistance under the authority of the Assistant Secretary for Economic Development are contained in 13 CFR Part 315.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The public may inspect and copy records in this facility,

including written public comments and memoranda summarizing the substance of oral communications, according to the regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about inspecting and copying records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202)377–3031.

The Catalog of Federal Domestic Assistance number for adjustment assistance is 11.109.

This proposed rule does not constitute a "major rule," as defined in section 1(b) of Executive Order 12291 because it is not likely to result in:

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

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

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

The number and size of firms or industries receiving adjustment assistance, the nature of the assistance provided and the amount of assistance involved would not be sufficient for these regulations to have any of the results necessary to constitute a major rule.

This proposed rule is not subject to the requirements of the Regulatory Flexibility Act since the Agency is not required by section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (see section 553(a)(2) concerning loans and grants).

Information collection requirements contained in 15 CFR Part 320, as proposed, have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control numbers 0625–0103, 0625–0108, and 0625–0110.

List of Subjects in 15 CFR Part 320

Administrative practice and procedure, Grant programs—business, Loan programs—business, Technical assistance, Trade adjustment assistance, Penalties, Business and industry.

For the reasons set forth in the preamble, it is proposed to add a new Part 320 to 15 CFR Chapter III to read as follows:

PART 320—ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Subpart A—General Provisions

Sec.

Subpart B—Certification of Eligibility of Firms to Apply for Adjustment Assistance

Subpart C—Adjustment Assistance for Firms

Subpart D—Assistance to Industries

Authority: Sec. 251–264, Pub. L. 93–618, 88 Stat. 2030–2035 and Sec. 2521–2529, Pub. L. 97–35, 95 Stat. 890–893, 19 U.S.C. 2341–2355, as amended by Sec. 4, Pub. L. 98–120, 97 Stat. 809–812.

Subpart A—General Provisions

§ 320.1 Scope.

The regulations in this part implement certain responsibilities of the Secretary of Commerce under Chapter 3 of Title II of the Trade Act of 1974, as amended (19 U.S.C. 2101 *et seq.*), concerning adjustment assistance for firms and industries. The statutory authority and responsibilities of the Secretary of Commerce relating to adjustment asssistance have been delegated to the Deputy Assistant Secretary for Trade Adjustment Assistance, with power of redelegation. The Deputy Assistant Secretary for Trade Adjustment Assistance directs the Office of Trade Adjustment Assistance within the International Trade Administration of the Department of Commerce and is responsible for certifying firms as eligible to apply for adjustment assistance and providing adjustment assistance to firms and industries. Under existing delegations of authority within the Department of Commerce, the Assistant Secretary for Economic Development retains the above authority and responsibilities of the Secretary of Commerce with respect to adjustment assistance approved prior to October 1, 1981. Regulations pertaining to adjustment assistance under the authority and responsibility of the Assistant Secretary for Economic Development are contained in 13 CFR Part 315.

§ 320.2 Definitions.

As used in this part—

(a) "Adjustment assistance" means technical assistance or financial assistance provided for firms or industries under Chapter 3 of Title II of the Trade Act.

(b) "Adjustment proposal" means a plan for the economic adjustment of a certified firm requesting adjustment assistance.

(c) "Assistant Secretary" means the Assistant Secretary for Trade Development, International Trade Administration, U.S. Department of Commerce, or his duly authorized representative.

(d) "Certification" means certification of eligibility to apply to readjustment assistance.

(e) "Certified firm" means a firm certified as eligible to apply for adjustment assistance.

(f) "Confidential business information" means information that concerns or relates to trade secrets or commercial or financial information exempt from public disclosure under 5 U.S.C. 552(b)(4), 5 U.S.C. 552b(c)(4) and 15 CFR Part 4.

(g) "Deputy Assistant Secretary" means the Deputy Assistant Secretary for Trade Adjustment Assistance, International Trade Administration, U.S

Department of Commere, or his duly authorized representative.

(h) "Diagnostic survey" means a survey of the problems, strengths and weaknesses of a certified firm.

(i) "Financial assistance" means direct loans or guarantees of loans provided for firms under Chapter 3 of Title II of the Trade Act.

(j) "Firm" means an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy or receiver under decree of any court. When determined necessary by the Deputy Assistant Secretary to prevent unjustifiable benefits, a firm, together with any predecessor or successor firm, or any affiliated firm, controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm.

(k) "OTAA" means the Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce.

(l) "Petition" means a petition for certification.

(m) "Petitioner" means a firm petitioning for certification.

(n) "Recipient" means a firm, Trade Adjustment Assistance Center or other party receiving adjustment assistance or through which adjustment assistance is provided.

(o) "Technical assistance" means technical assistance provided for firms or industries under Chapter 3 of Title II of the Trade Act.

(p) "Trade Act" means the Trade Act of 1974, Pub. L. 93–618, 88 Stat. 1978 (19 U.S.C. 2101 *et seq.*), as amended.

(q) "Trade Adjustment Assistance Center" means a university affiliate, State or local government affiliate or non-profit organization which, under supervision and direction by OTAA, provides technical assistance to firms.

(r) "Trade Expansion Act" means the Trade Expansion Act of 1962, Pub. L. 87–974, 76 Stat. 872 (19 U.S.C. 1801 *et seq.*).

§ 320.3 Communications.

For purposes of communications in accordance with this part—

(a) The address of the Deputy Assistant Secretary is—Deputy Assistant Secretary for Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Herbert C. Hoover Building, Room H–4205, Washington, D.C. 20230.

(b) The address of OTAA is—Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Herbert C. Hoover Building, Room H–4205, Washington, D.C. 20230.

§ 320.4 General requirements.

Adjustment assistance under this part must be in compliance with the applicable requirements of—

(a) The Trade Act;

(b) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*), as implemented by the regulations set forth in 15 CFR Part 8;

(c) The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*);

(d) The Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*);

(e) The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*);

(f) The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*);

(g) The Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271 *et seq.*);

(h) The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*);

(i) The Historical and Archeological Data Preservation Act, as amended (16 U.S.C. 469–469c);

(j) The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a);

(k) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*);

(l) The Rehabilitation Act of 1973, as amended (29 U.S.C. 701 *et seq.*);

(m) The Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 *et seq.*); and

(n) Such other Federal requirements as are determined to pertain to the assistance being provided.

§ 320.5 Records and audits.

(a) Each recipient of adjustment assistance shall keep records which fully disclose the amount and disposition by the recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Deputy Assistant Secretary may prescribe.

(b) Each recipient of financial assistance shall retain the records required by paragraph (a) of this section for a period of three years from the date of repayment of any financial assistance received and until all pending litigation, claims or audit findings involving the records have been resolved.

(c) Each recipient of technical assistance shall retain the records required by paragraph (a) of this section for a period of three years from the date of final disposition of the proceeds of any technical assistance funds used by the recipient subject to the qualifications set forth in Attachment C of OMB Circular A–102 or A–110, as applicable, or in such other required standards existing at the time such technical assistance is provided.

(d) Each lender providing a loan guaranteed under this part shall keep records which fully disclose the amount and disposition of the proceeds of such loan and which will facilitate an effective audit. The records shall be retained for a period of three years from the date of repayment of such loan and until all pending litigation, claims or audit findings involving the records have been resolved.

(e) The Deputy Assistant Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers and records of any recipient of adjustment assistance, or any lender providing a loan guaranteed under this part, pertaining to such adjustment assistance or loan.

§ 320.6 Compensation of persons engaged by applicants.

No adjustment assistance shall be extended to any firm unless the owners, partners, or officers of the firm certify to the Deputy Assistant Secretary, on behalf of the firm, the names of any attorneys, agents and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance and the fees paid or to be paid to any such attorneys, agents and other persons.

§ 320.7 Employment restrictions.

No financial assistance shall be provided to any firm unless the owners, partners, or officers of the firm shall execute an agreement binding them and the firm for a period of two years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Deputy Assistant Secretary shall have determined involve discretion with respect to the provision of such financial assistance. Positions and activities within Trade Adjustment Assistance Centers may be included in any such determination by the Deputy Assistant Secretary.

§ 320.8 Penalties.

Whoever makes a false statement of a material fact knowing it to be false, knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way a determination under this part, or for the purpose of obtaining money, property, or anything of value under this part, shall be fined not more than $5,000 or imprisoned for not more than two years, or both, and shall be subject to such penalties as are provided in 18 U.S.C. 1001.

§ 320.9 Environmental considerations.

Prior to approval of any adjustment assistance, OTAA shall conduct any necessary environmental analysis to determine the extent of the environmental impacts involved in providing such assistance and that such assistance will be in compliance with all applicable environmental requirements. Applicants for adjustment assistance shall provide any information required by OTAA to assist in such analysis. Adjustment assistance will not be provided if the Deputy Assistance Secretary determines that the environmental costs would exceed the benefits of such assistance. Where necessary, approval of adjustment assistance will be conditioned upon the adoption of specific measures to mitigate any adverse environmental impact.

§ 320.10 Confidential business information.

A firm or other party submitting information to OTAA must clearly indicate any information which it desires to submit in confidence. OTAA may refuse to accept as confidential any information which it determines is not confidential business information. Any information which OTAA refuses to accept as confidential may be submitted as nonconfidential or may be withdrawn.

§ 320.11 Trade adjustment assistance guidelines.

Written guidelines setting forth certain information and operating procedures regarding adjustment assistance are available from OTAA upon request.

§ 320.12 Delegation of functions.

(a) Subject to applicable law and Department of Commerce Organization Orders, the Deputy Assistance Secretary may delegate any functions under this part of such conditions as he may prescribe.

(b) In the case of any firm which is small, within the meaning of the Small Business Act (15 U.S.C. 631 *et seq.)* and regulations promulgated thereunder, the Deputy Assistant Secretary may delegate any functions under this part (other than those set forth in Subpart B and in § 320.81) to the Administrator of the Small Business Administration.

§ 320.13 Information collection requirements.

In compliance with section 3507(f) of the Paperwork Reduction Act, the following is a display of the current control numbers assigned by the Director of the Office of Management and Budget for each information collection requirement in this part:

Where identified and described	OMB control number
15 CFR Part 320 Subpart B	0625-0103
15 CFR Part 320 Subpart C	0625-0108
	0625-0110
15 CFR Part 320 Subpart D	0625-0108
	0625-0110

Subpart B—Certification of Eligibility of Firms to Apply for Adjustment Assistance

§ 320.21 Petitions for certification.

A firm seeking certification shall complete a petition in the form prescribed by OTAA with the following information:

(a) An identification and description of the firm including its legal form of organization; its economic history; the major ownership interests in the firm; its officers, directors and management; any parent company, subsidiary or affiliate; and its production and sales facilities.

(b) A description of the goods and services produced and sold by the firm.

(c) A description of the imported articles which are like or directly competitive with those produced by the firm.

(d) Data on the firm's sales, production and employment for the three most recent years.

(e) Copies of the firm's audited financial statements or, if audited financial statements are not available, unaudited financial statements and Federal income tax returns, for the three most recent years.

(f) Copies of the firm's state unemployment insurance reports for the three most recent years.

(g) Information concerning the firm's major customers and their purchases from the firm.

(h) Such other information as OTAA may consider material in making a determination concerning certification of the firm.

§ 320.22 Acceptance of petitions.

(a) *Place of filing.* A petition may be submitted to OTAA, to the attention of the Certification Division, by personal delivery during normal U.S. Department of Commerce business hours or by registered mail.

(b) *Conformity with regulations.* No document purporting to be a petition shall be accepted for filing, under section 251 of the Trade Act, unless such document is in substantial compliance with these regulations. Firms are encouraged to consult with a Trade Adjustment Assistance Center or the Certification Division of OTAA for guidance and assistance in the preparation and documentation of their petitions.

(c) *Review and acceptance.* OTAA shall have five working days from the date on which it receives a petition to determine whether the petition has been properly prepared and can be accepted for filing. Immediately thereafter, OTAA shall notify the petitioner that the petition has been accepted, or advise the petitioner that the petition has not been accepted and that the petition may be resubmitted when the specified deficiences have been corrected. All petitions accepted for filing shall be stamped with the date on which accepted.

(d) *Publication in* **Federal Register.** A notice of acceptance of a petition shall be published in the **Federal Register.** The notice shall include the date of acceptance, the identity of the petitioner, the nature of the petitioner's business and other pertinent information. The notice shall invite written comments, give notice of hearing rights, and state that parties who wish to have notice of the final determination on the petition should inform OTAA.

(e) *Withdrawal of petitions.* A petitioner may withdraw a petition if a request for withdrawal is received by OTAA before a determination as to certification or denial of certification is made on the petition. A petitioner who withdraws a petition may submit a new petition at any time thereafter in accordance with the requirements of this subpart.

§ 320.23 Investigation.

(a) Upon the acceptance of a petition, an investigation shall be initiated to determine whether the petitioner meets the criteria established in section 251(c) of the Trade Act and under this subpart for eligibility to apply for adjustment assistance. A report of this investigation shall become part of the record upon which a determination of the petitioner's

eligibility to apply for adjustment assistance shall be made.

(b) The Deputy Assistant Secretary may terminate an investigation at any time if he determines that the petition involved does not substantially comply with these regulations. In the event of such termination, OTAA shall immediately notify the petitioner of the termination and the reasons therefor. An amended petition may be submitted at any time and will be treated as a new petition.

§ 320.24 Public hearings.

(a) The Deputy Assistant Secretary will hold a public hearing on a petition accepted for filing whenever, not later than ten (10) days after the date of publication in the **Federal Register** of the notice of acceptance of the petition, such a hearing is requested in writing by:

(1) The petitioner; or

(2) Any other person found by the Deputy Assistant Secretary to have a substantial interest in the proceedings. "Person" means individual, organization or group. "Substantial interest" means a direct, material, economic interest in the certification or noncertification of the petitioner.

(b) The petitioner and other interested persons shall have an opportunity to be present, to produce evidence, and to be heard.

(c) *Form of request.* A request for public hearing must be delivered by hand or by registered mail to the Deputy Assistant Secretary. A request by person other than the petitioner shall contain:

(1) The name, address, and telephone number of the person requesting the hearing; and

(2) A complete statement of the relationship of the person, requesting the hearing to the petitioner and the subject matter of the petition, and a statement of the nature of its interest in the proceedings.

(d) *Denial of request for hearing.* If the Deputy Assistant Secretary determines that the requesting party does not have a substantial interest in the proceedings, he shall send a written notice of denial to the requesting party. The notice shall specify the reasons for the denial.

(e) *Notice of hearing.* The Deputy Assistant Secretary shall publish a notice of a public hearing in the **Federal Register**. The notice shall include the subject matter of the hearing, the name of the petitioner, and the date, time, and place of the hearing.

(f) *Presiding officer.* The Deputy Assistant Secretary shall appoint the presiding officer of the hearing. The presiding officer shall determine all procedural questions concerning the hearing.

(g) *Requests to appear.* Within five (5) days after publication in the **Federal Register** of a notice of a public hearing, each party that wishes to be heard at the hearing, including the party that requested the hearing, must file with the Deputy Assistant Secretary a request to appear. In addition to the party that requested the hearing, a request to appear may be filed by—

(1) The petitioner;

(2) Any other party that has a substantial interest in the proceedings; and

(3) Any other party that does not have a substantial interest in the proceedings but demonstrates to the satisfaction of the presiding officer that it otherwise should be allowed to be heard. The party filing the request shall submit the names of the witnesses and a summary of the evidence it wishes to present. The presiding officer may approve such requests to appear as he deems to be appropriate.

(h) *Witnesses.* Witnesses will testify in the order and for the time designated by the presiding officer, except that the petitioner shall have the opportunity to make its presentation first. After testifying, a witness may be questioned by the presiding officer or an agent designated by the presiding officer. The presiding officer may allow any person who has been granted permission to appear to question the witness, but only for the purpose of assisting the presiding officer in obtaining relevant and material facts with respect to the subject matter of the hearing.

(i) *Evidence.* The presiding officer may exclude evidence which he deems to be improper or irrelevant. Formal rules of evidence shall be applicable. Documentary material must be of a size consistent with ease of handling, transportation, and filing. Large exhibits may be used during the hearing, but copies of such exhibits must be provided in reduced size for submission as evidence. Two (2) copies of all documentary evidence must be furnished to the presiding officer at the hearing.

(j) *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the presiding officer by parties who have entered an appearance. Three (3) copies of such briefs shall be filed with the presiding officer within ten (10) days of the completion of the hearing.

(k) *Transcripts.* (1) All hearings will be stenographically reported. Persons interested in transcripts of the hearings may inspect them at the U.S. Department of Commerce in Washington, D.C., or purchase copies as provided in 15 CFR Part 4, Public Information.

(2) Confidential business information shall not be a part of the transcripts. Any confidential business information may be submitted directly to the presiding officer prior to the hearing. Such information shall be labeled "Confidential Business Information." For the purpose of the public record, a brief description of the nature of the information shall be submitted to the presiding officer during the hearing.

§ 320.25 Criteria for certification.

(a) A petitioning firm whose petition has been accepted for filing will be certified eligible to apply for adjustment assistance if the Deputy Assistant Secretary determines, under section 251(c) of the Trade Act, that—

(1) A significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) Sales or production, or both, of such firm have decreased absolutely; and

(3) Increases of imports (absolute or relative to domestic production) of articles like or directly competitive with articles produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(b) For purposes of this section:

(1) A "significant number or proportion of workers" shall mean the equivalent of a total separation of five percent of the firm's work force or fifty workers, whichever is less. In computing such equivalent, partially separated workers shall be taken into account in proportion to their percentage of separation. With regard to agricultural operations that are sole proprietorships, the criterion may be met by an individual farmer;

(2) A "totally separated worker" means an employee who has been laid off or whose employment has been terminated by his employer for lack of work;

(3) "Partial separation" means a reduction in an employee's hours of work to eighty percent or less of the employee's average weekly hours during the year preceding such reduction, or a reduction in the employee's average weekly wage during the year preceding such reduction.

(4) A group of workers shall be considered to be "threatened" with total or partial separation if there is reasonable evidence that such total or partial separation is imminent;

(5) The term "decreased absolutely" is used in reference to a firm's sales or production irrespective of industry or market fluctuations and relative only to the previous performance of the firm;

(6) The terms "like" and "directly competitive" are not synonymous. "Like" articles are those articles which are substantially identical in inherent or intrinsic characteristics. "Directly competitive" articles are those articles which are not substantially identical in inherent or intrinsic characteristics, but are substantially equivalent for commercial purposes, i.e., are adapted to the same function or use and are essentially interchangeable;

(7) The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause. Imports may be considered to have contributed importantly to total or partial separation or threat thereof, of a significant number or proportion of workers, and to a decline in sales or production, even if such imports were not the major factor in effecting such separation, threat thereof, and decline. Imports will not be considered to have contributed importantly if other factors were so dominant, acting singly or in combination, that the worker separation, or threat thereof, or decline in sales or production, would have been essentially the same irrespective of the influence of imports.

(c) In all cases, although OTAA will assist the petitioner in demonstrating that it meets the criteria for certification under paragraph (a) of this section, the burden is upon the petitioner to establish, by the submission of supporting probative evidence, that such criteria are met.

§ 320.26 The record.

The record shall consist of the petition, any supporting information submitted by the petitioner, the report of the OTAA investigation in regard to the petition, and any information developed during the investigation or in connection with any public hearing held on the petition.

§ 320.27 Determination by the Deputy Assistant Secretary.

(a) The Deputy Assistant Secretary shall make a determination based on the record as soon as possible after all of the material constituting the record has been submitted. In no event may the period exceed sixty days from the date on which the petition was accepted for filing.

(b) The Deputy Assistant Secretary shall either certify the petitioner eligible to apply for adjustment assistance or shall deny the petition and, in either event, shall promptly give notice of his action in writing to the petitioner. A notice to the petitioner of a denial of a petition shall specify the reasons upon which the denial is based. If a petition is denied, the petitioner shall not be entitled to resubmit its petition within one year from the date of the denial. At the time of the denial of a petition, the Deputy Assistant Secretary may waive the one-year limitation if he determines that there exists an unusual circumstance, factual situation, or potential source of information that justifies an opportunity for the petitioner to resubmit its petition within a period of less than one year from the date of denial.

§ 320.28 Appeals and final determinations.

(a) Any petitioner may appeal to the Assistant Secretary from a denial of certification provided that the appeal is received in writing by personal delivery or by registered or certified mail by OTAA within sixty days from the date of notice of denial under § 320.27(b). The appeal shall set forth the grounds upon which the appeal is based and a concise statement of the facts and law in support thereof. The decision of the Assistant Secretary shall be the final determination within the Department of Commerce. In the absence of a appeal by the petitioner under this paragraph, such final determination shall be the determination by the Deputy Assistant Secretary under § 320.27. Notice of the final determination shall be promptly provided in writing to the petitioner and to any parties requesting notice in accordance with § 320.22(d).

(b) A firm or its representative or any other interested domestic party aggrieved by a final determination under paragraph (a) of this section may, within sixty days after notice of such determination, commence a civil action in the United States Court of International Trade for review of such determination in accordance with section 284 of the Trade Act (19 U.S.C. 2395).

§ 320.29 Termination of certification and procedure.

(a) Whenever the Deputy Assistant Secretary determines that a certified firm no longer requires adjustment assistance, he shall terminate the certification of such firm and promptly have notice of such termination published in the **Federal Register.** Such termination shall take effect on the date specified in such notice.

(b) The Deputy Assistant Secretary may terminate the certification of a firm if he determines that there was not an adequate statutory basis for such firm to be certified or that the information provided by such firm and relied upon by OTAA or the Deputy Assistant Secretary during the consideration of the firm's petition was inaccurate, incomplete, false or misleading. Termination under this paragraph will be in accordance with the following procedure:

(1) Whenever the Deputy Assistant Secretary has reason to believe that there was not an adequate statutory basis for a firm's certification or that such certification was obtained on the basis of inaccurate, incomplete, false or misleading information, OTAA shall—

(i) Suspend providing further adjustment assistance to the firm, and

(ii) Notify the firm and any appropriate Trade Adjustment Assistance Center of the apparent erroneous certification and of OTAA's intent to conduct a review to determine whether the firm's certification should be terminated. Such notification shall include a statement setting forth the basis for the suspension of adjustment assistance and the institution of the review.

(2) A firm shall have forty-five days after receipt of notification under paragraph (b)(1)(ii) of this section to respond and submit any evidence or information relevant to OTAA's review. If the firm desires an opportunity to present any of such evidence or information orally or in person before OTAA, the firm shall submit a written request therefor within fifteen days after receipt of such notification.

(3) Within thirty days after the time allowed for submission of evidence or information under paragraph (b)(2) of this section, the Deputy Assistant Secretary shall, on the basis of OTAA's review and the complete record, determine whether the firm's certification should continue in force or be terminated.

(4) If the determination under paragraph (b)(3) of this section is that the firm's certification should continue in force, the Deputy Assistant Secretary shall set aside the suspension of adjustment assistance under paragraph (b)(1)(i) of this section.

(5) If the determination under paragraph (b)(3) of this section is that the firm's certification should be terminated, the Deputy Assistant Secretary shall terminate such certification.

(6) Upon any determination under paragraph (b)(3) of this section, the Deputy Assistant Secretary shall inform the firm and any appropriate Trade Adjustment Assistance Center of such

determination and any action taken as a result of such determination and provide the firm with an explanation of the reasons therefor.

(7) If the firm's certification is terminated under paragraph (b)(5) of this section, the firm may, within thirty days after notice of such termination, appeal to the Assistant Secretary for a review of such termination. Such appeal shall be in writing and shall set forth the grounds upon which the appeal is based and a concise statement of the facts and law in support thereof.

(8) In the event of an appeal under paragraph (b)(7) of this section the decision of the Assistant Secretary shall be the final determination within the Department of Commerce and notice of such determination shall be promptly provided to the firm. In the absence of such an appeal, such final determination shall be the determination by the Deputy Assistant Secretary under paragraph (b)(3) of this section.

(9) If a final determination under paragraph (b)(8) of this section is that the firm's certification should be terminated, notice of such termination shall promptly be published in the **Federal Register**.

(10) If the decision of the Assistant Secretary, under paragraph (b)(8) of this section is that the firm's certification should not have been terminated, the Deputy Assistant Secretary shall reinstate such certification and set aside the suspension of adjustment assistance under paragraph (b)(1)(i) of this section.

(11) A final determination under paragraph (b)(8) of this section that a firm's certification should be terminated shall be subject to review in the same manner as that provided for in the case of a final determination under § 320.28.

§ 320.30 Loss of certification benefits.

A firm may fail to obtain certain of the benefits of its certification, regardless of whether the firm's certification is terminated, for any of the following reasons:

(a) The firm has failed to submit an acceptable adjustment proposal within two years after the date of certification of the firm. While approval of an adjustment proposal may occur after the expiration of such two-year period, an adjustment proposal must be submitted before such expiration.

(b) The firm has failed to submit the documentation necessary to complete or modify its request for adjustment assistance consistent with its adjustment proposal within six months after such adjustment proposal has been approved and two years has elapsed since the date of certification of the firm. If the firm anticipates that a longer period will be required to submit such documentation, such longer period should be indicated in its adjustment proposal. If the firm becomes unable to submit its documentation within the allowed time, the firm should notify OTAA in writing of the reasons for the delay and submit a new schedule for completion of such documentation. The Deputy Assistant Secretary, at his discretion, may accept or refuse to accept such new schedule.

(c) The firm's request for adjustment assistance has been denied, the time period allowed for the submission of any documentation in support of such request has expired and two years has elapsed since the date of certification of the firm.

(d) The firm has failed to accept an offer of adjustment assistance within the time for acceptance specified in the offer, or has otherwise failed in the diligent pursuit of its approved adjustment proposal, and two years has elapsed since the date of certification of the firm.

Subpart C—Adjustment Assistance for Firms

§ 320.51 Types of adjustment assistance.

Adjustment assistance under this subpart consists of technical assistance and financial assistance which may be furnished singly or in combination to certified firms. Technical assistance in preparing petitions for certification may be furnished to non-certified firms.

§ 320.52 Application for assistance.

A certified firm may apply for adjustment assistance in accordance with the following procedures:

(a) *Diagnostic survey.* A diagnostic survey is normally prepared as a basis for an adjustment proposal for a firm. This survey is prepared by a party independent of the firm (ordinarily a Trade Adjustment Assistance Center) and consists of an analysis of the firm's problems, strengths and weaknesses and an assessment of its prospects for recovery. A diagnostic survey may not be necessary if OTAA determines that an acceptable adjustment proposal can be prepared on the basis of other available information. Technical assistance is available to assist in the preparation of a diagnostic survey as part of the development of a timely adjustment proposal for a firm.

(b) *Adjustment proposal.* An acceptable adjustment proposal must be submitted to OTAA within two years after the date of certification of a firm. There must be included with the adjustment proposal any information required by OTAA regarding the firm's access to the private capital market and a description of any financial assistance or technical assistance requested to implement the adjustment proposal. If an adjustment proposal submitted within the above two year period is approved by the Deputy Assistant Secretary in accordance with § 320.53, the firm is eligible for adjustment assistance consistent with the adjustment proposal during the period the adjustment proposal is being implemented. Technical assistance is available to assist in the preparation of a timely adjustment proposal.

(c) *Documentation for financial assistance.* Within six months after its adjustment proposal has been approved, or at such later time as the Deputy Assistant Secretary determines to be appropriate, a certified firm may submit any documentation necessary to complete or modify its request for financial assistance consistent with its approved adjustment proposal. Such documentation shall be in the form prescribed by OTAA and contain such financial and supportive information as OTAA may require. Documentation in connection with a request for a direct loan is submitted directly by the firm requesting financial assistance. Documentation in connection with a request for a loan guarantee may be submitted directly by the firm requesting financial assistance or through the proposed lender. A firm requesting financial assistance, and any proposed lender, will be notified within thirty days after all documentation is submitted as to whether the documentation is acceptable. If acceptable, a final decision on the firm's request for financial assistance will be made within sixty days after acceptance of such documentation, not including any time period during which such decision is suspended because of the failure of the firm to supply additional documentation requested by OTAA. No final decision will be made on a request for financial assistance which is withdrawn prior to a final decision.

(d) *Documentation for technical assistance.* Documentation in connection with a request for technical assistance shall be in the form prescribed by OTAA and contain such financial and supportive information as OTAA may require. Such documentation will normally be submitted to the Trade Adjustment Assistance Center through which the requested technical assistance is intended to be provided. Within six months after its adjustment proposal has been approved, or at such later time as the Deputy Assistant Secretary

determines to be appropriate, a certified firm may submit any documentation necessary to complete or modify its request for technical assistance consistent with its approved adjustment proposal. A firm requesting technical assistance will be notified within thirty days after all documentation is submitted as to whether the documentation is acceptable. If acceptable, a final decision on the firm's request for technical assistance will be made within sixty days after acceptance of such documentation, not including any time period during which such decision is suspended because of the failure of the firm to supply additional documentation requested by the Trade Adjustment Assistance Center or OTAA. No final decision will be made on a request for technical assistance which is withdrawn prior to a final decision.

§ 320.53 Approval of adjustment proposal.

(a) An adjustment proposal for a firm must contain such information as OTAA may require. Such information must be sufficient to enable the Deputy Assistant Secretary to determine that the adjustment proposal—

(1) Is reasonably calculated materially to contribute to the economic adjustment of the firm,

(2) Gives adequate consideration to the interests of the workers of the firm, and

(3) Demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.

(b) An adjustment proposal shall be approved only if the Deputy Assistant Secretary makes the determinations required by paragraph (a) of this section and also determines that the firm has no reasonable access to financing through the private capital market. Such determinations shall be made as soon as possible but in no event later than sixty days after an acceptable adjustment proposal is submitted under § 320.52(b). The firm will be promptly notified of the approval or rejection of its adjustment proposal.

(c) In order for the Deputy Assistant Secretary to make the determination required by paragraph (a)(1) of this section, an adjustment proposal must demonstrate, with any supporting information requested by OTAA, that the action contemplated therein with the adjustment assistance being requested by the firm will be a constructive aid to the firm in establishing a competitive position in the same or a different industry.

(d) In order for the Deputy Assistant Secretary to make the determination required by paragraph (a)(2) of this section, an adjustment proposal must give adequate consideration to the workers of the firm adversely affected as the result of the serious injury or threat thereof to the firm. Among reasonable alternatives, adjustment proposals that provide for the rehiring of workers who have been laid off are preferred. Efforts by the firm to find new employment for laid off workers or to assist such workers in obtaining benefits under available programs will also be taken into consideration in evaluating an adjustment proposal. An adjustment proposal of a firm will not be considered as giving adequate consideration to the interests of the workers of the firm where the workers of the firm have been adversely affected as a result of increased imports by the firm, unless such adjustment proposal provides for the rehiring or new employment of a sufficient number of the workers so adversely affected as determined by the Deputy Assistant Secretary.

(e) In order for the Deputy Assistant Secretary to make the determination required by paragraph (a)(3) of this section, an adjustment proposal must demonstrate that the firm will make maximum use of its own resources and that any funds requested are not otherwise available to the firm. Under certain circumstances, the firm's resources may extend to the resources of related firms, or, in the case of a closely held corporation, the personal resources of major shareholders. Evidence required as to the availability of funds shall be in the form and manner as prescribed by OTAA.

§ 320.54 Trade Adjustment Assistance Centers.

(a) Trade Adjustment Assistance Centers are available to assist firms in all fifty states, the District of Columbia and the Commonwealth of Puerto Rico in obtaining adjustment assistance. Trade Adjustment Assistance Centers, under direction and supervision by OTAA, provide technical assistance in accordance with this subpart either through their own staffs or by arrangements with outside consultants. Information concerning Trade Adjustment Assistance Centers serving particular areas can be obtained from OTAA.

(b) Prior to submitting a request for technical assistance to OTAA, a firm should determine the extent to which the required technical assistance can be provided through a Trade Adjustment Assistance Center. The Deputy Assistant Secretary will provide technical assistance through Trade Adjustment Assistance Centers whenever he determines that such assistance can be provided most effectively in this manner. Requests for technical assistance will normally be made through Trade Adjustment Assistance Centers.

§ 320.55 Technical assistance.

(a) The Deputy Assistant Secretary may provide to a firm, on terms and conditions as he determines to be appropriate, with such technical assistance as in his judgment will carry out the purposes of this part with respect to the firm. The technical assistance furnished under this subpart may consist of one or more of the following:

(1) Assistance to a firm in preparing its petition for certification.

(2) Assistance to a certified firm in the preparation of a diagnostic survey of the firm.

(3) Assistance to a certified firm in developing an adjustment proposal for the firm.

(4) Assistance to a certified firm in the implementation of the adjustment proposal for the firm.

(b) Assistance under paragraphs (a)(2) and (3) of this section may be provided to a firm only to facilitate the submission of an acceptable adjustment proposal for the firm within two years after the date of certification of the firm.

(c) Assistance provided to a firm under paragraph (a)(4) of this section may consist of one or more of the following:

(1) Guidance and assistance to the firm in preparing documentation for financial assistance or technical assistance.

(2) Analysis of specific management, production, marketing or technical problems of the firm and recommendations for corrective measures.

(3) Study of a specific energy related problem in the context of the adjustment proposal for the firm.

(4) Feasibility studies, installation of new systems, market studies and other types of consulting assistance required to implement the adjustment proposal for the firm.

(d) Assistance provided under this section may not consist of the printing or publication of advertising or promotional material.

(e) The Deputy Assistant Secretary shall furnish technical assistance under this subpart through existing agencies and through private individuals, firms or institutions (including private consulting services), or by grants to or cooperative agreements with intermediary

organizations (including Trade Adjustment Assistance Centers).

(f) In the case of assistance furnished through private individuals, firms or institutions (including private consulting services), the Deputy Assistant Secretary may share the cost thereof but not more than 75 percent of such cost may be borne by the United States. Firms receiving technical assistance are expected to share the cost of such assistance to the extent possible.

(g) Intermediary organizations may receive grants or enter into cooperative agreements in order to defray up to 100 percent of administrative expenses incurred in providing technical assistance to firms.

(h) Technical assistance provided through grants or other agreements shall be in compliance with the administrative standards pertaining to such grants and other agreements as set forth in Office Management and Budget Circulars A–102 and A–110, as applicable, or in such other required standards existing at the time of such grant or other agreement.

§ 320.56 Financial assistance.

(a) The Deputy Assistant Secretary may provide to a certified firm on such terms and conditions as he determines to be appropriate, such financial assistance in the form of direct loans or guarantees of loans as in his judgment will materially contribute to the economic adjustment of the firm. The assumption of an outstanding indebtness of the firm, with or without recourse, shall be considered to be the making of a loan for purposes of this section.

(b) Loans or guarantees of loans shall be made under this subpart only for the purpose of making funds available to a firm—

(1) For acquisition, construction, installation, modernization, development, conversion, or expansion of land plant, buildings, equipment, facilities, or machinery, or for costs associated with incorporating energy conserving features into facilities and production processes where such features will result in the more efficient use of non-renewable energy sources or the use of renewable sources of energy; or

(2) To supply such working capital as may be necessary to enable a firm to implement its adjustment proposal. For purposes of this paragraph, working capital may include amounts needed for necessary research and development expenses to be incurred within one year, other than research and development expenses incurred in the acquisition or development of fixed assets.

(c) No direct loan may be provided to a firm under this subpart if the firm can obtain loan funds from private sources (with or without a guarantee) at a rate no higher than the maximum interest per annum that a participating financial institution may establish on guaranteed loans made pursuant to section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

§ 320.57 Basic requirements for financial assistance.

No financial assistance shall be provided under this subpart unless the Deputy Assistant Secretary determines—

(a) That the funds required are not available from the firm's own resources, and

(b) That there is reasonable assurance of repayment of the loan to be made or guaranteed.

§ 320.58 Interest rates.

(a) The rate of interest on direct loans made under this subpart shall be a rate determined by the Deputy Assistant Secretary taking into consideration—

(1) The current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity that are comparable to the average maturities of such loans, adjusted to the nearest one-eight of one percent, plus

(2) An amount adequate to cover administrative costs and probable losses to OTAA in providing financial assistance under this subpart.

(b) The applicable rate of interest shall be the most favorable rate to a firm receiving a direct loan, determined in accordance with paragraph (a) of this section during the period commencing on the date that all documentation required to be submitted by the firm in connection with its request for the loan has been received by OTAA and ending on the date that the loan is closed, provided however, that such period shall not extend back further than six months prior to, or extend forward more than four months from, the date on which the Deputy Assistant Secretary approved the loan.

(c) No loan may be guaranteed under this subpart if—

(1) The rate of interest on either the portion of the loan to be guaranteed or the portion of the loan not to be guaranteed is determined by the Deputy Assistant Secretary to be excessive when compared with other loans bearing Federal guarantees and subject to similar terms and conditions, or

(2) The interest on the loan is exempt from Federal income taxation under section 103 of the Internal Revenue Code of 1954.

§ 320.59 Maturity.

(a) No fixed asset loan may be made or guaranteed having a maturity in excess of 25 years or the useful life of the fixed assets to which such loan or guarantee pertains (whichever period is shorter), including renewals and extensions.

(b) No working capital loan may be made or guaranteed having a maturity in excess of 10 years, including renewals and extensions.

(c) The limitations set forth in paragraphs (a) and (b) of this section shall not apply to—

(1) Securities or obligations received by the Deputy Assistant Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor, or

(2) An extension or renewal for an additional period not exceeding 10 years, if the Deputy Assistant Secretary determines that such extension or renewal is reasonably necessary for the orderly liquidation or servicing of the loan.

§ 320.60 Priority to small firms.

In providing direct loans and guarantees of loans under this subpart, the Deputy Assistant Secretary shall give priority to firms which are small within the meaning of the Small Business Act (15 U.S.C. 631 *et seq.*) and regulations promulgated thereunder.

§ 320.61 Other conditions of financial assistance.

(a) No loan shall be guaranteed under this subpart for an amount which exceeds 90 percent of the outstanting balance of the unpaid principal and interest on the loan.

(b) Any loan guaranteed under this subpart may be evidenced by multiple obligations for the guaranteed and nonguaranteed portions of the loan.

(c) The guarantee agreement entered into by the Deputy Assistant Secretary in connection with a loan guaranteed under this subpart shall be conclusive evidence of the eligibility of any obligation guaranteed thereunder for such guarantee, and the validity of such guarantee shall be incontestable except for fraud or mispresentation by the holder of such obligation.

(d) The aggregate amount of loans made to any firm which are guaranteed under this subpart and which are outstanding at any time shall not exceed $3,000,000. This amount shall be reduced by the aggregate amount of outstanding loans to the firm which are guaranteed under the Trade Expansion Act.

(e) The aggregate amount of direct loans made to any firm under this subpart which are outstanding at any time shall not exceed $1,000,000. This amount shall be reduced by the aggregate amount of outstanding direct loans to the firm made under the Trade Expansion Act.

(f) The limitations set forth in paragraphs (d) and (e) of this section are independent of each other and the aggregate amount of loans to a firm under this subpart which are outstanding at any time may be in an amount not exceeding $4,000,000.

§ 320.62 Operating reserves.

The Deputy Assistant Secretary shall maintain operating reserves with respect to anticipated claims under guarantees made under this subpart. Such reserves shall be considered to constitute obligations for purposes of section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200).

§ 320.63 Fees.

The Deputy Assistant Secretary may charge a fee to a lender which makes a loan guaranteed under this subpart in such amount as is necessary to cover the cost of administration of such guarantee.

§ 320.64 Administration of financial assistance.

(a) In making and administering guarantees and loans under this subpart the Deputy Assistant Secretary may—

(1) Require security for any such guarantee or loan, and enforce, waive, or subordinate such security;

(2) Assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property or security assigned to or held by him in connection with such guarantees or loans;

(3) Collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(4) Renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees or loans;

(5) Acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes;

(6) Enter into arrangements for the servicing, including foreclosure, of loans made or guaranteed on terms which are reasonable and which protect the interests of the United States; and

(7) Exercise all such other powers and take all such other acts as may be necessary or incidential to the carrying out of functions pursuant to this subpart.

(b) Any mortgage acquired as security under paragraph (a) of this section shall be recorded under applicable State law.

(c) All repayments of loans, payments of interest, and other receipts arising out of transactions entered into by the Deputy Assistant Secretary pursuant to this subpart, shall be available for financing functions performed under this subpart, including administrative expenses in connection with such functions.

(d) To the extent the Deputy Assistant Secretary deems it appropriate and consistent with the provisions of section 552(b)(4) and section 552b(c)(4) of Title 5, United States Code, that portion of any record, material or data received by OTAA in connection with any application for financial assistance under this subpart which contains trade secrets or commercial or financial information regarding the operation or competitive position of any business shall be deemed to be privileged or confidential within the meaning of such provisions.

(e) Direct loans made or loans guaranteed under this subpart for the acquisition or development of real property or other capital assets shall ordinarily be secured by a first lien on the assets to be financed and shall be fully amortized during the terms of such loans.

§ 320.65 Employee stock ownership plans.

(a) When considering whether to make a direct loan or to guarantee a loan to a corporation, the Deputy Assistant Secretary shall give preference to a corporation which agrees with respect to such loan to fulfill the following requirements:

(1) Twenty-five percent of the principal amount of the loan is paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by the recipient corporation, by a parent or subsidiary of such corporation, or by several corporations including the recipient corporation.

(2) The employee stock ownership plan meets the requirements of this section.

(3) The agreement among the recipient corporation, the lender and the qualified trust relating to the loan meets the requirements of this section.

(b) An employee stock ownership plan does not meet the requirements of this section unless the governing instrument of the plan provides that—

(1) The amount of the loan paid under paragraph (a)(1) of this section to the qualified trust will be used to purchase qualified employer securities;

(2) The qualified trust will repay to the lender the amount of such loan, together with the interest thereon, out of amounts contributed to the trust by the recipient corporation; and

(3) From time to time, as the qualified trust repays such amount, the trust will allocate qualified employer securities among the individual accounts of participants and their beneficiaries in accordance with the provisions of paragraph (d) of this section.

(c) The agreement among the recipient corporation, the lender, and the qualified trust does not meet the requirements of this section unless—

(1) It is unconditionally enforceable by any party against the others, jointly and severally;

(2) It provides that the liability of the qualified trust to repay loan amounts paid to the qualified trust may not, at any time, exceed an amount equal to the amount of contributions required under paragraph (b)(2) of this section which are actually received by such trust;

(3) It provides that amounts received by the recipient corporation from the qualified trust for qualified employer securities purchased for the purpose of this section will be used exclusively by the recipient corporation for those purposes for which it may use that portion of the loan paid directly to it by the lender;

(4) It provides that the recipient corporation may not reduce the amount of its equity capital during the one year period beginning on the date on which the qualified trust purchases qualified employer securities for purposes of this section; and

(5) It provides that the recipient corporation will make contributions to the qualified trust of not less than such amounts as are necessary for such trust to meet its obligation to make repayments of principal and interest on the amount of the loan received by the trust without regard to whether such contributions are deductible by the corporation under section 404 of the Internal Revenue Code of 1954 and without regard to any other amounts the recipient corporation is obligated under law to contribute to or under the employee stock ownership plan.

(d) At the close of each plan year, an employee stock ownership plan shall allocate to the accounts of participating employees that portion of the qualified employer securities the cost of which bears substantially the same ratio to the cost of all the qualified employer securities purchased under paragraph (b)(1) of this section as the amount of the loan principal and interest repaid by the qualified trust during that year bears to the total amount of the loan principal and interest payable by such trust during the term of such loan. Qualified employer securities allocated to the individual account of a participant during one plan year must bear substantially the same proportion to the amount of all such securities allocated to all participants in the plan as the amount of compensation paid to such participant bears to the total amount of compensation paid to all such participants during that year.

(e) For purposes of this section—

(1) The term "employee stock ownership plan" means a plan described in section 4975(e)(7) of the Internal Revenue Code of 1954;

(2) The term "qualified trust" means a trust established under an employee stock ownership plan and meeting the requirements of Title I of the Employee Retirement Income Security Act of 1974 and section 401 of the Internal Revenue Code of 1954;

(3) The term "qualified employer securities" means common stock issued by the recipient corporation or by a parent or subsidiary of such corporation with voting power and dividend rights no less favorable than the voting power and dividend rights on other common stock issued by the issuing corporation and with voting power being exercised by the participants in the employee stock ownership plan after it is allocated to their plan accounts; and

(4) The term "equity capital" means, with respect to the recipient corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property but disregarding adjustments made on account of depreciation or amortization made during the period described in paragraph (c)(4) of this section, less the amount of its indebtedness.

Subpart D—Assistance to Industries

§ 320.81 Assistance to firms in import-impacted industries.

Whenever the International Trade Commission makes an affirmative finding under section 201(b) of the Trade Act that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, the Deputy Assistant Secretary shall provide, to the firms in such industry, assistance in the preparation and processing of petitions and applications of such firms for benefits under programs which may facilitate the orderly adjustment to import competition of such firms.

§ 320.82 Technical assistance.

(a) The Deputy Assistant Secretary may provide technical assistance, on such terms and conditions as he deems appropriate, for the establishment of industrywide programs for new product development, new process development, export development or other uses consistent with the purposes of this part.

(b) Technical assistance under this section may be provided through existing agencies, private individuals, firms, universities and institutions, and by grants to or contracts or cooperative agreements with associations, unions or other nonprofit industry organizations in which a substantial number of firms have been certified as eligible to apply for adjustment assistance under section 251 of the Trade Act.

(c) Expenditures for technical assistance under this section may be up to $2,000,000 annually per industry and shall be made under such terms and conditions as the Deputy Assistant Secretary deems appropriate.

Dated: November 6, 1984.

Donald T. Baker,

Deputy Assistant Secretary for Trade Adjustment Assistance.

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FEDERAL TRADE COMMISSION

16 CFR Parts 300 and 303

Rules and Regulations Under the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Title III of Pub. L. 98-417 amended the Wool Products Labeling Act of 1939 (Wool Act) (15 U.S.C. 68) and the Textile Fiber Products Identification Act (Textile Act) (15 U.S.C. 70) effective December 24, 1984. This notice announces the proposed amendments to the rules and regulations previously issued by the Commission under the Wool and Textile Acts to conform the regulations to the amended Acts.

All persons are hereby given notice of the opportunity to submit written data, views and arguments concerning this proposal.

DATE: Written comments will be accepted on or before December 13, 1984.

ADDRESS: Send comments to Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580. Submissions should be marked "Textile/Wool Amendments".

FOR FURTHER INFORMATION CONTACT: Earl Johnson, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580 Tel: (202) 376-2891.

List of Subjects

16 CFR Part 300

Labeling, Textile, Trade practices, Warranties, Wool.

16 CFR Part 303

Labeling, Textile, Trade practices.

SUPPLEMENTARY INFORMATION:

Section A. Background

For the purpose of clarifying and improving country of origin labeling requirements for textile and wool products and to increase consumer awareness at the time of purchase of such product's country of origin, Congress recently passed Title III of Pub. L. 98-417. Title III of this Act amends both the Textile Act and the Wool Act by requiring conspicuous country of origin labeling on domestic and foreign made textile fiber and wool products. Country of origin information is also required in mail order promotional descriptions for textile and wool products sold in the United States.

The Federal Trade Commission has issued rules and regulations under the Textile Act and the Wool Act. The Commission is now proposing amendments to its regulations to implement Pub. L. 98-417. For two of the sections (§§ 300.25a and 303.33) the Commission is proposing alternatives.

Discussion of Proposed Amendments

I. *Textile Act:* Rule 1 (16 CFR 303.1) *Terms Defined* adds a definition of the terms "mail order catalog" and "mail order promotional material". This definition is basic to an understanding of what types of advertisements for textile products must carry the country of origin in the description of the product. The definition is intended to make clear the nonprint advertising is not included.

Rule 15 (16 CFR 303.15), *Required Label and Method of Affixing,* would be

amended to make clear that in the future every textile product must be labeled with the exception of hosiery products contained in packaging under specified conditions.

Subsection (b) of this Rule is new and proposes to explain that the Act now requires that all textile fiber garments with a neck must have the label affixed to the inside center of the neck midway between the shoulder seams. The rest of this subsection is intended to emphasize that labels on other textile products, whether on the inside or the outside, must be in a conspicuous location, as required in previous regulations.

Subsection (c) of this Rule would list the conditions which must be met by hosiery products so that each hosiery product in a package does not have to be individually marked.

Rule 16 (16 CFR 303.16), *Arrangement and Disclosure of Information on Labels*, has a change to the listing of information required on the label. The new regulation requires that country of origin must be put on a label not only for imported products but for domestic products, as well.

Rule 28 (16 CFR 303.28), *Products Contained in a Package*, requires that every package containing textile fiber products be labeled with the required information unless the package is sufficiently transparent so that the label information on the product inside the package can be clearly seen and read.

Rule 33 (16 CFR 303.33), *Country Where Textile Fiber Products are Processed or Manufactured* is to be amended by one of two proposed alternative methods. First, the manner of labeling the country of origin for an imported product is not changed.

The major proposed change to this Rule is in the explanation of how country of origin will be set forth in a label on products that are wholly or partially of domestic origin. Initially, the change to this Rule states that "Made in U.S.A." will be used on products that are entirely manufactured in the United States using materials manufactured in the United States. The initial manufacturing processes looked at in making this determination are the manufacture of cloth and yarn. Thus if the cloth is made in the United States and a garment is made of this cloth and other materials made in the United States, the country of origin on the label should read "Made in U.S.A." This part of the Rule is based on previous Commission opinions that "Made in U.S.A." means to the consumer that the product was completely made in the United States and cannot be used when a significant component of the product originates in a foreign country.

The next parts of the Rule concern labeling of products that are partially manufactured in the United States and partially manufactured in a foreign country. If a product is substantially made in the U.S.A. but a substantial component from a foreign country is used then it is initially proposed that the label state these facts. For example, a garment made out of foreign made cloth would be labeled "made in USA of cloth from x country". In the alternative, for the same fact situation, it is proposed that the label say "Principally made in U.S.A" or words of similar import. This would be based upon the fact that partial manufacture occurred in both U.S.A. and a foreign country but less than 50% of the value was added to the product from the foreign country.

If the product is substantially made in the U.S.A. but partially manufactured in a foreign country then it is proposed the label must again state the facts. For example, if parts of a garment were knitted in a foreign country and then in the US these were assembled, sewn, dyed and finished, the label would read "Dyed, sewn and finished in U.S.A of components knitted in ———". Again, as the alternative to this required labeling, in the same fact situation, the label would read "Principally made in U.S.A." or words of similar import. This would also be based on the fact that partial manufacture occurred in the USA and a foreign country but less than 50% of the value was added to the product from the foreign country.

When a product is substantially made in a foreign country but manufacturing is completed in the United States, it is proposed to require that the label show the foreign country in which the product was manufactured or processed, like an imported product. It is also proposed to permit a showing of the processes completed in the U.S.A. for example, for a product that is made in the greige in a foreign country and finished and dyed in the USA the label could read either "Made in ———" or "Made in ———, finished and dyed in U.S.A.". In the alternative it is now proposed, in the same fact situation, to permit the label to say "Principally made in (the foreign country where the product was manufactured or processed)" or words of similar import. It is also proposed to permit a showing of the processes completed in the U.S.A., if the manufacturer so desires.

The concept of using a label that briefly describes the process that took place in the USA and the foreign country follows the precedents established by the Commission for foreign marking as published in previous advisory opinions at 16 CFR Part 15. The proposed alternative approach of using "Principally made in USA" or "Principally made in (foreign country)" follows the concept also established in advisory opinions. This is a determination made on the basis of whether more than 50% of the goods value was derived from U.S. parts or processing. The legend "Principally made ———" is shorter and uses less label space. It has the disadvantage that it does not inform the consumer of the foreign country where the parts were made or partially processed.

Rule 34 has been rewritten completely to reflect requirements of the new law. The Rule is now entitled *Country of Origin in Mail Order Advertising*. It explains the requirement for including in the description of each product in mail order advertisements a statement concerning country of origin in words such as "Made in U.S.A.", "Imported", or both. The words used should indicate the origin labeling on the product. The Rule does not require the exact words "Made in USA", "Imported", or both. Other words or phrases with the same meaning may be used. For instance, in place of the word "imported" the seller might use "Product of foreign country" or disclose the specific foreign country where the product was manufactured. The intent of this Rule is to ensure that printed mail order advertising will give consumers sufficient information at the time of ordering to make a determination whether the product was produced in the United States or imported or whether it is of a mixed domestic and foreign origin.

II. *Wool Act:* Many of the amendments to the rules under the Wool Act are identical to those under the Textile Act.

Rule 1 (16 CFR 300.1), *Terms Defined*, adds three definitions. The first two are definitions of the terms "mail order catalog" and "mail order promotional material". These are identical to those proposed for Rule 1 of the Textile Act. The third definition is "United States". The definition is the same as that already countained in Rule 1 of the Textile Act.

Rule 3 (16 CFR 300.3), *Required Label Information*, is like Rule 16 of the Textile Act. It lists the items of information required to be put on the label. In the case of the Wool Act it requires the name of the country of origin for both domestic and foreign origin products to be added. Prior to the amendments, the Wool Act did not specifically require any origin in the labeling.

Rule 5 (16 CFR 300.5) has been changed completely to parallel the requirements in Rule 15 of the Textile

Act. The title now reads *Required Label and Method of Affixing.* It requires a label on each wool product with the exception of hosiery products under special packaging conditions. It also requires placing the label in the neck of garments with a neck. It requires that each label on other wool products must be conspicuous. Finally it defines the conditions for labeling only the package of hosiery products rather than the package and each product as required for other wool products.

Rule 10 (16 CFR 300.10), *Arrangement of Label Information,* sets forth in general terms the manner of listing information on a label. At the end of subsection (a) an example is given of such information. Disclosure of the country of origin was previously not required and therefore not contained in the illustration. The proposed amendment adds this information to the illustration.

Rule 15 (16 CFR 300.15), *Labeling of Containers or Packaging of Wool Products,* has been completely changed to reflect the amendments to the Act concerning packaging. The Rule now parallels Rule 28 of the Textile Act.

Rule 25 (16 CFR 300.25), *Representation as to Fiber Content,* was originally a two part Rule with the second part requiring country of origin labeling under conditions that would otherwise be deceptive under section 5 of the FTC Act. The first part of the Rule is retained but the second part has been deleted and is replaced by a new Rule 25a.

Rule 25a (16 CFR 300.25a), *Country Where Wool Products are Processed or Manufactured,* is entirely new because disclosure of country of origin was not previously specifically required by the Wool Act. This Rule is identical to Rule 33 under the Textile Act.

Rule 25b (16 CFR 300.25b), *Country of Origin in Mail Order Advertising,* is another entirely new rule that reflects the amendment to the Wool Act requiring mail order advertising to contain a statement as to origin in the description of each product. Rule 25b is identical to Rule 34 under the Textile Act.

Section B. Invitation to Comment

Before adopting these proposed rules as final rules, consideration will be given to any written comments timely submitted to the Secretary of the Commission. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and Commission Regulations, on normal business days between the hours of 8:30 a.m. to 5:00 p.m. at the Public Reference, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

Section C. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory analysis (5 U.S.C. 603, 604) are not applicable to this document because it is believed the regulation will not have a significant economic impact on a substantial number of small entities. In considering the economic impact on manufacturers and retailers from the proposed amendment to its rules, the Commission noted that the economic costs are primarily statutorily imposed and that the Commission's amendments, which implement in a straightforward manner Pub. L. 98–417, impose few, if any, independent additional costs. However, public comment is requested on the effects, with numerical estimates, of the amendments on costs, profitability, competitiveness, and employment in small entities. The Commission is particularly interested in the impact of the regulations on small retailers and mail order merchandisers. Subsequent to the receipt of public comments, it will be decided whether the preparation of a final regulatory flexibility analysis is warranted.

In light of the above, it is certified under the provisions of section 3, Regulatory Flexibility Act (5 U.S.C. 605(b)) that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

Section D. Paperwork Reduction Act

These regulations contain provisions which constitute information collection requirements under the Paperwork Reduction Act of 190, Pub. L. 96–511 and the implementing regulation. Accordingly, a supplement to the existing clearance for these regulations (OMB Nos. 3084–0052 and 3084–0053) has been submitted to the Office of Management and Budget.

Section E. Effective Date

Title III of Pub. L. 98–417 amending the Textile and Wool Acts becomes effective December 24, 1984. The provisions of these amendments shall apply only to products manufactured and mail order catalogs and promotional material printed on or after December 24, 1984. An effective date for the amended regulations under each Act will be announced by the Commission at the time that the final regulations are published. This effective date will be no sooner than December 24, 1984. The amended regulations shall apply to products manufactured and mail order advertising printed on or after the effective date, as announced.

Section F. Questions

The Commission is seeking comments on all aspects of the proposed amendments to its rules. Without limiting the scope of issues it is seeking comment on, the Commission is particularly interested in receiving comment on the following questions.

Question 1. The label "Made in USA" is currently reserved for goods made entirely in the United States of materials made in the United States. Pursuant to Customs Service regulations, goods with foreign origin are labeled with the name of the country in which they are wholly manufactured or processed, or in the case of goods processed in multiple countries, with the name of the country in which substantial transformation of the product has taken place.

A. Should the Commission amend its current standard for use of the "Made in USA" label to make it consistent with the Customs Service's regulatory scheme for foreign origin—i.e., to allow use of the "Made in U.S.A." label for goods which have been substantially transformed in the United States but contain some imported components or used some foreign labor?

B. If the Commission retains the current definition of the term "Made in U.S.A.", should it create, as is proposed in the alternatives to §§ 300.25a and 303.33, a new term, e.g. "Principally made in U.S.A.", for goods substantially transformed or principally manufactured in the United States but which contain some imported parts or use some foreign labor?

C. Are there studies or other data concerning how consumers interpret the term "Made in USA", i.e., do they interpret it to mean that the product was manufactured entirely in the United States using only material made in the United States?

Question 2. The proposed regulations currently require goods which were not principally manufactured or processed in a foreign country but which contain some imported components or used some foreign labor to contain a label describing the operation or processing in the United States and naming the specific foreign country or countries from which the imported components came from or in which the labor took place.

A. Rather than using this scheme, which is based on past Commission interpretations, should the Commission create, as proposed in the alternatives to §§ 303.25a and 303.33, a new designation

or label, for example, "Principally Made in USA", that could be used when goods are substantially transformed or principally manufactured in the United States?

B. If the Commission created a new label for goods substantially transformed or principally manufactured in the United States, e.g. "Principally made in US.A.", should use of this term be tied to a determination that more than 50% of the goods value was derived from U.S. parts or processing as proposed in the alternatives of §§ 300.25a and 303.33?

C. If the Commission created a new label for goods substantially transformed or principally manufactured in the United States, should the use of the terms be tied to a determination that the goods were "substantially transformed" in the United States under criteria similar to Customs standards?

D. Would use of this disclosure scheme, i.e. "Principally made in U.S.A.", be more or less burdensome than that presently contained in the proposed regulations?

E. Would the standard based on 50% of the goods value be more workable than the substantially transformed standard in Customs Service regulations?

F. If the current disclosure scheme is retained (i.e., a description of the operation or processing in the United States), is it important that the Commission continue to require listing of the specific country or countries from which foreign components came from or in which foreign processing occurs?

What purpose does the disclosure described in F. above serve?

How is it reconciled with the disclosure required for goods with foreign origin where Customs Service regulations require only disclosure of a single country in which the goods are manufactured or processed?

Question 3. Section 12 of the Textile Fiber Products Identification Act (15 U.S.C. 70j); excludes from the Act's fiber content disclosure requirements certain items such as sewing threads, trimmings and linings for structural purposes and not for warmth.

Should these items also be excluded when determining the goods domestic or foreign origin?

Question 4. In the past, the Commission has issued regulations and advisory opinions on foreign origin labeling. The proposed amendments to its rules under the Textile Fiber Products Identification Act and the Wool Products Labeling Act are designed to make the regulations and foreign origin labeling requirements consistent with Pub. L. 98–417.

Are there other regulations under the Textile or Wool Acts or advisory opinions that should be rescinded or amended as inconsistent with Pub. L. 98–417?

Question 5. The statute provides that mail order catalogs and other mail order promotional material may simply disclose that a textile or wool product "is processed or manufactured in the United States of America, or imported, or both". The accompanying Committee report makes clear that mail order retailers are not required to use any particular formulations to disclose this information.

The Commission solicits comments on how this disclosure should be made in the case of goods, (a) manufactured in the United States using imported components and (b) manufactured or processed in a foreign country and the U.S.A. Should the use of the disclosure "Made in USA and Imported" be permissible in such instances?

Question 6. In addition to the current Commission and Customs Service regulations, are there other regulatory schemes that would provide a basis for implementing Title III of Pub. L. 98–417.

Question 7. The current proposals require that domestic or foreign origin be indicated in the item description in mail order catalogs or other mail order promotional material.

As an alternative to requiring each item description to indicate domestic or foreign, should the Commission allow general disclaimers i.e., "all items in this catalog are manufactured in the United States except as specifically indicated in the description of the item"?

If such disclaimer is allowed, should it be required on each page or simply in one prominent place in the catalog?

PART 300—[AMENDED]

Accordingly, it is proposed that Chapter I of 16 CFR Part 300 be amended by revising §§ 300.1, 300.3, 300.5, 300.10, 300.15, 300.25, and adding 300.25a and 300.25b, and amending 16 CFR Part 303 by revising §§ 303.1, 303.15, 303.16, 303.28, 303.33 and 303.34.

Authority: 15 U.S.C. 68 *et. seq* and 15 U.S.C. 70 *et. seq.*

1. In § 300.a, paragraphs (g) and (h) are added as follows:

§ 300.1 Terms defined.

* * * * *

(g) The term *United States* means the several States, the District of Columbia, and the territories and possessions of the United States.

(h) The terms "mail order catalog" and "mail order promotional material" mean any advertisements used in the direct sale or direct offering for sale of wool products which are distributed or shown to consumers as printed material for which customers may purchase such wool products by mail, telephone or some other method without examining the actual product purchased.

2. In § 300.3 add paragraph (a)(4) as follows:

§ 300.3 Required label information.

(a) * * *

(4) The name of the country where the wool product was processed or manufactured.

* * * * *

3. Section 300.5 is revised to read as follows:

§ 300.5 Required label and method of affixing.

(a) A stamp, tag, or label is required to be affixed to each wool product and shall be such as is appropriate to the nature and type of product. Such label shall be conspicuously affixed to the product and, where required, its package or container in a secure manner and shall be of such durability as to remain on and attached thereto throughout the sale, resale, distribution and handling of the product, and, except where otherwise provided, shall remain on or be firmly affixed to the product and, where required, its package or container when sold and delivered to the ultimate consumer.

(b) Each wool product with a neck must have the stamp, tag, or label affixed to the inside center of the neck midway between the shoulder seams. All other wool products shall have the stamp, tag, or label affixed to the most conspicuous spot on the inner side of the product or in a conspicuous place on the outside of the product.

(c) In the case of hosery products, this section does not require affixing a stamp, tag, or label to each hosiery product contained in a package if, (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, or label bearing the required information for the hosiery products contained in the package, and (3) the information on the stamp, tag, or label affixed to the package is equally applicable to each wool product contained therein.

4. In § 300.10 paragraph (a) is revised to read as follows:

§ 300.10 Arrangement of label information.

(a) All items or parts of the required information to be shown and displayed in the stamp, tag, label or other mark of

identification of the product, shall be set forth consecutively and separately on the outer surface of the label, in immediate conjunction with each other, and in type or lettering plainly legible and conspicuous, and all parts of the required fiber content information shall appear in type or lettering of equal size and conspicuousness; such as for example:

"Distributed by:
John Q. Doe Co., Inc.,
New York, N.Y.
Made of
60% WOOL
40% RECYCLED WOOL
EXCLUSIVE OF ORNAMENTATION
Made in U.S.A."

provided, however, that the required name or registered identification number may appear on the reverse side of the label if it is plainly legible, conspicuous and accessible. On products as to which sectional disclosure is used, an additional non-deceptive label may be used showing the complete fiber content information with percentages as to a particular section or area of the product and specifying the section or area referred to.

* * * * *

5. Section 300.15 is revised to read as follows:

§ 300.15 Labeling of containers or packaging of wool products.

Each package containing wool products shall be labeled with the required information, unless the package is transparent to the extent it allows for a clear reading of the required information on the product.

§ 300.25 [Amended]

6. Section 300.25 is amended by removing paragraph (c) and the note that follows.

7. Section 300.25a is added as follows:

§ 300.25a Country where wool products are processed or manufactured.

(a) In addition to the other information required by the Act and Regulations:

(1) Each imported wool product shall be labeled with the name of the country where such imported product was processed or manufactured;

(2) Each wool product completely made in the United States of materials made in the United States shall be labeled using a legend such as "Made in U.S.A.";

(3) Each wool product made in the United States, either in whole or part, of imported materials shall contain a label disclosing these facts; for example:

"Made in USA of fabric from ———"
or
"Knitted in USA of yarn from ———";

and

(4) Each wool product partially manufactured in the United States and partially manufactured in a foreign country shall contain a label with the following information:

(i) If the product was substantially manufactured in the foreign country, the name of the foreign country where the product was principally manufactured. Manufacturing processes performed in the United States may also be shown; for example:

"Made in ———"
or
"Made in ———, finished and dyed in U.S.A.",

and

(ii) If the product was substantially manufactured in the United States, the manufacturing processes performed in the United States and in the country where the product was otherwise manufactured; for example:

"Assembled and sewn in U.S.A. from components made in ———"
or
"Dyed, sewn and finished in U.S.A. of components knitted in ———"

(b) The term country means the political entity known as a nation. Except for the United States, colonies, possessions or protectorates outside the boundaries of the mother country shall be considered separate countries, and the name thereof shall be deemed acceptable in designating the country where the wool product was processed or manufactured unless the Commission shall otherwise direct.

(c) The country where the imported wool product was principally made shall be considered to be the country where such wool product was processed or manufactured. Further work or material added to the wool product in another country must effect a basic change in form in order to render such other country the place where such wool product was processed or manufactured.

(d) The English name of the country where the imported wool product was processed or manufactured shall be used. The adjectival form of the name of the country will be accepted as the name of the country where the wool product was processed or manufactured, provided the adjectival form of the name does not appear with such other words so as to refer to a kind of species of product. Variant spellings which clearly indicate the English name of the country, such as Brasil for Brazil and Italie for Italy, are acceptable. Abbreviations which unmistakenly indicate the name of a country, such as *Gt. Britain* for *Great Britain*, are acceptable.

(e) Nothing in this Rule shall be construed as limiting in any way the information required to be disclosed on labels under the provisions of any Tariff Act of the United States or regulations prescribed by the Secretary of the Treasury.

8. Section 300.25b is added as follows:

§ 300.25b Country of origin in mail order advertising.

When a wool product is advertised in any mail order catalog or mail order promotional material, the description of such product shall contain a clear and conspicuous statement that the product was either made in U.S.A., imported, or both. Other words or phrases with the same meaning may be used. The statement of origin required by this section should correlate with the origin labeling of the product being advertised.

§ 300.25a [Amended]

Alternative proposal for § 300.25a, subsections (a) (3), (4) and (5):

(a) * * *

(3) Each wool product substantially made in the United States with some imported materials shall be labeled with words such as "Principally made in USA", "Substantially made in U.S.A.", or words of similar import. To be so labeled, no more than 50% of the value of the product can be imported from a foreign country. For example, a shirt made in this country of an imported fabric might be labeled "Principally made in U.S.A.".

(4) Each wool product substantially made in the United States but partially made in a foreign country shall be labeled with words such as "Principally made in U.S.A.", "Substantially made in USA" or words of similar import. To be so labeled, no more than 50% of the value of the product can be added by the manufacturing in the foreign country. For example, slacks cut from U.S. fabric, assembled with U.S. parts, sewn in a foreign country, and finished in the U.S.A. might be marked "Principally made in U.S.A.".

(5) Each wool product substantially made in a foreign country but completed in the U.S.A. shall be labeled with words such as "Principally made in (*foreign country where processed or manufactured*)", "Substantially made in (foreign country where processed or manufactured)" or words of similar import. To be so labeled, less than 50% of the value of the product should have been added in the United States. For example, a fabric imported into the

United States in the greige but finished and dyed in this country or garments sewn in the United States of parts cut and assembled in a foreign country out of foreign made fabric might be labeled "Principally made in (foreign country where processed or manufactured)".

* * * * *

PART 303—[AMENDED]

1. In § 303.1, paragraph (u) is added as follows:

§ 303.1 Terms defined.

* * * * *

(u) The terms "mail order catalog" and "mail order promotional material" mean any advertisements used in the direct sale or direct offering for sale of textile products which are distributed or shown to consumers as printed material from which consumers may purchase such textile products by mail, telephone or some other method without examining the actual product purchased.

2. Section 303.15 is revised to read as follows:

§ 303.15 Required label and method of affixing.

(a) A stamp, tag, or label is required to be affixed to each textile product and shall be as is appropriate to the nature and type of product. Such label shall be conspicuously affixed to the product and, where required, its package or container in a secure manner and shall be of such durability as to remain on and attached thereto throughout the sale, resale, distribution and handling of the product, and, except where otherwise provided, shall remain on or be firmly affixed to the product and, where required, its package or container when sold and delivered to the ultimate consumer.

(b) Each textile fiber product with a neck must have the stamp, tag, or label affixed to the inside center of the neck midway between the shoulder seams. All other textile products shall have the stamp, tag, or label affixed to the most conspicuous spot on the inner side of the product or in a conspicuous place on the outside of the product.

(c) In the case of hosiery products, this section shall not be construed as requiring the affixing of a stamp, tag, or label to each hosiery product contained in a package if, (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag or label bearing the required information for the hosiery products contained in the package, and (3) the information on the stamp, tag, or label affixed to the package is equally applicable to each textile fiber product contained therein.

3. In § 303.16, paragraph (a)(3) is revised to read as follows:

§ 303.16 Arrangement and disclosure of information as labels.

(a) * * *

(3) The name of the country where such product was processed or manufactured as provided for in Rule 33.

* * * * *

4. Section 303.28 is revised to read as follows:

§ 303.28 Products contained in packages.

Each package containing textile fiber products shall be labeled with the required information, unless the package is transparent to the extent it allows for a clear reading of the required information on the product.

5. In § 303.33 paragraphs (a) and (b) are revised to read as follows:

§ 303.33 Country where textile fiber products are processed for manufactured.

(a) In addition to the other information required by the Act and Regulations:

(1) Each imported textile fiber product shall be labeled with the name of the country where such imported product was processed or manufactured;

(2) Each textile fiber product entirely made in the United Sttes of materials made in the United States shall be labeled using a legend such as "Made in U.S.A.";

(3) Each textile fiber product made in the United States, either in whole or part, of imported materials shall contain a label disclosing these facts; for example:

"Made in USA of fabric from ———"
or
"Knitted in USA of yarn from ———";

and

(4) Each textile fiber product partially manufactured in the United States and partially manufactured in a foreign country shall contain a label with the following information:

(ii) If the product was substantially manufactured in the foreign country, the name of the foreign country where the product was principally manufactured. Manufacturing processes performed in the United States may also be shown; for example:

"Made in ———"
or
"Made in ———, finished and dyed in U.S.A.",

and

(i) If the product was substantially manufactured in the United States, the manufacturing processes performed in the United States and in the country where the product was otherwise manufactured; for example:

"Assembled and sewn in U.S.A. from components made in ———"
or
"Dyed, sewn and finished in U.S.A. of components knitted in ———".

(b) The term country means the political entity known as a nation. Except for the United States, colonies, possessions or protectorates outside the boundaries of the mother country shall be considered separate countries, and the name thereof shall be deemed acceptable in designating the country where the textile fiber product was processed or manufactured unless the Commission shall otherwise direct.

* * * * *

6. Section 303.34 is revised to read as follows:

§ 303.34 Country of origin in mail order advertising.

When a textile fiber product is advertised in any mail order catalog or mail order promotional material, the description of such product shall contain a clear and conspicuous statement that the product was either made in U.S.A., imported, or both. Other words or phrases with the same meaning may be used. The statement of origin required by this section should correlate with the origin labeling of the product being advertised.

§ 303.33 [Amended]

Alternative proposal for § 303.33, subsections (a)(3), (4) and (5):

(a) * * *

(3) Each textile fiber product substantially made in the United States with some imported materials shall be lableled with words such as "Principally made in USA", "Substantially made in U.S.A.", or words of similar import. To be so labeled, no more than 50% of the value of the product can be imported from a foreign country. For example, a shirt made in this country of an imported fabric might be labeled "Principally made in U.S.A.".

(4) Each textile fiber product substantially made in the United States but partially made in a foreign country shall be labeled with words such as "Principally made in U.S.A.", "Substantially made in USA" or words of similar import. To be so labeled, no more than 50% of the value of the product can be added by the manufacturing in the foreign country. For example, slacks cut from U.S. fabric, assembled with U.S. parts, sewn in a foreign country, and finished in the

U.S.A. might be marked "Principally made in U.S.A.".

(5) Each textile fiber product substantially made in a foreign country but completed in the U.S.A. shall be labeled with words such as "Principally made in *(foreign country were processed or manufactured)*", "Substantially made in (foreign country where processed or manufactured)" or words of similar import. To be so labeled, less than 50% of the value of the product should have been added in the United States. For example, a fabric imported into the United States in the greige but finished and dyed in this country or garments sewn in the United States of parts cut and assembled in a foreign country out of foreign made fabric might be labeled "Principally made in (foreign country where processed or manufactured)".

* * * * *

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-29736 Filed 11-9-84; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 450

[Docket No. 84N-0327]

Antitumor Antibiotic Drugs; Deletion of LD_{50} Test for Dactinomycin, Doxorubicin Hydrochloride, and Plicamycin

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug regulations by deleting the LD_{50} test requirement from the accepted standards for dactinomycin, doxorubicin hydrochloride, and plicamycin. FDA is taking this action because the current chemical potency assay, i.e., high-pressure liquid chromatography, can appropriately replace the LD_{50} test for toxicity determination of these antitumor antibiotic drugs.

DATES: Comments January 14, 1985 request for an informal conference by December 13, 1984.

ADDRESS: Written comments and request for informal conference to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: Dactinomycin, doxorubicin hydrochloride, and plicamycin are antitumor antibiotic drugs with toxic properties that are necessary to their mode of action. Because of the narrow range between the toxic and efficacious doses of these antitumor antibiotic drugs, it is important that their level of toxicity be within specific toxicity limits set by early testing during the antibiotic application approval process and subsequently codified in the respective regulations (monographs). The testing procedure presently specified in the regulations for determining the level of toxicity of these antitumor antibiotic drugs is the LD_{50} test. The LD_{50} test is a procedure whereby drug toxicity is measured in terms of the median dose that will kill, within a stated period of time, 50 percent of the test animals (in this case a specified strain of mice) that receive the drug. Each batch of these antitumor antibiotic drugs must meet the established LD_{50} limits before entering into commercial distribution.

Although the LD_{50} test is a useful procedure for determining the toxic effect of a substance on a test animal, the reliability and reproducibility of the test may be affected by a number of factors, such as the generic reliability of the strain of test animals, conditioning of test animal populations, environmental and nutritional needs, and purity of feed and water supplies. Some of these factors are not within direct control of laboratories being supplied with specific strains of test animals. Other factors, such as conditioning of the test animal population, vary with each laboratory. Because of the disadvantages of this animal test method for batch release toxicity testing, the agency has been conducting a study over the years to provide for an alternative nonanimal assay test method that would be more reliable and precise.

In the **Federal Register** of September 29, 1978 (43 FR 44835), FDA published a chemical assay test method for determining the doxorubicin hydrochloride content of doxorubicin hydrochloride as the official assay method for content (potency) determination. This improved testing procedure, called the high-pressure liquid chromatographic (HPLC) assay, is very precise and reliable and can be used to determine the purity of a batch of doxorubicin hydrochloride by qualitative comparison to a designated reference standard that meets all established monograph requirements including toxicity limits. Thus, proof that a batch of doxorubicin hydrochloride is identical in its chemical composition to a designated reference standard establishes that batch as within the safe limits of toxicity as specified in the regulations.

In the **Federal Register** of June 11, 1984 (49 FR 24016), FDA published a final rule that specified the HPLC assay as the official assay method for determining the content and identity of dactinomycin and plicamycin. For the same reasons given above with respect to doxorubicin hydrochloride, FDA has found that the HPLC assay method can be used to determine the toxicity of batches of dactinomycin and plicamycin by qualitative comparison to designated reference standards.

Because the HPLC assay can verify that batches of dactinomycin, doxorubicin hydrochloride, and plicamycin are within an acceptable level of toxicity, FDA has tentatively concluded that the HPLC assay can be used in place of the LD_{50} test for toxicity determination of these antitumor antibiotic drugs.

Therefore, FDA is proposing that the HPLC assay methods for dactinomycin, doxorubicin hydrochloride, and plicamycin under 21 CFR 436.331, 436.322, and 436.341, respectively, be considered sufficient for determining whether batches of these antibiotic drugs are within safe limits of inherent toxicity and that the LD_{50} test be eliminated from the regulations for these antibiotic drugs.

In the **Federal Register** of August 26, 1977 (42 FR 43061), FDA published a final rule that promulgated interim provisions for LD_{50} testing of dactinomycin, doxorubicin hydrochloride, and mithramycin (now designated as plicamycin) under 21 CFR 450.1. These interim provisions were rendered moot by FDA's final rule published in the **Federal Register** of September 7, 1982 (47 FR 39155) that exempted all classes of antibiotic drugs from batch certification. Because these interim provisions are no longer relevant, FDA is also proposing that § 450.1 be removed from the antibiotic drug regulations.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an

environmental impact statement is required.

The agency has considered the economic impact of this proposed rule and has determined that it does not require a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). Specifically, the proposed rule would delete a testing requirement, thus eliminating the cost of this test for the manufacturers of these antirumor antibiotic drugs. According, the agency certifies that this rulemaking, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 450

Antibiotics, Antitumor.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 271 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 450 be amended as follows:

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

§ 450.1 [Removed]

1. By removing § 450.1 *Interim requirements for LD_{50}* testing.

2. In § 450.20, by removing paragraph (a)(1)(ii) and footnote [1] and redesignating paragraph (a)(1) (iii), (iv), (v), and (vi) as (a)(1) (ii), (iii), (iv), and (v); by revising paragraph (a)(3)(i); and by removing paragraph (b)(2) and redesignating (b) (3), (4), (5), and (6) as (b) (2), (3), (4), and (5). As revised, § 450.20(a)(3)(i) reads as follows:

§ 450.20 Dactinomycin.

(a) * * *

(3) * * *

(i) Results of tests and assays on the batch for dactinomycin content, loss on drying, absorptivity, crystallinity, and identity.

* * * * *

3. In § 450.24, by removing paragraph (a)(1)(v) and footnote [3] and redesignating paragraph (a)(1) (vi) and (vii) as (a)(1) (v) and (vi); by revising paragraph (a)(3)(i); and by removing paragraph (b)(5) and redesignating (b) (6) and (7) as (b) (5) and (6). As revised, § 450.24(a)(3)(i) reads as follows:

§ 450.24 Doxorubicin hydrochloride.

(a) * * *

(3) * * *

(i) Results of tests and assays on the batch for doxorubicin hydrochloride content, microbiological activity, moisture, pH, crystallinity, and identity.

* * * * *

4. In § 450.220, by removing the sixth sentence in paragraph (a)(1) and footnote [4]; by revising paragraph (a)(3)(i)(*b*); and by removing paragraph (b)(4) and redesignating (b) (5) and (6) as (b) (4) and (5). As revised, § 450.220(a)(3)(i)(*b*) reads as follows:

§ 450.220 Dactinomycin for injection.

(a) * * *

(3) * * *

(i) * * *

(*b*) The batch for dactinomycin content, sterility, pyrogens, loss on drying, and pH.

* * * * *

5. In § 450.224, by removing footnote [3] and by revising paragraph (a)(3)(i)(*a*) to read as follows:

§ 450.224 Doxorubicin hydrochloride for injection.

(a) * * *

(3) * * *

(i) * * *

(*a*) The doxorubicin hydrochloride used in making the batch for doxorubicin hydrochloride content, microbiological activity, moisture, pH, crystallinity, and identity.

* * * * *

6. In § 450.240, by removing the sixth sentence in paragraph (a)(1) and footnote [1]; by revising paragraph (a)(3)(i)(b); and by removing paragraph (b)(4) and redesignating (b)(5), (6), (7), and (8) as (b)(4), (5), (6), and (7). As revised, § 450.240(a)(3)(i)(*b*) reads as follows:

§ 450.240 Plicamycin for injection.

(a) * * *

(3) * * *

(i) * * *

(*b*) The batch for plicamycin content, sterility, pyrogens, moisture, pH, depressor substances, and identity.

* * * * *

Interested persons may, on or before January 14, 1985, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before December 13, 1984, submit to the Dockets Management Branch a request for an informal conference. The participants in an formal conference, if one is held, will have until January 14, 1985, or 30 days from the date of the conference, whichever is later, to submit their comments.

Dated: November 2, 1984.

Willian F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-29614 Filed 11-9-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[SD-190]

Revalidation of Nonimmigrant Visas; Withdrawal of Proposed Rule

AGENCY: Department of State.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Department of State is withdrawing its proposal to amend 22 CFR 41.125(g) to restrict the classes of cases in which nonimmigrant aliens in the United States maintaining E, H, I, or L nonimmigrant status may apply to have their nonimmigrant visas revalidated by the Visa Office of the Department.

FOR FURTHER INFORMATION CONTACT: Guida Evans-Magher, Telephone: 202 632–2907.

SUPPLEMENTARY INFORMATION: On December 8, 1983 the Department published a notice of proposed rulemaking seeking comment on a proposed amendment of 22 CFR 41.125(g) to eliminate the revalidation by the Visa Office of nonimmigrant visas for aliens in the United States in E, H, I, or L nonimmigrant status, except for aliens employed by entities of the government of the country of the alien's nationality. After careful consideration of all comments received in response to the proposed rulemaking the Department has decided to withdraw the proposal.

Accordingly, the proposed rule to amend 22 CFR Part 41, section 41.125(g), published in the **Federal Register** of December 8, 1983 (48 FR 54995–[SD–186]), is hereby withdrawn.

Dated: October 31, 1984.

Joan M. Clark,

Assistant Secretary for Consular Affairs.

[FR Doc. 84-29661- Filed 11-9-84; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 41 and 48

[LR-31-83]

Heavy Vehicle Use Tax Credits and Refunds of the Tax on Diesel Fuel; Public Hearing on Proposed Regulations

Correction

In FR Doc. 84-29275 appearing on page 44310 in the issue of Tuesday, November 6, 1984, make the following correction in the middle column: In the second paragraph of the "SUPPLEMENTARY INFORMATION" section, in the tenth line, "Friday, November 31, 1984" should read "Friday, November 30, 1984".

BILLING CODE 1505-01

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 549; Ref. Notice No. 480, 491]

Reduced Proof Distilled Spirits

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

ACTION: Reopening of comment period for advance notice of proposed rulemaking.

SUMMARY: On August 4, 1983, ATF published an advance notice of proposed rulemaking relating to standards of indentity for distilled spirits bottled at less than the minimum bottling proof required by 27 CFR 5.22. The notice also requested comments on names for these products such as "light" or "mild." Notice No. 491 extended the comment period until January 31, 1984.

This notice reopens the comment period on Notice No. 480 until January 31, 1985. ATF believes this additional time will allow for the submission of more information related to reduced proof distilled spirits.

DATE: Written comments must be received by January 31, 1985.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 [Attention: Notice No.].

Copies of the Heublein petition and written comments to this notice and to Notice No. 480 will be available for public inspection and copying during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405 Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226. Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

In 1982, Heublein Spirits Group petitioned ATF to change the standards of identity for distilled spirits by allowing a new category of reduced proof distilled spirits. Heublein requested that these products be designated "mild," for example "mild vodka."

In their petition, Heublein stated that consumers are seeking foods and beverages with less sugar, salt, and fewer calories. Among these beverages are low calorie wines and beer. They noted that wine which is not over 14% alcohol by volume may be labeled "light" under existing regulations. Heublein also stated that brewers did not need government approval to market "light" beers.

The petitioner stated that consumers deserve and desire additional choices of distilled spirits products, and that only the marketplace can determine if they will be accepted.

Heublein also requested the word "mild" be used to describe reduced proof distilled spirits because the word "light" has been preempted since 1968 for "light whisky." In requesting the word "mild," the petitioner claimed that a consumer survey showed that the terms "light" and "mild" represent less alcohol content than an 80 proof product, and that these terms receive good consumer acceptance and understanding of a lower proof product. Conversely, Heublein claimed that research shows "diluted," required by ATF Ruling 75-32 for reduced proof distilled spirits, implies a negative connotation to consumers.

Notice No. 480

In response to the Heublein petition, ATF issued an advance notice of proposed rulemaking, Notice No. 480 on August 4, 1983 [48 FR 35460]. This notice outlined the petition and stated that ATF would consider amending the standard of identity regulations in 27 CFR Part 5 to allow for the labeling and advertising of distilled spirits at a lower proof than currently permitted. The notice solicited information from the public and industry on how reduced proof distilled spirits should be designated to distinguish them from spirits bottled at the proofs required by the standards of identity. It further solicited information on appropriate names for reduced proof distilled spirits such as "mild" or "light." The notice also raised seven specific questions regarding reduced proof distilled spirits. Although the comment period for Notice No. 480 closed on November 2, 1983, it was extended until January 31, 1984, by Notice No. 491, October 28, 1983 [48 FR 49870].

Comments to Notice No. 480

ATF received 54 comments to Notice No. 480 from 48 individual respondents. Comments range from full support of the Heublein petition, to support for retaining the current standards of identitiy and ATF Ruling 75-32 which requires "diluted" on reduced proof distilled spirits.

On September 21, 1984, ATF received a request from the Wine and Spirits Wholesalers of America to reopen the comment period. WSWA requested this action to allow them time to obtain a consensus of their members on this issue.

In view of the substantial interest in reduced proof distilled spirits and the importance of this issue, ATF is reopening the comment period until January 31, 1985.

Public Participation

ATF is requesting information on the following questions:

(1) Does a potential market exist for these products? Are there any market surveys or studies supporting reduced proof distilled spirits?

(2) What name would be appropriate in describing reduced proof distilled spirits? Heublein has suggested "mild" and "light." Are there other names such as "reduced proof," "low alcohol," etc. which are suitable?

(3) What proof standards should apply to reduced proof distilled spirits? Should they be a fixed percentage, such as 25% or 33% less than "regular" products, or should an arbitrary proof be established, such as 60 proof for products, which are required to be 80 proof? Should minimum or maximum proofs be established for these products?

(4) What precautions, if any, should be made to differentiate reduced proof distilled spirits from "regular" products? Is the name used in the standard of identity, such as "mild," "light," "reduced proof," etc., sufficient? Should ATF require other label information such as placing the proof of the product in direct conjunction with the class designation? Should other requirements

such as those found in ATF Ruling 75–32 be incorporated into this standard of identity?

(5) Should ATF consider requiring the label of these reduced proof distilled spirits to show the percentage alcohol by volume in addition to the proof?

In view of material presented with the comments to Notice No. 480, ATF is no longer seeking information on the possible redesignation of "light whisky" or on the possible caloric labeling of reduced proof distilled spirits.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Drafting Information

The principal author of this document is Charles N. Bacon, FAA, Wine, and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority: This notice is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended; 27 U.S.C. 205.

Approved: October 31, 1984.

Stephen E. Higgins,

Director.

[FR Doc. 84–29699 Filed 11–9–84; 8:45 am]

BILLING CODE 4810–31–M

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27 CFR Parts 55 and 178

[Notice No. 550]

License and Permit Procedures; Firearms and Explosives

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

ACTIONS: Notice of proposed rulemaking.

SUMMARY: ATF is proposing to issue regulations that will require applicants for Federal firearms and/or explosives licenses and permits to mail their Federal license or permit applications to a post office box in one or more geographic areas. This procedure will decrease the time of response to the applicant and reduce the cost to the Government.

DATE: Comments must be received on or before December 13, 1984.

ADDRESS: Send comments to: Chief, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 189, Washington, DC 20044 (Notice No. 550).

FOR FURTHER INFORMATION CONTACT: Henry M. McMahon, Firearms and Explosives Operations Branch, (202) 566–7591.

SUPPLEMENTARY INFORMATION:

Background

The Firearms regulations under the Gun Control Act of 1968 and the Explosives regulations under Title XI of the Organization Crime Control Act currently requires an applicant for a firearms and explosives license or permit to file an application and the correct fee through the Director of the Internal Revenue Service Center for the district or region in which the applicant intends to operate. The IRS service center deposits the fees and forwards the application to ATF for processing.

This proposal utilizes a post office box deposit system to deposit fees to U.S. Treasury General Account and direct the application to the ATF Office indicated on the form, on a daily basis.

We are also proposing to revise the language in the affected sections of the regulations to reflect the actual procedures: for obtaining copies of licenses or permits; giving notice of change of location of business premises; deleting of reference to licensing under the Federal Firearms Act; and starting the required 45-day time period with the receipt of a perfected application and certification of correct remittance at the ATF Licensing Section as indicated on the form.

Proposed Regulations

This notice proposes amendments to the regulations that will change the location for mailing firearms and explosives license and permit application. All of these applications are now being sent to the Regional Director (Compliance) (ATF) via the Director of the Service Center having jurisdiction over a given geographical area. ATF proposes to have the application mailed to the Regional Director (Compliance) of ATF, at the post office box specified on the application form. It is also proposed that all remittances be made payable to the "Bureau of Alcohol, Tobacco and Firearms".

A study conducted by the Bureau of Government Financial Operations has concluded that this proposed system using the commercially proven, special propose post office box would reduce cost, cut response time to the applications and deliver funds to the U.S. Treasury's account more rapidly than is currently the case.

Public Participation and Written Comment

ATF request comments concerning this proposal to change the regulations to allow for the use of the post office box. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late be considered will be treated as possible suggestions for future ATF action. ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter consider to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request in writing to the Director within the 30-day comment period. The Director, however, reserves the right to determine in light of all circumstances whether a public hearing will be held.

Drafting Information

The principal author of this notice of proposed rulemaking is Henry M. McMahon, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 55

Administrative practice and procedure, Authority delegation, Customs duties and inspection, Explosives, Hazardous materials, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, and Warehouses.

27 CFR Part 178

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs delegations, Customs duties and inspections, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, and Transportation.

Executive Order 12291

It has been determined that this proposed rule is not classified as a "major rule" within the meaning of Executive Order 12291 of February 17, 1981(46 FR 13193), because it will not have an annual effect on the economy of

$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will allow firearms and explosives license and permit applicants faster response from the Federal Government, and, at the same time, cause no increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact nor compliance burden on a substantial number of small entities.

Authority: Accordingly, under the authority in 18 U.S.C. 847 (84 Stat. 959), and section 926 (82 Stat. 1226), the Director proposes the amendment of 27 CFR Part 55, and Part 178 as follows:

PART 55—COMMERCE IN EXPLOSIVES

Paragraph 1. The Table of Sections will be amended to change the heading of § 55.47 to read as follows:

Sec.

* * * * *

55.47 Insufficient fee.

* * * * *

§ 55.11 [Amended]

Paragraph 2. The meaning of terms in § 55.11 is amended by removing the definitions of *"District Director"*, *"Internal Revenue District"*, and *"Service Center Director"*.

§ 55.41 [Amended]

Paragraph 3. Paragraph (b) of § 55.41 will be amended by replacing "the Service Center Director for the internal revenue district in which his business premises are to be located." with "ATF in accordance with the instructions on the form (see § 55.45)." Paragraph (c) of § 55.41 will be amended by replacing "the Service Center Director for the internal revenue district in which is located his legal residence or principal place of business." with "AFT in accordance with the instructions on the form (see § 55.45)."

Paragraph 4. § 55.45 will be revised to read as follows:

§ 55.45 Original license or permit.

(a) Any person who intends to engage in business as an explosive materials importer, manufacturer, or dealer, or who has not timely submitted application for renewal of a previous license issued under this part, shall file with ATF an application for License, Explosives, ATF F 5400.13 with ATF in accordance with the instructions on the form. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application is to be accompanied by the appropriate fee in the form of a money order or check made payable to the Bureau of Alcohol, Tobacco and Firearms. AFT F 5400.13 may be obtained from any ATF office.

(b) Any person, except as provided in § 55.41(a), who intends to acquire explosive materials from a licensee in a State other than the State in which that person resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, or who has not timely submitted application for renewal of a previous permit issued under this part, shall file an application for Permit, Explosives, ATF F 5400.16 with ATF in accordance with the instructions on the form. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application is to be accompanied by the appropriate fee in the form of a money order or check made payable to the Bureau of Alcohol, Tobacco and Firearms. ATF F 5400.16 may be obtained from any ATF office.

§ 55.46 [Amended]

Paragraph 5. Section 55.46 is amended by replacing "the Service Center Director for the internal revenue district in which the business premises are located, or in the case of a permittee, in which is located his legal residence or principal place of business." with "ATF in accordance with the instructions on the form."

Paragraph 6. Section 55.47 is revised to remove reference to the receipt of applications by Internal Revenue Service officials. As revised, § 55.47 reads as follows:

§ 55.47 Insufficient fee.

If an application is filed with an insufficient fee, the application and fee submitted will be returned to the applicant.

§ 55.49 [Amended]

Paragraph 7. Paragraph (c) of § 55.49 is amended by removing the words "by the Service Center Director".

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Paragraph 8. The Table of Sections is to be amended to revise the heading of § 178.46 to read as follows:

Sec.

* * * * *

178.46 Insufficient fee.

* * * * *

§ 178.11 [Amended]

Paragraph 9. The meaning of terms in § 178.11, is amended by removing the definition of *"District Director"* and *"Internal revenue district."*

§ 178.41 [Amended]

Paragraph 10. Section 178.41, paragraph (b) is amended by replacing "the Service Center Director or District Director for the internal revenue district in which his premises are to be located," with "ATF in accordance with the instructions on the form (see § 178.44)". Paragraph (c) of § 178.41 is amended by replacing "the Service Center Director or District Director for the internal revenue district in which his collection premises are to be located," with "ATF in accordance with the instructions on the form (see § 178.44)".

Paragraph 11. Section 178.44, paragraph (c) containing an obsolete transitional rule, is removed. Paragraph (a) and (b) are revised to read as follows:

§ 178.44 Original license.

(a) Any person who intends to engage in business as a firearms or ammunition importer, manufacturer, or dealer or who has not previously been licensed under the provisions of this part to so engage in business, or who has not timely submitted an application for renewal of the previous license issued under this part, shall file an application for license, Form 7 (Firearms), in duplicate with ATF in accordance with the instructions on the form. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be

accompanied by the appropriate fee in the form of a money order or check made payable to the Bureau of Alcohol, Tobacco and Firearms. ATF Forms 7 (Firearms), may be obtained from any ATF office.

(b) Any person who desires to obtain the previleges granted to a licensed collector under the Act and this part, or who has not timely submitted an application for renewal of the previous license issued under this part, shall file an application, Form 7 (Firearms), in duplicate with ATF in accordance with the instructions on the form. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the appropriate fee in the form of a money order or check made payable to the Bureau of Alcohol, Tobacco and Firearms. The Forms 7 (Firearms) may be obtained from any ATF office.

§ 178.45 [Amended]

Paragraph 12. Section 178.45 is amended by replacing "District Director for the internal revenue district in which the business or activity is operated." with "ATF in accordance with the instructions on the form."

Paragraph 13. Section 178.46 is revised to remove reference to receipt of applications by Internal Revenue Service officials. As revised, § 178.46 reads as follows:

§ 178.46 Insufficient fee.

If an application is filed with an insufficient fee, the application and any fee submitted will be returned to the applicant.

§ 178.47 [Amended]

Paragraph 14. Paragraph (a) of § 178.47 is amended by replacing "internal revenue district," with "region." Section 178.47, paragraph (c) is amended by removing the words "by the Director".

Paragraph 15. Section 178.52 will be revised to read as follows:

§ 178.52 Change of address.

A licensee may, during the term of the current license, remove the business of activity to a new location at which it is intended to regularly engage in business or activity without procuring a new license: *Provided*, notification of the change in location is given to the Regional Director (Compliance) of the issuing region 10 days before such move is made. If the move is to another region the Regional Director (Compliance) for the new location shall also be notified concurrently. The license will be submitted to the Regional Director (Compliance) having jurisdiction over the ATF region to which or within which removal is to be made. After endorsement of the license to show the new address, and the new license number, if any, the Regional Director (Compliance) will return same to the licensee.

Paragraph 16. Section 178.95 will be revised to read as follows:

§ 178.95 Certified copy of license.

Each person licensed under the provisions of this part who desires a copy of the license for certification and for use pursuant to § 178.94 shall:

(a) Make a reproduction of the signed license, enter upon such reproduction the statement: "I certify that this is a true copy of a license issued to me to engage in the business specified on the license", and sign the person's name adjacent thereto, or

(b) Submit a request, in writing, for certified copies of the license to the Regional Director (Compliance) for the ATF Region is which the license was issued. The request shall set forth the name, trade name (if any), address of the licensee, and the desired number of copies. There shall be imposed a fee of $1 for each copy of a license issued by the Regional Director (Compliance) under the provisions of this paragraph. Fee payment shall accompany each request for copies of the license. Such fee shall be paid by money order or check made payable to the Bureau of Alcohol, Tobacco and Firearms.

Signed: September 4, 1984.

W.T. Drake,

Acting Director.

Approved: November 2, 1984.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 84-29697 Filed 11-9-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Minerals Management Service (MMS) is requesting responses to questions regarding the economic, technologic, legal, and environmental components involved in 30 CFR Part 250 concerning removal of postproduction platforms. This Advance Notice is to solicit comments.

DATE: Comments must be postmarked or received no later than December 13, 1984.

ADDRESS: Written comments should be submitted to the Department of the Interior, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 646, Room 6A110, Reston, Virginia 22091, Attention: David A. Schuenke.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, telephone (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION: The MMS has recently funded a study to be conducted by the Marine Board of the National Research Council to analyze and advise on the national and international ramifications of platform removal and disposition. The platforms in question were used for oil or gas operations on the Outer Continental Shelf (OCS) but are no longer needed for such operations. The MMS is investigating the implications of platform removal in light of the objectives of the Recreational and Environmental Enhancement for Fishing in the Seas (REEFS) Task Force cochaired by the Secretary of the Interior; proposed legislation (H.R. 5447) concerning artificial reef; possible economic savings to be derived; studies demonstrating considerable incidental biological, social, and economic value associated with offshore structures; and the absence of objection from State or Federal Agencies having jurisdiction. Therefore, we request comments as to the need for a provision relating to platform partial removal or nonremoval, the limitations or conditions that should be included, and a general expression of the benefits and drawbacks.

In view of the foregoing, we request your responses to the following:

Alternative Dispositions

1. What are the alternatives for the disposition of offshore platforms after they have reached the end of their useful life as oil and gas facilities? What are the opportunities for reusing platforms or sections of platforms as oil and gas facilities or for other industrial purposes? What are the costs of the alternatives?

Status of Technology

2. What are the technical problems in dismantling, transporting, relocating, and reusing platforms? What are the technological capabilities?

Environmental Protection

3. What disruption of fisheries' habitats is likely to result from the removal of platforms?

4. The question of the reuse of offshore platforms for the enhancement of fisheries' habitats is of widespread interest. To this end, the structures can be left in place, toppled in place or removed, or transported and relocated as an artificial reef. What are the potential benefits of this alternative? What criteria could be used to identify platforms that have potential for the enhancement of fisheries' habitats?

Economic

5. What percentage of the cost of offshore resource development can be attributed to platform removal? How might this vary in the different Regions?

Legal

6. How is liability for safety, maintenance, marking, and third-party damage affected by the alternative strategies for the disposition of offshore platforms?

This issue will be readdressed in the Notice of Proposed Rulemaking intended to reorganize and reform offshore oil and gas operating regulations now under review within MMS. However, because of the complexity of the issues involved and the concerns of a number of Federal and State agencies with responsibilities in this area, we are requesting comments and suggestions now to assist in the discussion and development of the appropriate policies.

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, Public land/mineral resources, Reporting requirements.

Dated: November 2, 1984.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 84-29628 Filed 11-9-84; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[08-84-06]

Drawbridge Operation Regulations; Houma Canal and Little (Petit) Caillou Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is considering a change to the regulations governing the operation of the swing span bridge over the Houma Canal, mile 1.7, on US90 at Houma, Terrebonne Parish, Louisiana and the vertical lift span bridge over Little (Petit) Caillou Bayou, mile 33.7, on LA24 at Presquille, Terrebonne Parish, Louisiana, to require that the draws of the two bridges open on signal if at least four hours advance notice is given at all times. Presently, these draws are required to open on signal from 5:00 a.m. to 9:00 p.m. and on 12 hours advance notice from 9:00 p.m. to 5:00 a.m. This proposal is being made because of the infrequent requests for opening the draws. This action should relieve the bridge owner of the burden of having persons constantly available at the bridges between 5:00 a.m. and 9:00 p.m. to open the draws, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before December 28, 1984.

ADDRESS: Comments should be mailed to Commander (obr), Eighth Coast Guard District, 500 Camp Street, New Orleans, Louisiana 70130. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Perry Haynes, project officer, and Steve Crawford, project attorney.

Discussion of Proposed Regulations

Vertical clearance of the Houma Canal bridge in the closed position is 4.0 feet above high water and 7.1 feet above low water, while that of the Little (Petit) Caillou Bayou bridge in the closed position is 3.4 feet above high water and 6.5 feet above low water. Navigation through the Houma Canal bridge consists of vessels to service oil and gas properties, and an occasional pleasure boat. That through the Little (Petit) Caillou Bayou bridge consists of fishers, shrimpers and pleasure boats, and an occasional commercial vessel. Data submitted by the LDOTD show that this traffic is infrequent, as noted below:

Houma Canal Bridge. (1) In 1983, between 5:00 a.m. and 9:00 p.m., the period when the bridge now has to open on demand, there were 131 bridge openings—an average of 11.0 openings per month or an average of one opening about every three days. In 1982, 1981 and 1980, there were 146, 286 and 134 openings, respectively, for the same time period.

(2) In 1983, between 9:00 p.m. and 5:00 a.m., the period when the bridge now is on 12 hours advance notice, there were no openings for navigation. This was equally true for 1982, 1981 and 1980.

Little (Petit) Caillou Bayou Bridge. (1) In 1983, between 5:00 a.m. and 9:00 p.m., the period when the bridge now has to open on demand, there were 59 bridge openings—an average of 5.0 openings per month or an average of one opening every six days. In 1982, 1981 and 1980, there were 54, 53 and 72 openings respectively, for the same time period.

(2) In 1983, between 9:00 p.m. and 5:00 a.m., the period when the bridge now is on 12 hours advance notice, there were no openings for navigation. This was equally true for 1982, 1981 and 1980.

Considering the few openings involved, the Coast Guard feels that the current on site attendance at the bridges between 5:00 a.m. and 9:00 p.m. is not warranted, and adoption of the four hours advance notice for an opening at all times will provide relief to the bridge owner, while still providing for the reasonable needs of navigation. The proposed advance notice also would substitute for the current 12 hours advance notice requirement period, thus putting the bridges on a four hours advance notice around the clock.

The advance notice for opening the draws would be given by placing a

collect call at any time to the LDOTD Office in Houma, Louisiana (504–851–0900) for the Houma Canal bridge, or to the District Office at Lafayette, Louisiana (318–233–7404) for the Little (Petit) Caillou Bayou bridge.

Economic Assessment and Certification

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

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that there are few vessels requiring an opening of either bridge. In 1983, the Houma Canal bridge averaged one opening about every three days, while the Little (Petit) Caillou Bayou bridge averaged one opening every six days. Those vessels needing an opening should reasonably be able to give four hours notice by placing a collect call to the bridge owner at any time. Affected mariners are mainly repeat users and scheduling their arrival at the bridges at the appointed time should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising §§ 117.453 and 117.475 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.453 Houma Canal.

The draw of the US90 bridge, mile 1.7 at Houma, shall open on signal if at least four hours notice is given.

§ 117.475 Little (Petit) Caillou Bayou.

(a) The draws of the S58 bridge, mile 25.7 at Sarah, the Terrebonne Parish (Smith Ridge) bridge, mile 26.6 near Montegut, and the Terrebonne Parish (Duplantis) bridge, mile 29.9 near Bourg, shall open on signal; except that, from 9 p.m. to 5 a.m., the draws shall open on signal if at least 12 hours notice is given.

(b) The draw of the S24 bridge, mile 33.7 at Presquille, shall open on signal if at least four hours notice is given.

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

Dated: October 31, 1984.

W.W. Stewart,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 84–29665 Filed 11–9–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD 8–84–07]

Safety Zone; Corpus Christi Ship Channel, Corpus Christi, TX

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard proposed to establish a safety zone around all loaded Liquefied Petroleum Gas (LPG) vessels during their transit through Corpus Christi Harbor. The safety zone will be discontinued for LPG vessels entering port, when they are safely moored at the LPG receiving facility within the Corpus Christi Inner Harbor and for LPG vessels departing the port, when they pass the seaward extremity of the Aransas Pass Jetties. This safety zone is proposed to minimize the risk of collision between LPG carriers and other vessels. This precautionary measure is deemed necessary in consideration of the nature and quantity of the LPG cargo involved and the limited ability of these vessels to take evasive action when maneuvering through the Corpus Christi Ship Channel. This proposed safety zone regulation would require persons to comply with the general safety zone regulations contained in 33 CFR 165.23 which prohibits persons from entering the safety zone without authorization of the Captain of the Port. Mariners will be provided advance notice of scheduled LPG vessel harbor transits through the Corpus Christi Ship Channel via Marine Radio Broadcast Notice to Mariners.

DATE: Comments must be received by December 28, 1984.

ADDRESS: Comments should be mailed to U.S. Coast Guard, Captain of the Port, Port of Corpus Christi, 400 Mann Street, P.O. Box 1621, Corpus Christi, TX 78403. The comments will be available for inspection and copying at the above address. Normal office hours are between 7:30 a.m. and 4:00 p.m. Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Glenn F. Epler, Port Operations Officer, Marine Safety Office, 400 Mann Street, P.O. Box 1621, Corpus Christi, TX 78403; telephone (512) 888–3193.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD–8–84) and the specific section of the proposal to which the comments apply and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant Glenn F. Epler, project officer for the Captain of the Port, Corpus Christi, Texas and LCDR W. B. Thomas, project attorney, Eighth Coast Guard District Legal Office, New Orleans, Louisiana.

Discussion of Proposed Regulation

This proposed safety zone is part of an overall safety program implemented by the Captain of the Port, Corpus Christi, Texas to enhance the safety of Liquefied Petroleum Gas operations in the Port of Corpus Christi. Under present procedures, the Captain of the Port, Corpus Christi would issue a temporary safety zone each time an LPG vessel transits the Corpus Christi Ship Channel, specifying the time and date of the transit and describing the area of the zone. The area described is the same each time since all LPG vessels transit to and from LPG receiving facilities within Corpus Christi Inner Harbor. Because of the recurring nature of the zone, the Coast Guard proposes to issue a permanent safety zone regulation. This safety zone will be in effect whenever a loaded LPG carrier enters the port and transits Corpus Christi Ship Channel enroute to an LPG facility and will remain in effect until the vessel is safely moored; or, whenever a loaded LPG carrier departs an LPG facility and transits the Corpus Christi Ship Channel and will remain in effect until the vessel has passed the seaward extremity of the Aransas Pass Jetties. All marine traffic

would be prohibited from entering the safety zone without authorization from the Captain of the Port, Corpus Christi.

Mariners will be provided notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast to Mariners. The safety zone during transit will be a "moving safety zone" in the waters within 500 yards of the LPG vessel. For incoming LPG vessels, a Coast Guard vessel will meet the LPG carrier at the entrance to the Aransas Pass Jetties and escort it to berth and will stay on scene until the LPG vessel is moored to the receiving waterfront facility, at which time the safety zone will be secured. For outgoing vessels, the process will be reversed. The concept of a moving safety zone around the LPG vessel minimizes the chance of collision with another vessel by eliminating crossing, overtaking or passing situations in Corpus Christi Harbor. It minimizes disruption to other vessel traffic as operators can schedule vessel movements ahead of the LPG vessel transit or just after the LPG vessel has passed. For each LPG vessel arrival the Captain of the Port, Corpus Christi has exercised his authority and established a temporary safety zone describing conditions similar to those contained in this notice of proposed rulemaking. Interested persons who have communicated with the COTP Corpus Christi have voiced approval of this "moving safety zone" concept during LPG vessel transits. The Coast Guard believes that establishing this safety zone as a permanent rule will enhance its effectiveness through greater dissemination.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 (17 February 1981) on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). This proposed regulation is also considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for the conclusion of minimal impact involves the fact that the practice of establishing a safety zone around a loaded LPG vessel has been in effect for many years. Small and large companies with vessels operating in Corpus Christi Harbor are aware of scheduled LPG vessel harbor transits and adjust their vessel movements accordingly. In addition since temporary safety zones are already being used the economic impact of the permanent safety zone is minimal. As long as LPG is being shipped within the Port of Corpus Christi, the establishment of a safety zone will continue to be necessary. The only alternative is to continue present procedures of establishing a temporary zone, which is not as efficient as a permanent zone nor does it receive as much publicity. Based on this assessment it is certified in accordance with section 605(b) of Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Proposed regulation

In consideration of the foregoing, the Coast Guard proposed to amend Part 165 of Title 33, Code of Federal Regulations, by adding §165.817 to read as follows:

§ 165.817 Corpus Christi Ship Channel, Corpus Christi, TX, Safety Zone.

(a) The following areas are established as Safety Zones during specified conditions:

(1) For incoming tank vessels loaded with Liquified Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits the Corpus Christi Ship Channel to the LPG receiving facility. The Safety Zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The Safety Zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast Notice to Mariners.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: October 17, 1984.

K.P. Pensom,

Captain, U.S. Coast Guard.

[FR Doc. 84-29666 Filed 11-9-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 41; FRL-2716-2]

Approval and Promulgation of Implementation Plans; New York State

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of proposed rule.

SUMMARY: On March 23, 1984 (49 FR 11101), the Environmental Protection Agency (EPA) proposed to approve a revision to the New York State Implementation Plan. This revision would have temporarily renewed a relaxation of the sulfur content limitation applicable to certain fuel burning sources located in the Southern Tier East, Central, and Champlain Valley (Northern) Air Quality Control Regions of New York State. Generally, the sources affected are those with a heat input capacity under 250 million British Thermal Units per hour. The relaxation, technically known as a "special limitation," would have allowed the sources to use fuel oil with a maximum sulfur content of 2.8 percent, by weight, until June 30, 1984.

EPA did not approve the plan revision request prior to the June 30, 1984 expiration date specified by the State in its special limitation. Because the applicability of the proposed revision was contingent on EPA's approval and it would have been effective only until June 30, 1984, action by EPA now is unnecessary. Therefore, EPA is withdrawing its proposed rulemaking.

DATE: This action is effective on November 13, 1984.

ADDRESSES: Copies of the State's submittal and the comment received are available for inspection during normal business hours at the following location: Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 1005, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On October 19, 1983 the Environmental Protection Agency (EPA) received a proposed revision to the New York State Implementation Plan (SIP). Additional supporting and clarifying material was submitted by the New York State Department of Environmental Conservation (DEC) on November 4, 1983. The State's SIP revision request provided for the renewal, in modified form, of a State-initiated fuel oil sulfur content relaxation ("special limitation") for certain fuel burning sources in New York's Southern Tier East, Central, and Champlain Valley (Northern) Air Quality Control Regions. A similar "special limitation" was approved by EPA on October 27, 1977 (42 FR 56607) and its extension until December 31, 1982 was approved by EPA on August 20, 1980 (45 FR 55482). On March 23, 1984 (49 FR 11101) EPA proposed to approve the State's current request which would have reinstated the expired special limitation until June 30, 1984.

A 30 day comment period on EPA's March 23, 1984 proposal ended on April 23, 1984. This provided a little more than two months for EPA to analyze and respond to any comments received and to publish a final rulemaking action in the **Federal Register** before the proposed SIP revision became moot. Since fuel oil users could not have procured and used the higher sulfur content fuel oil in the period between the time EPA would have completed its final rulemaking action and the special limitation's June 30, 1984 expiration date, EPA did not finalize the State's request and is now withdrawing its March 23, 1984 proposal.

No fuel oil users are affected by today's action. New York's SIP revision request is embodied in an Order of the Commissioner of the Department of Environmental Conservation which specifies that the higher sulfur content fuel oil cannot be burned until it is approved by EPA. Since the State-proposed plan revision, by its own terms, was not effective until EPA approval and expired on June 30, 1984, further EPA action at this time would serve no purpose.

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: September 28, 1984.

Christopher J. Daggett,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 84-29634 Filed 11-9-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 406, 407, 408, 409, 411, 422 424, 426, 431, 432, and 439

[FRL-2716-3]

Best Conventional Pollutant Control Technology Effluent Limitation Guidelines; Availability of New Information and Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Availability of information and extension of comment period.

SUMMARY: On September 20, 1984, EPA issued a notice of data availability concerning the methodology for Best Conventional Pollutant Control Technology (BCT) effluent limitation guidelines (49 FR 37045). The comment period for the notice was scheduled to close November 19, 1984. EPA is now announcing the availability of additional information and is extending the comment period for 45 days.

DATE: Comments on the notice of data availability, including the information announced today, must be submitted on or before January 3, 1985.

ADDRESS: Comments should be mailed or delivered to Debra Maness, Attn: Comments on BCT Notice of Availability, U.S. Environmental Protection Agency (WH-586), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Maness at (202) 382-5385.

SUPPLEMENTARY INFORMATION: On September 20, 1984, EPA issued a notice of data availablity pertaining to the methodology for Best Conventional Pollutant Control Technology (BCT) effluent limitation guidelines (49 FR 37045). The notice identified possible changes to the methodology and presented new data that the Agency is considering using in the final BCT methodology.

In that notice, the Agency described an analysis of POTW performance data (page 37051, section III.B). The analysis was used to estimate long-term effluent concentrations, which may be used in the benchmark calculations. The data set used in that analysis is a portion of a larger data base, called the O&M Cost Data Base, which is a data collection effort on POTW operation and maintenance costs. The O&M Cost Data Base contains cost information for more than 900 municipal wastewater treatment facilities. It also contains peformance data, such as influent and effluent pollutant concentrations, for more than 500 facilities.

The Agency is considering using the performance data from the entire O&M Cost Data Base in its analysis of long-term effluent concentrations. The use of the entire data base, instead of a portion of it, could affect the calculation of the benchmarks. Therefore, the entire data base is now included in the record, and the comment period is extended for an additional 45 days.

The O&M Cost Data Base is available on computer tape. If you wish to obtain a copy of the tape, please call Debra Maness at (202) 382-5385. The price for a copy of the tape is $75.

The Agency recognizes that this rulemaking is large and complex. Therefore, the public is invited to meet with the Agency's staff during this comment period on issues relating to this rulemaking. Summaries of these meetings will be included in the record of this rulemaking.

In the September 20th FR notice, EPA indicated that following receipt of public comments it would either move directly to publication of a final BCT methodology or repropose the BCT methodology and/or BCT effluent limitations (page 37046). The Agency now intends to move directly to publication of a final methodology without reproposal of any portion of the rulemaking.

Dated: November 6, 1984.

Henry L. Longest II,

Acting Assistant Administrator, Office of Water (WH-556).

[FR Doc. 84-29633 Filed 11-9-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS-82; Notice 1]

Transportation of Hazardous Liquids by Pipeline: Recordkeeping and Accident Reporting

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to (1) reduce the overall recordkeeping

requirements and to simplify and modify the accident reporting requirements now in effect for operators of interstate pipelines that transport petroleum, petroleum products, or anhydrous ammonia, and (2) make these requirements applicable to operators of intrastate pipelines that transport those commodities. This action will reduce the paperwork burden on interstate pipeline operators without reducing pipeline safety, and will provide more meaningful, comprehensive data to assess compliance and analyze pipeline accidents.

DATE: Interested persons are invited to submit comments on this notice before January 14, 1985. Late filed comments will be considered insofar as practicable.

ADDRESS: Comments should be sent to the Dockets Branch, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. All comments and docket materials may be reviewed in the Dockets Branch, Room 8426, between the hours of 8:30 a.m. and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Frank Robinson, 202–426–2392, regarding the content of this notice, or the Dockets Branch, 202–426–3148, regarding copies of this notice or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

On January 15, 1981, the American Petroleum Institute (API) petitioned the MTB (Petition No. P–14) to change the recordkeeping requirements of §§ 195.310 and 195.404 of 49 CFR Part 195. Section 195.310 requires operators to keep certain information on pressure recording gauge charts. API argued that the amount of information to be kept on the recording charts often makes the chart cluttered and illegible. API recommended that the required information be kept on separate documents instead of the charts to provide more legible records.

In regard to § 195.404, API recommended reducing to 1 year the respective retention periods for daily operating records (§ 195.404(b)), for repair records on facilities other than pipe (§ 195.404(c)(1)), and for records of inspections and tests prescribed by Subpart F (§ 195.404(c)(2)). The current rule requires that daily operating records be kept for 3 years and that all repair, inspection, and test records be kept for the useful life of the facility. API suggested that a 1-year retention period is adequate time to make records available to analyze any problems concerning daily operations, the periodic tests or inspections required by Subpart F, or repairs to facilities other than pipe.

The accident reporting requirements under Subpart B of Part 195 and the recordkeeping requirements of §§ 195.266, 195.310, and 195.404 currently apply only to interstate pipelines that are used in the transportation of petroleum, petroleum products, or anhydrous ammonia. The MTB published a notice on March 26, 1984, (49 FR 11226, Docket No. PS–80), proposing to extend the applicability of 49 CFR Part 195 to intrastate pipelines that transport those commodities and affect interstate or foreign commerce. That proposal specifically excepted recordkeeping and accident reporting requirements because of the planned rulemaking to review the accident reporting and recordkeeping requirements of Part 195 to determine if they create an unnecessary burden. This notice, which is the result of that review, now proposes identical recordkeeping and accident reporting requirements for interstate pipelines that are now subject to Part 195 and for those intrastate pipelines that would become subject to Part 195 when the rules proposed in Docket PS–80 are adopted as final. These modified requirements would take effect for interstate pipelines 30 days after being adopted as final. For intrastate pipelines, however, they would not take effect until final rules adopted in Docket PS–80 become effective. Longer lead times, as suggested by commenters, may be adopted if justified in MTB's opinion.

In an effort to reduce unnecessary paperwork, the MTB has considered not only the changes in recordkeeping recommended by API but also all of the remaining recordkeeping requirements as well as the accident reporting requirements of Part 195. The MTB believes the resulting proposed changes are consistent with the goal of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et. seq.) to minimize the federal paperwork burden.

Recordkeeping

Section 195.266. Section 195.266(f) requires, in part, that when a new pipeline is constructed or an existing pipeline is relocated, replaced, or otherwise changed, a record of the location of "weighted pipe" and "other item connected to the pipe" be maintained for the life of the facility. However, MTB believes that these records are not needed to assure compliance with any related regulation in Part 195, to facilitate inspections or tests, or for other safety reasons. Consequently, MTB proposes to delete the requirement to maintain a record of the location of weighted pipe and items connected to pipe as superfluous.

Section 195.310(a). The current rule requires that records of hydrostatic test be made and that the test record be kept as long as the facility tested is in use. The purpose of the initial and any subsequent hydrostatic tests under Part 195 is to confirm pipeline integrity and provide a basis for the pipeline's maximum operating pressure. Because the latest hydrostatic test serves this purpose better than earlier tests, MTB believes that records of any earlier hydrostatic tests are unnecessary. For these reasons, the MTB proposes to amend this section to permit operators to discard all but the latest hydrostatic test records.

Section 195.310(b) sets forth the minimum requirements for the hydrostatic test records to be retained. Several changes are proposed for this section as follows:

The requirement to keep certain information physically on the recording chart would be amended to permit operators to keep the information on other documents for the reasons suggested by API. The currently required "dead weight tester data" would be included within a new term, "test instrument calibration data." This change would take into account the fact that modern instrumentation which does not involve dead weight testers is now in use. The reasons for any test failure would no longer be separately required, but would be included in the proposed § 195.310(b)(8).

Section 195.404. Under § 195.404(a)(1), requiring operators to maintain records identifying their "major facilities" is too indefinite and may not result in identification of facilities that MTB considers major. As set forth below, MTB is proposing to substitute a list of specific facilities for "major facilities."

Such specificity should assist operators and enforcement personnel in determining compliance with other operation and maintenance rules in Subpart F of Part 195 that directly pertain to the listed facilities. Line pipe would not be listed since its location and identification is now required by § 195.404(a)(4). Paragraphs (a)(2)–(a)(4) would not be changed by this proposal.

The 3-year retention period in § 195.404(b) for daily operating records would be retained in contrast to the 1 year period as API recommended. The MTB believes that three years' collection of daily records are necessary to demonstrate and confirm potential operational problems.

Further, instead of daily records of any "unusual operations of a facility" as required by the current § 195.404(b), the proposed amendment would require a record of "any emergency or abnormal operation to which the procedures under § 195.402 apply." The MTB believes the term "unusual operations" is indefinite and could be construed to cover a wide spectrum of events unrelated to safety. Substitution of the terms "emergency" and "abnormal operation", on the other hand, would comport with the use of these terms in § 195.402(d) and (e) and would aid enforcement personnel in investigating the operator's use of the procedures to respond to abnormal operations and emergencies.

Unlike the current rule, the proposed § 195.404(c) distinguishes between records of repairs made to pipe and records of repairs made to parts of the pipeline system other than pipe. Records of repairs made to pipe under the proposed § 195.404(c)(1) would be retained for the useful life of the pipe as is required by the current rule. Records of repairs to parts of the pipeline system other than pipe would be retained for at least 1 year instead of the currently required useful life of the part. MTB agrees with API that any problems in repair should surface within one year so that it is unnecessary to retain repair records for more than a year.

In contrast to the 1-year retention period recommended by the API petition, the retention period for inspections and tests prescribed by Subpart F would be reduced by the proposed § 195.404(c)(3) from the current useful life of the facility to at least 5 years. A 5-year retention period is necessary to assure compliance with the 5-year inspection and test intervals prescribed by §§ 195.412(b), 195.416(d), and 195.428(b).

Accident Reporting

The form (DOT Form 7000–1) which interstate operators now must use to report accidents under Subpart B of Part 195 would be revised to delete unnecessary information items and to gather more meaningful data. Comments on information items that should be added or deleted together with appropriate rationale, clearer wording for proposed information items or instructions, and better organization of the form are specifically requested. Specific proposed revisions to the accident reporting regulations are discussed below.

Under § 195.54 the 15-day period for reporting accidents is needlessly short and would be increased to 30 days to provide more time for gathering data. Also, under § 195.54, as well as the revised form, provisions would be added for filing accident reports for intrastate pipelines. Intrastate operators would be permitted to file reports with State agencies that have submitted certifications under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 provided the State agency requires such report and agrees to forward a copy of the report to MTB within 10 days.

Section 195.56 would be deleted from the regulations and revised instructions would be included on the accident report form. Adding the instructions to the form should make the form easier to complete. Removing the instructions from Part 195 will allow the instructions to be modified more easily as MTB and the industry gain experience with use of the new form. At the outset, however, comments on the revised instructions are solicited.

Section 195.58 would be amended to permit filing changes or additions to an accident report with a State agency in the same manner as an original report under the proposed $195.54. The filing period for changes or additions would be changed from "immediately" to "within 30 days" to be consistent with the filing period for the original report.

Significant changes proposed for Form DOT 7000–1 are as follows:

In Part A an entry would be added to indicate whether the pipeline is interstate or intrastate. This information is needed to determine whether there is a difference in the cause or frequency of accidents between interstate and intrastate pipelines.

In Part B operators would have to indicate whether the accident occurred onshore or offshore, and whether Federal lands were involved. The onshore/offshore information would be used in future analyses devoted to the special conditions of offshore pipelines. The Federal lands information is needed for MTB to comply with the reporting requirements of section 28(w) of the Mineral Leasing Act of 1920 (30 U.S.C. 185(w)).

Part C would combine item 4 of Part B, item 3 of Part G, and item 4 of Part H of the current form with information currently in Part C. All the information concerning the part of the system involved as well as the specific item involved would be included in Part C to simplify the organization of the form.

Part E of the current form requires differentiation between employees and non-employees when reporting deaths and injuries. The new form would require only the total deaths and total injuries because the totals are the important factors when considering the effect or cost of an accident.

Part F would be changed to require operators to report all estimated property damage. The cost of the commodity lost and cost of clean-up would be specifically included in order to get a more complete estimate of the total property damage. Unlike the current form, damage would not be divided between operator and other property damage, because it is the total property damage that is significant. Also, the items damaged need not be listed.

Part G of the proposed form would change the way a spilled commodity is classified and reported. The spilled commodity is to be classified as petroleum, petroleum product, or anhydrous ammonia, and if the commodity is a petroleum product, as a highly volatile liquid. These changes would facilitate entry of these data into the MTB computer data bank and should make errors in classification less frequent.

Part H of the proposed form would reduce the number of data entries currently required from 17 to 11. Entries for condition when installed, pipe configuration, amount of cover, and test medium used would be deleted because these items are not usually associated with the cause of an accident. The entry for "coating" would be deleted as this information is provided in Part I of the form. One new item, "specified minimum yield strength", would be substituted for the current entry for "pipe grade" to more clearly indicate pipe strength. The entry for "Design Pressure" would be changed to "Maximum Operating Pressure" as a better indication of the pressure limit to which the pipe has been qualified. As stated above, the "year of installation" would be moved to Part C.

Part I of the proposed form would eliminate two entries for type of corrosion tests and their timing. Electrical tests for corrosion on cathodically unprotected bare pipe are required by § 195.416(d) at least every 5 years, and the deleted entries are not needed in view of this rule. A new entry would indicate whether the corrosion was galvanic or some other type. This entry should cast light on the types and prevalence of bacterial corrosion, and whether bacterial corrosion presents a significant safety problem.

Part J of the current form would be changed substantially to provide more complete information about all accidents caused by outside force instead of just accidents resulting from equipment rupturing the pipeline. The type of outside force damage that caused the accident would be entered,

along with whether a "one-call" or other damage prevention program was in effect and, if so, whether the excavator called or the pipeline location was temporarily marked for the excavator. Entries for the distance to the closest permanent line marker, information on the marker, and the length of time between patrols have been deleted as not being needed in view of the current standards in Part 195 governing these topics. The new entires concerning "one-call" or other damage prevention programs are designed to determine whether the operator participates in such programs and the timeliness of calls and marking under these programs.

Paperwork Reduction Act

This proposed rulemaking contains information collection requirements in the following sections: Subpart B of Part 195 and §§ 195.266, 195.310 and 105.404. These requirements will be submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). Persons desiring to comment on these information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, Attention: Desk Officer, MTB. Persons submitting comments to OMB are also requested to submit a copy of their comments to MTB as indicated above under *ADDRESS.*

Cost Impact

This notice does not propose a "major rule" under Executive Order 12291, and it does not propose a "significant rule" as defined by the Department of Transportation Policies and Procedures (DOT Order 2100.5). With respect to interstate pipelines, the proposed rule would reduce the number of records to be kept, reduce the overall retention time for records, and simplify accident reporting. However, the reduced paperwork burden and lowered costs to interstate pipeline operators and the government are not considered substantial enough to warrant further evaluation of the economic impact. With respect to intrastate pipelines the Draft Regulatory Evaluation prepared for Docket PS–80 covers the existing recordkeeping and reporting requirements of Part 195. That evaluation shows that net benefits would result if Part 195 is extended in its present form to intrastate operators. The changes to the paperwork requirements of Part 195 proposed by this notice would increase those benefits by reducing the paperwork burden projected by the evaluation.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires a review of certain rules proposed after January 1, 1981, for their effects on small businesses, organizations, and governmental bodies. I certify that the proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. Few, if any, small entities operate interstate pipelines. Also, the Draft Evaluation in Docket PS–80 shows that small entities that operate intrastate pipelines will not be affected by the proposed rule.

List of Subjects in 49 CFR Part 195

Anhydrous ammonia, Hazardous liquids, Petroleum products, Pipeline safety, Reporting and recordkeeping requirements.

PART 195—[AMENDED]

Therefore, in view of the foregoing, the MTB proposes to amend 49 CFR Part 195 and the Liquid Pipeline Accident Report Form as follows. Also, MTB proposes to apply Subpart B of Part 195 and §§ 195.266, 195.310, and 195.404 to intrastate pipelines to which other regulations in Part 195 have been proposed to apply in Docket PS–80 (49 FR 11226), with the amendments to Subpart B and §§ 195.266, 195.310, and 195.404, and the accident report form as proposed below.

1. Section 195.54 would be revised to read as follows:

§ 195.54 Accident reporting.

Each operator that experiences an accident that is required to be reported under this subpart shall, as soon as practicable but not later than 30 days after discovery of the accident, prepare and file an accident report, on DOT Form 7000–1 or a facsimile, with the Information Systems Manager, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. The operator shall file two copies of each report and shall retain one copy at its principal place of business. However, reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to certification under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979, may be submitted in duplicate to the State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy, within 10 days of receipt to the Information Systems Manager, Materials Transportation Bureau.

§ 195.56 [Removed]

2. Section 195.56 would be removed.

3. Section 195.58 would be revised to read as follows:

§ 195.58 Changes in or additions to accident report.

Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000–1 it shall file a supplemental report within 30 days with the Information Systems Manager, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. However, reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to certification under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 may be submitted in duplicate to the State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt to the Information Systems Manager.

4. Section 195.266(f) would be revised as follows:

§ 195.266 Construction records.

* * * * *

(f) The location of each valve and corrosion test station.

5. Section 195.310 would be revised to read as follows:

§ 195.310 Records.

(a) A record must be made of each hydrostatic test and the record of the latest test must be retained as long as the facility tested is in use.

(b) The record required by paragraph (a) of this section must include:

(1) The pressure recording charts;

(2) Test instrument calibration data;

(3) The name of the operator, the name of the person responsible for making the test, and the name of the test company used, if any;

(4) The date and time of the test;

(5) The minimum test pressure;

(6) The test medium;

(7) A description of the facility tested and the test apparatus;

(8) An explanation of any pressure discontinuities, including test failures, that appear on the pressure recording charts; and

(9) Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that shows the elevation and test sites over the entire length of the test section.

6. In § 195.404, paragraphs (a)(1), (b), and (c) would be revised to read as follows:

§ 195.404 Maps and records.

(a) * * *

(1) Location and identification of the following pipeline facilities:
(i) Breakout tanks;
(ii) Pump stations;
(iii) Scraper and sphere facilities;
(iv) Pipeline valves;
(v) Cathodically protected facilities;
(vi) Facilities to which § 195.402(c)(9) applies;
(vii) Rights-of-way; and
(viii) Safety devices to which § 195.428 applies.

* * * * *

(b) Each operator shall maintain for at least 3 years daily operating records that indicate—
(1) The discharge pressures at each pump station; and
(2) Any emergency or abnormal operation to which the procedures under § 195.402 apply.
(c) Each operator shall maintain the following records for the periods specified;
(1) The date, location, and description of each repair made to pipe shall be maintained for the useful life of the pipe.
(2) The date, location, and description of each repair made to parts of the pipeline system other than pipe shall be maintained for at least 1 year.
(3) A record of each inspection and test required by this subpart shall be maintained for at least 5 years.

7. The accident reporting form (Form DOT 7000–1) would be revised as follows:

Note.—Form DOT 7000–1 will not be shown in the Code of Federal Regulations.

Department of Transportation

Liquid Pipeline Accident Report

Instructions: Submit in duplicate. If the space provided for any question is not adequate, attach an additional sheet. Definition of a reportable accident is stated in Code of Federal Regulations, Title 49, Part 195, Subpart B. File both copies of this report within 30 days after discovery of the accident with the Information Systems Manager (DMT–63), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. However, reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to certification under section 205 of the Hazardous Liquid Pipelines Safety Act of 1979 may be submitted in duplicate to the State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt to the Information Systems Manager.

Please write or call the Information Systems Manager (202–472–1024) concerning questions about this report or these instructions, or to obtain copies of Form DOT 7000–1.

Each operator shall prepare each report of an accident on Form DOT 7000–1 or a facsimile as follows:

(1) *General.* Each applicable item must be marked or filled in as fully and as accurately as information accessible to the operator at the time of filing the report will permit.

(2) *Part A.* Enter the complete corporate name of the operator. Enter the address of the operator's principal place of business, including zip code.

(3) *Part B, Item 1.* Enter the date the accident occurred or was discovered. If the accident was not discovered on the date it occurred, state this under Part K. Indicate whether the accident occurred on Federal lands. For purposes of this report "Federal lands" means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf.

Item 2. Enter the time the accident occurred according to a 24 hour clock (e.g., 1945). If the time of occurrence is not known, enter the time the accident was discovered and state this fact under Part K.

(4) *Part E.* Give the number of deaths and injuries known at the time of filing this report even if they were previously reported telephonically to the Department of Transportation. If none, state none.

(5) *Part F.* Indicate the total property damage including the value of the commodity not recovered, damage to other parties, and cost of clean up. The value of the damage is present day costs. If none, state none.

(6) *Part G, Item 1.* State the commonly used name of the commodity spilled such as #2 fuel oil, regular gasoline, propane, etc.

Item 2. Give the classification of the commodity spilled and if it is a petroleum product, indicate whether it is a highly volatile liquid (HVL) or non-HVL. For a definition of "highly volatile liquid", see § 195.2. If the commodity spilled is not anhydrous ammonia, petroleum, or a petroleum product, it is not necessary to file this report.

(7) *Part K.* Give an account of the accident sufficiently complete and detailed to convey an understanding of the cause of the accident. Continue on an extra sheet of paper if more space is needed.

A. Operator Information:
1. Name of operator
2. Principal business address
3. Is pipeline interstate? ☐ Yes ☐ No

B. Time and Location of Accident:
1. Date (Month, Day, Year)
2. Hour (24 hour clock)
3. If onshore, give State (including Puerto Rico and Washington, DC), and county or city.
4. If offshore, give offshore coordinates.
5. Did accident occur on Federal lands? Yes ☐ No ☐ (See instructions for definition of Federal lands)
6. Specific location (If location is near offshore platforms, buildings, or other landmarks, such as highways, waterways, or railroads, attach a sketch or drawing showing relationship of accident location to these landmarks)

C. Origin of Release of Liquid or Vapor (check all applicable items):
1. Part of system involved ☐ Line Pipe ☐ Tank farm ☐ Pump station ☐ Other (Specify) _____
2. Item involved ☐ Pipe ☐ Valve ☐ Scraper trap ☐ Pump ☐ Welded fitting ☐ Girth weld ☐ Breakout tank ☐ Bolted fitting ☐ Longitudinal weld _____ ☐ Other (Specify) _____
☐ 3. Year item installed _____

D. Cause of Accident:
☐ Corrosion ☐ Failed weld ☐ Incorrect operation by operator personnel ☐ Failed pipe ☐ Outside force damage ☐ Other (Specify) _____

E. Death or Injury:
1. Number of persons killed
2. Number of persons injured

F. Estimated Total Property Damage

_____

G. Commodity Spilled:
1. Name of commodity spilled

_____

2. Classification of commodity spilled
☐ Petroleum
☐ Petroleum product
☐ HVL (For definition of HVL see § 195.2)
☐ Non-HVL
☐ Anhydrous ammonia
3. Estimated amount of commodity spilled —— Barrels ☐
4. Was there an explosion? ☐ Yes ☐ No
5. Was there a fire? ☐ Yes ☐ No

Instructions: Answer sections H, I or J only if it applies to the particular accident being reported.

H. Occurred in Line Pipe:
1. Nominal diameter (inches)
2. Wall thickness (inches)
3. SMYS (inches)
4. Type of joint
5. Pipe was
☐ Welded
☐ Coupled
☐ Below ground
☐ Threaded
☐ Above ground
6. Maximum operating pressure, (psig)
7. Pressure at time and location of accident (psig)
8. Had there been a pressure test on system?
☐ Yes ☐ No
9. Duration of test (hrs)
10. Maximum test pressure (psig)
11. Date of latest test

I. Caused by Corrosion:
1. Location of corrosion
☐ Internal ☐ External
2. Facility coated?
☐ Yes ☐ No
3. Facility under cathodic protection?
☐ Yes ☐ No
4. Type of corrosion
☐ Galvanic ☐ Other (Specify)

J. Caused by Outside Force:
1. ☐ Damage by operator or its contractor
☐ Damage by others
☐ Damage by natural forces
☐ Mudslide
☐ Subsidence
☐ Washout
☐ Frostheave
☐ Earthquake
☐ Ship anchor
☐ Landslide
☐ Fishing operations
Other ———
2. Was a damage prevention program in effect?
☐ Yes ☐ No
3. If yes, was the program
☐ "one-call" ☐ Other ———
4. Did excavator call?
☐ Yes ☐ No
5. Was pipeline location temporarily marked for the excavator?
☐ Yes ☐ No

K. Account of accident.

(Space for account of accident)

Name and title of operator official filing this report ———
Telephone number (including area code) ——
Date ———

DOT Form 7000–1

(49 U.S.C. 2010(b); 49 CFR 1.53, Appendix A to Part 1 and Appendix A to Part 106)

Issued in Washington, D.C. on November 7, 1984.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 84–29724 Filed 11–9–84; 8:45 am]
BILLING CODE 4910–60–M

Notices

Federal Register
Vol. 49, No. 220
Tuesday, November 13, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Natural Resource Management Guide Meeting

AGENCY: Farmers Home Administration. USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Denver, Colorado, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on November 26, 1984, 2:00 p.m. to 4:00 p.m.

Comments must be received no iater than December 26, 1964.

ADDRESSES: Meeting location at Federal Office Building, 1961 Stout Street, Room 239, Denver, Colorado 80211.

Written comments and further information will be addressed to: State Director, FmHA, 2490 West 26th Avenue, Room 231, Denver, Colorado 80211 (303–837–4347).

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Colorado State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulated at the Federal and State levels and that affect the financing of FmHA activities in Colorado. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: November 6, 1984.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 84–29627 Filed 11–9–84; 8:45 am]

BILLING CODE 3410–07–M

Natural Resource Management Guide; Meeting

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Champaign, Illinois, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on December 12, 1984, 1:00 p.m. to 3:00 p.m. Comments must be received no later than January 11, 1985.

ADDRESS: Meeting location at FmHA Conference Room, 2106 W. Springfield Avenue, Champaign, Illinois 61821.

Written comments and further information will be addressed to: State Director, FmHA, 2106 W. Springfield Avenue, Champaign, Illinois 61821 (217–398–5247).

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Illinois State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in Illinois. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writting or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: November 6, 1984.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 84–29718 Filed 11–9–84; 8:45 am]

BILLING CODE 3410–07–M

CIVIL RIGHTS COMMISSION

California Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 7:00 p.m. on December 7, 1984, and will end at 2:00 p.m. on December 8, 1984, at the Western Regional Office, Room 810, 3660 Wilshire Boulevard, Los Angeles, California 90010. On December 7, 1984, the Education Subcommittee will meet to discuss its on-going projects. On December 8, 1984, the full committee will met to discuss current projects and an up-coming meeting with State Department of Education officials to be held in Sacramento.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Western Regional Office at (213) 688–3437.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29683 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

Florida Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory

Committee to the Commission will convene at 10:00 a.m. and will end at 1:00 p.m., on December 7, 1984, at the Biscayne Bay Marriott Hotel, Third level, 1633 North Bay Shore Drive, Miami, Florida 33132. The purpose of the meeting is to discuss the Regional SAC conference, National Chairpersons' conference, and the *Followup update to Confronting Racial Isolation in Miami.* The committee will also make plans for further projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southern Regional Office at (404) 221–4391.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29684 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

Maine Advisory Committee; Agenda and Public Meetings

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 8:00 p.m., on December 11, 1984, at the Maine Teachers Association, Conference Room, 35 Community Drive, Augusta, Maine 04333. The purpose of the meeting is to meet with officials from several public and private civil rights agencies and to discuss plans for future programs.

Persons desiring additional information, or planning a presentation to the Committee, should contact the New England Regional Office at (617) 223–4671.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29681 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

Maryland Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on November 29, 1984, at the Anne Arundel Board of Education, 2446 Riva Road, Annapolis, Maryland. The purpose of the meeting is to discuss future program plans.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Mid-Atlantic Regional Office at (202) 254–6670.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 29680 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

Nebraska Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 3:00 p.m., on November 28, 1984, at the InterNorth, East Annex Building, 2027 Dodge Street, Omaha, Nebraska 68102. The purpose of the meeting is to discuss future program plans.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Central States Regional Office at (816) 374–5253.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29682 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

North Carolina Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 7:00 p.m., on December 4, 1984, at the Radisson Plaza Raleigh, Live Oak Room, 420 Fayetteville Street Mall, Raleigh, North Carolina 27601. The purpose of the meeting is to discuss plans for future projects and to receive reports on the Regional and Chairpersons' Conferences.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southern Regional Office at (404) 221–4391.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29685 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

Rhode Island Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 7:30 p.m., on November 30, 1984, at the Brown University Wilson Laboratory, Room B2B, 81 Waterman Street, Providence, Rhode Island 02903. The Committee will discuss its affirmative action project and its needs in terms of its upcoming recharter.

Persons desiring additional information, or planning a presentation to the Committee, should contact the New England Regional Office at (617) 223–4671.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29677 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

Vermont Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on November 26, 1984, at the Central Vermont Hospital, Conference Room 3, Airport Road, Berlin, Vermont 05641. The Committee will discuss the State Department of Education's progress in implementing the State educational standards concerning stereotyping and discrimination, the status of the study on comparable worth for State employees and plans for a

statewide conference on civil rights in Vermont.

Persons desiring additional information, or planning a presentation to the Committee, should contact the New England Regional Office at (617) 223–4671.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29679 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

Virginia Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on November 28, 1984, at the City Hall, Council Conference Room, 600 East Broad Street, Richmond, Virginia 23219. The purpose of the meeting is to plan for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Mid-Atlantic Regional Office at (202) 254–6670.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29678 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

Washington Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on December 10, 1984, at the Federal Building, Room 3080, 915 Second Avenue, Seattle, Washington 98174. The purpose of the meeting is to discuss future program plans.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Northwestern Regional Office at (206) 442–1246.

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

Dated at Washington, D.C., November 6, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–29676 Filed 11–9–84; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 281]

Resolution and Order Approving the Application of the Colorado Springs Foreign-Trade Zone, Inc., for a Foreign-Trade Zone in El Paso County, CO; Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zone Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zone Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Colorado Springs Foreign-Trade Zone, Inc., a Colorado non-profit corporation affiliated with the Colorado Springs Chamber of Commerce, filed with the Foreign-Trade Zones Board (the Board) on May 11, 1984, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in El Paso County, Colorado, adjacent to the Colorado Springs Station of the Denver Custom port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Foreign-Trade Zones Board, Washington, D.C.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in El Paso County, Colorado, Adjacent to the Colorado Springs Customs Station

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zone Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States.

Whereas, the Colorado Springs Foreign-Trade Zone, Inc. (the Grantee), a Colorado non-profit corporation affiliated with the Colorado Springs Chamber of Commerce, has made application (filed May 11, 1984, Docket No. 26–84, 49 FR 20889) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in El Paso County, Colorado, adjacent to the Colorado Springs Station of the Denver Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 112 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 1st day of November 1984 pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcom Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-29621 Filed 11-9-84; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 278]

Resolution and Order Approving the Application of the County of Jefferson, NY, for a Foreign-Trade Zone and a Special-Purpose Subzone; Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the applications of the County of Jefferson, New York, filed with the Foreign-Trade Zones Board (the Board) on January 4, and February 10, 1984, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Jefferson County, and a special-purpose subzone for the manufacturing plant of New York Air Brake Company in Watertown, New York, adjacent to the Alexandria Bay Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposals are in the public interest, approves the applications.

As the proposals involve open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposals, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the general-purpose zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Foreign-Trade Zones Board, Washington, D.C.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone and Subzone in Jefferson County, New York

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act.), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the County of Jefferson, New York (the Grantee) has made applications (filed January 4 and February 10, 1984, Docket Nos. 2 and 4–84, 49 FR 1260 and 6395) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a general-purpose foreign-trade zone in Jefferson County, New York, and a special-purpose subzone for the manufacturing plant of New York Air Brake Company, Watertown, New York, adjacent to the Alexandria Bay Customs port of entry;

Whereas, notice of said applications have been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone and subzone, designated on the records of the Board as Zone No. 109 and Subzone No. 109A at the locations mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the foreign-trade zone and subzone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone and subzone sites in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the general-purpose zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone or subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 5th day of November 1984 pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige

Chairman and Executrive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-29620 Filed 11-9-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Deep Seabed Mining; Availability of Information

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of location of Ocean Mining Associates deep seabed mining license area.

SUMMARY: On August 29, 1984, the National Oceanic and Atmospheric Administration (NOAA) issued a license (designated as USA-3) to Ocean Mining Associates (OMA) to conduct deep seabed mining exploration activities in the Northeastern Equatorial Pacific Ocean within the seabed area generally known as the Clarion-Clipperton Fracture Zone. On October 26, 1984, OMA formally withdrew its request for confidential treatment of the precise location of its license area and requested NOAA to apprise the public of this fact and to publish the coordinates as well. In accordance with this request and pursuant to 15 CFR 970.902(d)(5), NOAA hereby is publishing the coordinates of the OMA license area.

The OMA license area is bounded by a line with the following turning points:

Turning points	Latitude	Longitude
1	15°20' N	128°35' W
2	15°20' N	127°50' W
3	15°15' N	127°50' W
4	15°15' N	127°48' W
5	15°44' N	127°48' W
6	15°44' N	125°20' W
7	16°14' N	125°20' W
8	16°14' N	124°20' W
9	16°04' N	124°20' W
10	16°04' N	123°25' W
11	15°44' N	123°25' W
12	15°44' N	122°20' W
13	14°10' N	122°20' W
14	14°10' N	122°45' W
15	13°21' N	122°45' W
16	13°21' N	123°00' W
17	12°56' N	123°00' W
18	12°56' N	123°35' W
19	14°05' N	123°35' W
20	14°05' N	125°00' W
21	13°45' N	125°00' W
22	13°45' N	126°15' W
23	14°20' N	126°15' W
24	14°20' N	128°00' W
25	12°00' N	128°00' W
26	12°00' N	127°43' W
27	11°40' N	127°43' W
28	11°40' N	128°35' W
1	15°20' N	128°35' W

This area (of approximately 156,000 km.^{2}) includes most of the approximately 60,000 km^2 area claimed by Deepsea Ventures, Inc., (predecessor to OMA and now its marine operating unit) on November 15, 1974. On that date, a notice of discovery and claim of exclusive mining rights were filed with the Secretary of State and that fact was widely published by Deepsea Ventures.

Consistent with the disclosure policy stated in the Environmental Impact Statement (EIS) on the OMA license issuance, NOAA will send copies of this notice to the persons, organizations, and agencies who were EIS recipients.

FOR FURTHER INFORMATION CONTACT: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, (202) 653-8257.

Dated: November 7, 1984.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84-29703 Filed 11-9-84; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OBM for review the following request for renewal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact for whom a copy of the information proposal may be obtained.

Revision

DOD Far Supplement Part 16 and Related Clauses in Part 52.216.

Information concerns certain data required to support use of various types of contracts (e.g., those containing economic price adjustment provisions).

Reporting is necessary to permit use of certain types of contracts (e.g., verification of cost increases triggering economic price adjustments).

Businesses or others for profit/small businesses or organizations.

Responses: 200.

Burden hours: 1,600.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301-1155, telephone (202) 694-0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Fred J. Kohout, OUSDRE(AM)CP, Room 3D116, Pentagon, Washington, D.C. 20301, telephone (202) 697-8334. This is a revision of an existing collection.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

November 6, 1984.

[FR Doc. 84-29715 Filed 11-9-84; 8:45 am—

BILLING CODE 3810-01-M

Ada Board; Meeting

SUMMARY: The first meeting of the Ada® Board will be held Monday, 26 November 1984, from 9:00 a.m. to 12:00 noon at the Hyatt Regency Crystal City Hotel in Arlington, Virginia. Ada® is a registered trademark of the U.S. Government, Ada Joint Program Office.

FOR FURTHER INFORMATION CONTACT: Dr. Robert F. Mathis, Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Officer, Department of Defense.

November 6, 1984.

[FR Doc. 84-29712 Filed 11-9-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 1:30 p.m. to 5:00 p.m., 13 December 1984 in OSD Conference

Room 1E801 #7, The Pentagon, and from 9:30 a.m. to 12:00 noon, 14 December 1984 in OSD Conference Room 1E801 #7, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to review the recommendations/requests for information/continuing concerns made at the 1984 Fall Meeting, discuss current issues relevant to women in the Services, and complete any unfinished business and on-going projects pertaining to the 1984 Executive Committee.

Persons desiring to (1) attend the Executive Committee Meeting or (2) make oral presentations or submit written statements for consideration at the Meeting must contact Captain Marilla J. Brown, Executive Secretary, DACOWITS, OASD (Manpower, Installations and Logistics), The Pentagon, Room 3D769, Washington, D.C. 20301–4000; telephone (202) 697–2122 no later than 29 November 1984.

Norma Cook,

Acting OSD Federal Register Liaison Officer, Department of Defense.

November 6, 1984.

[FR Doc. 84–29708 Filed 11–9–84; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Acquisition Management of Conventional Munitions, Advisory Committee Meetings

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Acquisition Management of Conventional Munitions will meet in closed session on 19–20 December 1984, 23–24 January 1985, 13–14 February 1985, 13–14 March 1985, 10–11 April 1985 and 8–9 May 1985 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of the Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will evaluate the acquisition management process of conventional munition systems.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: November 6, 1984.

Norma Cook,

Acting OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–29709 Filed 11–9–84; 8:45 am]

BILLING CODE 3810–01–M

Per Diem, Travel and Transportation Allowance Committee; Publication of Changes

AGENCY: Per Diem Travel and Transportation Allowance Committee, DOD.

ACTION: Publication of Changes in Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 125. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possesions of the United States. Bulletin Number 125 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: November 1, 1984.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 125

To: The heads of the executive departments and establishments

Subject: Table of maximum per diem rates in lieu of subsistence for United States Government civilian officers and employees for official travel in Alaska, Hawaii, The Commonwealth of Puerto Rico and possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense dated 17 August 1966, subject: Executive Order 11294, August 4, 1966, "Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status" in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(1)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 124 except for the cases identified by asterisks (*) which rates are effective on the date of this Bulletin.

3. Each Department or establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality and Maximum Rate	
Alaska:	
Adak [1]	$15.00
Anaktuvuk Pass	140.00
Anchorage	100.00
Atqasuk	215.00
Barrow	139.00
Bethel	138.00
Coldfoot	122.00
College	100.00
Cordova	124.00
Deadhorse	131.00
Dillingham	103.00
Dutch Harbor	105.00
Eielson AFB	100.00
Elmendorf	100.00
Fairbanks	100.00
Ft. Richardson	100.00
Ft. Wainwright	100.00
Juneau	109.00
Ketchikan	104.00
Kodiak	115.00
* Kotzebue [3]	118.00
* Murphy Dome [3]	100.00
Noatak	118.00
Nome	103.00
Noorvik	118.00
Petersburg	104.00
Point Hope	100.00
Point Lay	179.00
Prudhoe Bay	131.00
Sand Point	103.00
* Shemya AFB [3]	30.00
Shungnak	118.00
Sitka-Mt. Edgecombe	104.00
Skagway	104.00
Spruce Cape	115.00
St. Mary's	100.00
Tanana	103.00
Valdez	129.00
Wainwright	165.00
Wrangell	104.00
Yakutat	100.00
* All Other Localities [3]	90.00
* American Samoa	81.00
Guam /Mariana Islands	74.00

Hawaii:	
Hawaii, Island of	63.00
All Other Islands	83.00
Johnston Atoll [2]	21.25
Midway Islands [1]	12.60
Puerto Rico:	
* Bayamon:	
12–16—5–15	132.00
5–16—12–15	99.00
* Carolina:	
12–16—5–15	132.00
5–16—12–15	99.00
* Fajardo (Including Luquillo):	
12–16—5–15	132.00
5–16—12–15	99.00
* Ft. Buchanan (Incl. GSA Service Center, Guaynabo)	
12–16—5–15	132.00
5–16—12–15	99.00
* Ponce (Incl. Ft. Allen NCS)	92.00
* Roosevelt Roads:	
12–16—5–15	132.00
5–16—12–15	99.00
* Sabana Seca:	
12–16—5–15	132.00
5–16—12–15	99.00
* San Juan (Including San Juan Coast Guard Units):	
12–16—5–15	132.00
5–16—12–15	99.00
* All Other Localities	111.00
* Virgin Islands of U.S.:	
12–1—4–30	126.00
5–1—11–30	93.00
Wake Island [2]	20.00
All Other Localities	20.00

[1] Commercial facilities are not available. The per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler. For Adak, Alaska—when Government quarters are not utilized, and quarters are obtained at the Simone Construction, Inc. camp, a daily travel per diem allowance of $71.50 is prescribed to cover the cost of lodging, meals and incidental expenses at this facility.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when U.S. Government or contractor quarters and U.S. Government or contractor messing facilities are used, a per diem rate of $13 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Romanzof, Clear, Cold Bay, Fort Yukon, Galena, Indian Mountain, King Salmon, Kotzebue, Murphy Dome, Sparrevohn, Tatalina and Tin City. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4.00 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

November 6, 1984

[FR Doc. 84-29716 Filed 11-9-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency

Scientific Advisory Committee; Closed Meeting

AGENCY: Defense Intelligence Agency, DOD.

ACTION Notice of Closed Meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

DATE: November 27, 1984, 9:00 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Major Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Arms Control Verification.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

November 6, 1984.

[FR Doc. 84-29713 Filed 11-9-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

ROTC Four-year Scholarship Application (DD Form 1893, AFROTC Forms 101 and 102).

The application is used by the AFROTC Four-year Central Scholarship Selection Board to evaluate applicants for four-year scholarships. The information is needed to ensure that all applicants are considered on an equitable basis, and that only the best-qualified applicants with a proven potential for success are awarded scholarships.

High School Students or Graduates between the Ages of 16 and 21.

Responses: 14,285.

Burden hours: 10,000.

Addresses: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

Supplementary Information: A copy of the information collection proposal may be obtained from Major J. D. Hogan, HQ USAF/MPPE, The Pentagon, Washington, DC 20330–5060, telephone (202) 695–0318.

Norma Cook,

Acting OSD Federal Register Liaison Officer, Department of Defense.

November 6, 1984.

[FR Doc. 84-29710 Filed 11-9-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Revision

Health-Related Survey—Individual Facility Report; DA Form 4723–2–R.

Information is collected to assign soldiers to areas where they can receive services for their exceptional family members.

Profit and non-profit institutions, businesses and state or local governments.

Responses 2,355.
Burden hours 2,355.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Mr. Daniel O. Cochran, DAIM–ADI, Room ID667, The Pentagon, Washington, DC 20301, telephone (202) 695–5111.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

November 6, 1984.

[FR Doc. 84–29714 Filed 11–9–84; 8:45 am]

BILLING CODE 3710–08–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Vessel Operation Report; ENG Form 3925 and 3925b.

The Corps of Engineers utilize ENG Forms 3925 and 3925b as the basic source documents for compilation and publication of statistical data for the WCSC Program. The ENG Form 3925b is an optional form used in lieu of ENG Form 3925 by inland water way operators for reporting shallow draft barge and tow boat operations on a monthly basis.

Businesses.
Responses: 150,000.
Burden hours: 49,250.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. David O. Cochran, DAIM–ADI, Room 1D667, The Pentagon, Washington, DC 20301, telephone (202) 695–5111.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

November 6, 1984.

[FR Doc. 84–29711 Filed 11–9–84; 8:45 am]

BILLING CODE 3710–08–M

Defense Logistics Agency

Privacy Act of 1974; Amendment of Record System Notice

AGENCY: Defense Logistics Agency, DOD.

ACTION: Amendment of a record system notice.

SUMMARY: The Defense Logistics Agency is amending a system of records subject to the Privacy Act of 1974. The system notice, as amended, is set forth below followed by the amended system notice published in its entirely.

DATES: This action shall be effective without further notice December 13, 1984, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments may be submitted to the System Manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, Chief, Administrative Management Branch, Headquarters, Defense Logistics Agency, Cameron Station, Alexandria VA 22314. Telephone: 202/274–6234.

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

FR Doc. 84–20097 (49 FR 30834) August 1, 1984

FR Doc. None (49 FR 35404) September 7, 1984

The proposed amendment is not within the purview of the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires the submission of a new or altered system report.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

November 6, 1984.

Amendment

S322.10 DLA–LZ

System Name:

Defense Manpower Data Center Data Base. (49 FR 30852), August 1, 1984.

Changes:

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Delete:

"Director of Selective Service System—to use in wartime or emergency mobilization and for mobilization planning."

Insert:

"To the Director of Selective Service System to facilitate compliance of members and former members of the armed forces (Active and Reserve) with the provisions of the Selective Service System registration regulations."

S322.10DLA–LZ

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93920.

Back-up files maintained in a bank vault in Hermann Hall, Naval Postgraduate School, Monterey, CA.

Decentralized segments—Portions of this file may be maintained by the military personnel and finance centers of the services; selected civilian contractors with research contracts in manpower area and other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel who served on active duty from July 1, 1968 and later or who have been a member of a reserve component since July 1975; retired military personnel; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs. All individuals examined to determine eligibility for miltary service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later. DOD civilian employees or DOD civilian

employees separated since January 1, 1971. All veterans who have used GI Bill education and training entitlements, who visited a state employment service office since January 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971. All individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969. Individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services, National Longitudinal Survey. Individuals responding to recruiting advertisements since January 1978; survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Veterans Administration; surviving spouses of active or retired deceased military personnel; 100 disabled veterans and their survivors.

Individuals receiving disability compensation from the Veterans Administration; civilian employees of the Federal Government; dependents of active duty military retirees, selective service registrants. Individuals receiving a security background investigation as identified in the defense Centeral Index of Investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized records consisting of Name, Service Number, Selective Service Number. Social Security Account Number, demographic information such as home town, age, sex, race, and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various inservice education and training; programs, military hospitalization records.

Champus claim records, military compensation data, selective service registration data, Veterans Administration disability payment records, security clearance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136; Pub. L. 97–252.

PURPOSE(S):

The purpose of the system of records is to provide a single central facility within the Department of Defense to assess manpower trends, perform longitudinal statistical analysis, identify current and former DOD civilian and military personnel for purposes of detecting fraud and abuse of pay and benefit programs and to collect debts owed to the United States Government and state and local governments.

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

The information is used by the following:

Veterans Administration, Management Sciences Staff, Reports and Statistics Services, Office of the Comptroller—To select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services, and to validate eligibility for VA benefits.

Office of Research and Statistics, Social Security Administration—For statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors—To perform research on manpower problems for statistical analyses.

Office of Personnel Management (OPM): To carry out is management functions. Records disclosed concern pay, benefits, retirement deductions, and other information necessary to these management functions.

Information as to name, rank, Social Security Account Number, duty station, birth date, retirement date, and retirement annuity may be disclosed to the Department of Health and Human Services (DHHS) or the Department of Education for the following purposes:

Department of Education (DOE)—for the purpose of identifying individuals who appear to be in default on their guaranteed student loans so as to permit DOE to take action, where appropriate, to accelerate recoveries of defaulted loans.

The Bureau of Supplemental Security Income, Social Security Administration, DHHS—to verify and adjust as necessary payments made to active and retired military members under the Supplemental Security Income Program.

The Office of the Inspector General, DHHS—to identify and investigate DoD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children Program.

Office of Child Support Enforcement, DHHS—Pursuant to PL 93–647, to assist state child support enforcement offices in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of Selective Service System to facilitate compliance of members and former members of the armed forces (Active and Reserve) with the provisions of the Selective Service System registration regulations.

Veterans Administration—to analyze the costs to the individual of military service connected disabilities.

Federal government and Quasi-federal agencies—to identify military retirees employed in a civilian capacity whose civilian pay must be offset as a result of increases in military retiree pay pursuant to the Budget Reconciliation Act of 1982, Pub. L. 97–252.

State, local and territorial governments—to help eliminate fraud and abuse in their benefit programs and to collect debts and overpayments owed to those programs. Information released includes name, social security account number and mailing address of individuals.

Other Federal agencies—to help eliminate fraud and abuse in the programs administered by agencies within the Federal government and to collect debts and overpayment owed to the Federal government. Information release may include aggregate data and/or individual records in the record system may be transferred to any other federal agencies having a legitimate need for such information and applying appropriate safeguards to protect data so provided.

See also blanket routine uses set forth above.

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

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Retrievable by name, Social Security Number, occupation, or any other data element contained in system.

SAFEGUARDS:

Primary location—At W.R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area: tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

Back-up location—tapes are stored in a bank type vault and buildings are locked after hours and only properly cleared and authorized personnel have access.

RETENTION AND DISPOSAL:

Files constitute a historical data base and are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

Written requests for information should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

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

CONTESTING RECORD PROCEDURES:

The DLA rules for access to records and for contesting content and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The Military Services, the Veterans Administration, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Office of Personnel Management, federal and Quasi-federal agencies, Selective Service System, the U.S. Postal Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-29696 Filed 11-9-84; 8:45 am]
BILLING CODE 3620-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Minority Institutions Science Improvement Program; Application Notice for Fiscal Year 1985

Applications are invited for new grant awards to be made in fiscal year 1985 under the Minority Institutions Science Improvement Program (MISIP).

Authority for this program is contained in section 528(3) of the Omnibus Budget Reconciliation Act of 1981 as extended by section 414 of the General Education Provisions Act.

(20 U.S.C. 1221e-1b)

The Secretary of Education makes four types of project grant awards under MISIP. The four categories are: (1) Institutional, (2) Design, (3) Cooperative, and (4) Special. Depending on the type of grant, eligible applicants include public and private nonprofit, predominantly minority institutions; professional scientific societies; and nonprofit accredited colleges and universities which render a needed service to a group of eligible minority institutions or which provide in-service training to project directors, scientists, and engineers from eligible institutions.

Closing Dates for Transmittal of Applications

Applications for Institutional, Design, and Cooperative Project grants must be mailed or hand-delivered by January 11, 1985.

Applications for Special Project grants must be mailed or hand-delivered by March 8, 1985.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.120A, 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.

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 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Applications for Institutional, Design, or Cooperative Project grants that are hand-delivered will not be accepted after 4:30 p.m. on January 11, 1985.

Applications for Special Project grants that are hand-delivered will not be accepted after 4:30 p.m. on March 8, 1985.

Available Funds

The Congress has appropriated a total of $5,000,000 for the Minority Institutions Science Improvement Program. Of that amount, approximately $3,750,000 will be available for Institutional, Design, and Cooperative Project grant awards. It is estimated that these funds will support approximately 15 awards. The maximum awards for these grants are: $300,000 for a 36-month Institutional Project; $500,000 for a 36-month Cooperative Project; and $20,000 for 1 12-month Design Project.

The remaining $1,250,000 will be available to support approximately 18 Special Project grant awards. The maximum award for a Special Project grant is $150,000 for a 24-month project period.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless the amount is otherwise specified by statute or regulations.

Program Information

The Secretary supports projects that propose to enhance a minority institution's capacity for developing and maintaining a quality science education program for all of its students and to augment the institution's capability for increasing the flow of underrepresented ethnic minorities into the fields of science and engineering.

The Secretary awards grants in the following categories:

(1) *Design* Project grants to assist minority institutions that do not have their own appropriate resources or personnel to plan and develop long-range science improvement programs.

(2) *Institutional* Project grants to individual minority institutions to support the implementation of a comprehensive science improvement plan, which may include any combination of activities for improving the preparation of minority students for careers in science.

(3) *Cooperative* Project grants to assist groups of nonprofit, accredited colleges and universities to work

together to conduct a science improvement project; and

(4) *Special* Project grants for which—

(a) Minority institutions are eligible to support activities that improve quality training in science and engineering or enhance the minority institutions' general scientific research capabilities, or

(b) To support activities that provide a needed service to a group of eligible minority institutions, or that provide inservice training for project directors, scientists, and engineers from eligible minority institutions.

Application Forms

Applications forms are included in the program information packages that are expected to be ready for mailing by November 28, 1984. Interested persons may obtain program information packages by writing to the U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs (MISIP), Room 3022, ROB–3, 400 Maryland Avenue SW., Washington, D.C. 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 only to aid new applicants in applying for assistance. Nothing in this package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations. (Approved under Office of Management and Budget Control Number 1840–0109)

Applicable Regulations

Regulations applicable to this program include the following:

(1) Regulations governing the Minority Institutions Science Improvement Program in 34 CFR Part 637.

(2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

Further Information: For further information, contact the U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs (MISIP), Room 3022, ROB–3, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245–3253.

(20 U.S.C. 1221e–1b)

(Catalog Federal Domestic Assistance No. 84.120A, Minority Institutions Science Improvement Program)

Dated: October 18, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84–29706 Filed 11–9–84; 8:45 am]

BILLING CODE 4000–01–M

Desegregation of Public Education Program

AGENCY: Department of Education.

ACTION: Application notice for new State educational agency projects for fiscal year 1985.

Applications are invited for new projects under the State educational agency (SEA) program for race, sex, and national origin desegregation assistance under Section 403 of the Civil Rights Act of 1964.

Authority for this program is contained in Title IV of the Civil Rights Act of 1964. (42 U.S.C. 2000c–2000c–5).

The program issues awards to SEAs.

The purpose of the awards is to provide technical assistance, training, and advisory services to school districts in coping with the special educational problems caused by the desegregation of their schools based on race, sex, and national origin.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by December 28, 1984.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Washington, D.C. 20202. Applications for the SEA program should be marked Attention: 84.004C.

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 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, or Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The regulations provide specific criteria for awards in 34 CFR 270.17–19 (formerly 45 CFR 180.17–19). Applications will be evaulated under these criteria. The Secretary approves only those applications that receive a score of at least 60 points on the criteria. The applicant should also refer to 34 CFR 270.11–15 (formerly 45 CFR 180.11–15) in the development of the grant application.

An SEA should submit separate applications for race, sex, or national origin desegregation assistance awards. SEAs that presently have awards are reminded that they must submit new applications for fiscal year 1985.

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.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review:

State	
Alabama	New Mexico
Arizona	New York
Arkansas	North Dakota
California	Ohio
Connecticut	Oklahoma
Delaware	Oregon
District of Columbia	Pennsylvania
Florida	South Carolina
Hawaii	South Dakota
Indiana	Texas
Kansas	Tennessee
Kentucky	Trust Territory
Louisiana	Utah
Maine	Vermont
Massachusetts	Virginia
Michigan	Washington
Missouri	West Virginia
Montana	Wisconsin
Nebraska	Wyoming
Nevada	Guam
New Hampshire	Virgin Islands
New Jersey	

Immediately upon receipt of this notice, applicants that are governmental entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by February 28, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (84.004) 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.

Availabe funds: It is expected that $24,000,000 will be available under the Title IV program for fiscal year 1985. Approximately $14,000,000 will be made available for grants to SEAs. The remaining $10,000,000 will be used for awards to desegregation assistance centers. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Pursuant to a Congressional directive in the conference report accompanying the Department's fiscal year 1985 appropriations act (which is incorporated by reference in the 1985 continuing resolution), the Department plans to use fiscal year 1985 Title IV funds to support 1984 projects that have not received the full amount of their funding commitments due to the freeze on fiscal year 1984 funds imposed as a result of ongoing litigation in *United States* v. *Board of Education of the City of Chicago.* At such time as the fiscal year 1984 funds are released by the District Court, accounting adjustments will be made so that 1985 grants can be awarded using fiscal year 1985 funds.

The Department is awarding 106 grants for 1984 SEA projects. The Department makes separate grants for race, sex, and national origin desegration projects. The average amount of a grant for 1984 SEA projects will be approximately $132.000.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 13, 1984. They may be obtained by writing to the Equity Training and Technical Assistance Program Staff, U.S. Department of Education, (Room 2031, FOB–6), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information 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 strongly urges that applicants not submit information that is not requested.

(The application is approved under OMB Number 1810–0030.)

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education program, 34 CFR Part 270 (formerly 45 CFR Part 180), and

(b) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

For further information: For further information contact George R. Rhodes, Jr., Director, Division of Educational Support, U.S. Department of Education (Room 2003, FOB–6), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–8484. (42 U.S.C. 2000c–2000c–5)

(Catalog of Federal Domestic Assistance Number 84.004, Civil Rights Technical Assistance Programs)

Dated: November 7, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84–29832 Filed 11–9–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA–FC–83–021; OFP Case No. 66015–9239–20–24]

Proposed Modification of an Order Granting Permanent Cogeneration Exemption to Power Systems Engineering, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has commenced a proceeding under 10 CFR Part 501, Subpart G to modify the permanent cogeneration exemption granted by Order ("Order") for the proposed powerplant, identified as Lyondell Cogeneration Project, owned and operated by Power Systems Engineering, Inc. (Power Systems), and located in Channelview, Harris County, Texas, adjacent to the ARCO Chemical Company's Lyondell Plant (ARCO), under the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA") or "The Act").

Based upon its review of Power System's July 16, 1984 letter, ERA is proposing to modify the Order on the basis of its determination that

significantly changed circumstances, as defined in 10 CFR 501.102(b), may come into existence with respect to the applicability of the original exemption. Accordingly, ERA is hereby giving notice to all parties to the original proceeding of their right, pursuant to 10 CFR 501.101(d), to file a written response to ERA's proposal within 30 days of the publication of this Notice in the **Federal Register** (see **DATES** section, below).

If no responses are received within the established period, the Order modification, as proposed, shall become final upon the expiration of that period without further action by ERA. A detailed discussion of the Order and Power Systems' request is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written responses to ERA's proposed modification of the Power Systems Order must be received no later than December 13, 1984.

Unless ERA receives comments adverse to its proposed action within the established comment period, the modification order shall become final on December 13, 1984; and the modification therein shall become effective on January 14, 1985.

ADDRESS: Written responses are to be addressed to Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, GA–007, 1000 Independence Avenue, SW., Washington, D.C. 20585. OFP 66015–9239–20–24 should be printed on the outside of the envelope and the documents contained herein.

FOR FURTHER INFORMATION CONTACT:

Richard A. Ransom, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–045D, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252–8678.

Steven E. Ferguson, Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252–6947.

SUPPLEMENTARY INFORMATION: On October 25, 1983, ERA exempted, by Order, Power Systems' proposed powerplant, identified as Lyondell Cogeneration Project, and located in Channelview, Harris County, Texas, adjacent to ARCO, from the prohibitions of section 201 of FUA.[1] The Order was Published in the **Federal Register** on November 1, 1983 (48 FR 50398). ERA had determined that Power Systems had satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.37(A)(1) and pursuant to section 212(c) of FUA.

By letter filed with ERA on July 17, 1984, Power Systems advised that it might find it necessary to utilize supplemental natural gas firing of its heat recovery boilers to produce additional steam energy if certain unusual operating conditions occur during the construction phase of the project or thereafter, namely;

1. Initially Houston Lighting & Power Company (HLPC) transmission facilities cannot accommodate electric output of more than three (3) of the five (5) combustion gas turbines to be build. HLPC is obligated to upgrade its transmission facilities so that it can accept the total electric output of the facility but it is estimated this upgrading will take six to seven months after the construction of the five (5) gas turbines has been completed;

2. The ARCO-Power Systems contract provides that ARCO's normal steam demand will be between 850,000 pounds/hour and 1,050,000 pounds/hour with a maximum steam demand of 1,150,000 pounds/hour. The maximum capacity of process steam when three (3) of five (5) gas turbines are operating is 1,050,000 pounds/hour;

3. If only three (3) of the five (5) combustion gas turbines are in operation, and ARCO makes the maximum steam demand of 1,150,000 pounds/hour Power Systems will be unable to meet that maximum steam demand. In order to meet a requirement of that size, there must be supplemental firing of the three (3) operating heat recovery boilers with natural gas. Supplemental firing will not be required to meet the normal steam demand. When all five (5) of the heat recovery boilers are in operation the steam capacity will exceed the contract maximum;

4. In the unlikely event that the cogeneration project is called upon to produce the contract maximum and must produce the extra 100,000 pounds/hour of steam with supplemental firing to meet that steam demand, it will burn an additional 125 million Btu's of fuel per hour;

5. The steam that the cogeneration project might be called upon to produce to meet the ARCO maximum demand will be produced with less fuel than ARCO could produce the same quantity of steam in its own boilers. As can be seen in the original petition for cogeneration exemption from the FUA, if ARCO would fire its own boiler to produce the additional 100,000 pounds/hour of steam, it would use 132.4 million Btu's per hour of fuel. Thus, the annual oil savings, when the extra steam is produced in the cogeneration plant with supplemental firing, will exceed that shown in the original petition for a cogeneration exemption.

Having considered the information contained in Power Systems' July 16, 1984 letter, along with the other information of record in this proceeding, ERA has commenced a proceeding pursuant to 10 CFR 501.101(d), for the modification of the above-described exemption Order. The procedures and criteria governing this proceeding are found in 10 CFR Part 501, Subpart G. ERA hereby proposes to modify the original permanent congeneration exemption Order as follows:

Modification Order

To: Power Systems Engineering, Inc.

Powerplant	Location	Docket Number
Lyondell Cogeneration Project.	Channelview, Harris County, Texas (adjacent to ARCO).	ERA–FC–83–021 (OFP Case No. 66015–9239–20–24).

Based upon its review of the whole record in the proceeding, ERA has determined that the potentially unusual operating conditions which may occur during the project's construction phase or thereafter, can be construed as constituting significantly changed circumstances warranting the modification of the original exemption Order, as provided by 10 CFR 501.102 and 501.103.

Accordingly, ERA hereby modifies the Order in Docket Number ERA–FC–83–021 to allow for the utilization of supplemental natural gas firing of the heat recovery boilers to produce additional steam energy if certain unusual operating conditions occur during the construction phase of the project or thereafter.

Procedures

Parties to the original Order proceeding in Docket No. ERA–FC–83–021, are hereby notified of ERA's proposed modification of the Order exempting Power System's Lyondell Cogeneration Project, Channelview, Harris County, Texas (adjacent to ARCO), from the prohibitions in section 201 of FUA and of their right pursuant to 10 CFR 501.101(d) to file a response thereto within 30 days after the publication of this Notice in the **Federal Register.**

[1] Section 201 of FUA prohibits (1) of the use of natural gas or petroleum as the primary energy source in any new electric powerplant, and (2) the construction of such a powerplant without the capability of using an alternate fuel as its primary energy source.

If ERA receives no adverse responses within the allotted comment period, the Order modification shall become final as proposed, without further ERA action, upon expiration of that period.

Issued in Washington, D.C., November 2, 1984.

Robert L. Davies,

Director, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-29723 Filed 11-9-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP85-3-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

November 6, 1984.

Take notice that on October 2, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP85-3-000 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 Rocco Farm Foods, Inc. (Rocco), under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 300 million Btu equivalent of natural gas per day for Rocco through June 30, 1985, pursuant to a gas transportation agreement dated August 8, 1984. Columbia advises that the subject gas has been flowing since August 30, 1984, pursuant to the self-implementing provisions of 18 CFR 157.209. Columbia states that the gas proposed to be transported is being purchased from Energy Management, Inc. (EMI), a broker, and would be used as boiler fuel in Rocco's Edinburg, Virginia, plant. The application reflects that the gas transportation agreement is between Columbia and Rocco Enterprises, Inc. (Enterprises), and that the gas purchase agreement is dated February 10, 1984, and is between EMI and Rocco. It is explained that Rocco is a wholly-owned subsidiary of Enterprises.

It is indicated that Columbia has released certain gas supplies and that these supplies are subject to the ceiling price provisions of sections 103 and 107 of the Natural Gas Policy Act of 1978. It is further indicated that Rocco has arranged to purchase from EMI a portion of this released gas (the EMI pool) at a price of $3.80 per dekatherm equivalent of gas. Columbia states that it would receive the gas from EMI and redeliver the gas to Columbia Gas of Virginia, Inc., the distribution company serving Rocco, near Edinburg, Virginia. Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) 40.11 cents per dekatherm equivalent for storage and transmission, exclusive of company-use and unaccounted-for gas, or (2) 44.93 cents per dekatherm for storage, transmission and gathering, exclusive of company-use and unaccounted-for gas, plus the applicable GRI charge, all as set forth in its Rate Schedule TS-1. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas, as set forth in its Rate Schedule TS-1.

Additionally, Columbia requests flexible authorization to add or delete sources of supply or receipt/delivery points.

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. 84-29686 Filed 11-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-2-000]

Michigan Gas Storage Company; Request Under Blanket Authorization

November 6, 1984.

Take notice that on October 1, 1984, Michigan Gas Storage Company (Michigan Gas Storage), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP85-2-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of St. Regis Corporation (St. Regis) under its certificate issued in Docket No. CP84-451-000 pursuant to Section 7 of the Natural Gas Act, as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated September 28, 1984, between Michigan Gas Storage and St. Regis, Michigan Gas Storage proposes the transportation of up to 3 billion Btu of natural gas per day on an interruptible basis from the inlet of Michigan Gas Storage's Freedom compressor station through that station. It is explained that Michigan Gas Storage would receive the gas from Panhandle Eastern Pipe Line Company (Panhandle) and would redeliver the gas to Panhandle at the outlet of the station.

It is stated that the annual volume of gas to be transported is 800 billion Btu with an average day flow of 2 billion Btu and a peak day flow of 3 billion Btu.

It is further stated that the transportation charge for this service is based upon Michigan Gas Storage's Rate Schedule T-2. It is asserted that the proposed service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Michigan Gas Storage's only customer, Consumers Power Company.

Michigan Gas Storage further requests flexible authority to add or delete sources of supply. It is stated that within 30 days of the addition or deletion of any gas suppliers Michigan Gas Storage would file the following information:

(1) Copy of the gas purchase contract between the seller and the end-user;

(2) Statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distributor and if so, identification of the parties, and specification of the current contract price;

(3) Statement of the Natural Gas Policy Act of 1978 (NGPA) pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) Statement that the gas is not committed or dedicated within the meaning of NGPA section 2(18);

(5) Where an intermediary participates in the transaction between the seller and the end-user, the information required by § 157.209(c)(1)(ix);

(6) Identity of any other pipeline involved in the transportation.

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. 84-29687 Filed 11-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP 84-56-000 et al.]

Northwest Central Pipeline Corp. et al.; Extension of Time

November 6, 1984.

In the matter of; *Northwest Central Pipeline Corporation (formerly Cities Service Gas Company) Docket No. GP84-56-000; Midwest Gas Users Association; Docket No. RP83-42-000;* v. *Northwest Central Pipeline Coprporation, Northwest Central Pipeline Corporation; Docket No. RP82-114-000 et al.;* notice for extension of time.

On October 26, 1984, Midwest Gas Users Association (Midwest) filed a motion regarding the procedural schedule as provided for in the settlement approved by the Commission in its Order Approving Settlement as Modified, issued June 21, 1984, in Docket Nos. RP82-114-000, *et al.*

The settlement established procedures under which Northwest Central Pipeline Company (Northwest) would file a petition for declaratory order on a reserved issue, and also consolidated this declaratory order proceeding with Midwest's complaint in Docket No. RP83-42-000. The Settlement provided that "responses, answers and objections" to the petition for declaratory order would be due 30 days after the petition was filed, and "replies" to the "responses, answers and objections" would be due 20 days after that.

Northwest Central filed its petition for declaratory order on September 21, 1984. October 22, 1984 was, thus, the due date for "responses, answers and objections," among which were a "Motion of Amoco Production Company for Summary Disposition and Declaratory Relief", and an "Answer of Northwest Central Pipeline Corporation to Amended Complaint and Motion in Opposition to Acceptance of Portions of Amended Complaint of Midwest Gas Users Association."

Commission Rule 213(d) requires that answers to *motions* be filed within *15* days after the motion is filed, unless otherwise ordered. The settlement procedural schedule would allow *20* days for "all replies" to "responses, answers and objections." Midwest requests that the 15-day period for answers in Rule 213 be extended to conform to the 20-day period permitted for "replies" in the settlement. Midwest states that this request is not opposed by any of the active parties. On October 31, 1984, Gas Service Company and Kansas Power and Light Company filed a motion requesting that answers to motions to intervene also be extended to conform to the 20-day period.

Upon consideration, Midwest's request is granted, and replies to the responses, answers and objections filed in the above-captioned dockets including the "Motions" of Amoco and Northwest Central, will be due on or before November 13, 1984. An extensionof time to November 13, 1984, is also granted for filing answers to motions to intervene filed in these dockets.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-29688 Filed 11-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-32-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

November 6, 1984.

Take notice that on October 15, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-32-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Allied Paper Incorporated (Allied Paper) under the certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle proposes to provide transportation for up to 5,000 Mcf of gas per day on an interruptible basis pursuant to a transportation agreement dated April 19, 1984, between Panhandle and Michigan Gas Storage Company (Storage Company), as agent for and on behalf of Allied Paper. Panhandle explains that the term of the authorization as herein sought is until the earlier of (1) eighteen months from the effective date of the agreement, (2) termination of authorization as provided by Subpart F of 18 CFR Part 157, or (3) termination of the agreement by either of the parties.

Panhandle would receive the gas from an existing point of interconnection between Phillips Petroleum Company and Panhandle in Kingfisher and Woodward Countries, Oklahoma, and redeliver the gas less a four percent reduction for fuel to Storage Company, an existing jurisdictional sales customer of Panhandle, which in turn would redeliver the gas to Consumers Power Company (Consumers). Allied Paper is an end-use customer of Consumers who is supplied by Storage Company and the end-use of the gas is for boiler fuel at Allied Paper's Bryant mill facility in Kalamazoo, Michigan, it is explained.

In addition, Panhandle requests flexible authority to add or delete sources of supply or receipt/delivery points. Any changes in source or receipt/delivery points are intended to be on behalf of the same end-user at the same end-user location and within the maximum daily and annual volumes authorized in this docket, it is explained.

Furthermore, Panhandle agrees that within 30 days of the addition or deletion of any gas suppliers and/or receipt/delivery points to file all pertinent information required.

Panhandle explains that its transportation rate is based upon its currently effective OST tariff which went into effect on April 1, 1984.

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. 84-29689 Filed 11-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-33-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

November 6, 1984.

Take notice that on October 15, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-33-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of James River Corporation (James River) under the certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle proposes to provide transportation for up to 8,200 Mcf of gas per day on an interruptible basis pursuant to a transportation agreement dated April 23, 1984, between Panhandle and Michigan Gas Storage Company (Storage Company), as agent for and on behalf of James River. Panhandle explains that the term of the authorization as herein sought is until the earlier of (1) eighteen months from the effective date of the agreement, (2) termination of authorization as provided by Subpart F of 18 CFR Part 157, or (3) termination of the agreement by either of the parties.

Panhandle would receive the gas from an existing point of interconnection between Union Texas Products Corporation and Panhandle in Major County, Oklahoma, and redeliver the gas, less a four percent reduction for fuel, to Storage Company, an existing jurisdictional sales customer of Panhandle, which in turn would redeliver the gas to Consumers Power Company (Consumers). James River is an end-use customer of Consumers who is supplied by Storage Company. The end-use of the gas is for boiler fuel at James River's Kalamazoo facility, it is explained.

In addition, Panhandle requests flexible authority to add or delete sources of supply or receipt/delivery points. Any changes in source or receipt/delivery points are intended to be on behalf of the same end-user at the same end-user location and within the maximum daily and annual volumes authorized in this docket, it is submitted.

Furthermore, Panhandle agrees that within 30 days of the addition or deletion of any gas suppliers and/or receipt/delivery points to file all pertinent information required.

Panhandle explains that its transportation rate is based upon its currently effective OST tariff which went into effect on April 1, 1984.

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. 84-29690 Filed 11-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-34-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

November 6, 1984.

Take notice that on October 15, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-34-000 a request pursuant to 157.205 of the Regulations under the Natural Gas Act (18 CFR §157.205) for authorization to transport natural gas on behalf of Dow Corning Corporation (Dow) under the certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle proposes to provide transportation for up to 4,500 Mcf of gas per day on an interruptible basis pursuant to a transportation agreement dated April 19, 1984, between Panhandle and Michigan Gas Storage Company (Storage Company), as agent for and on behalf of Dow. Panhandle explains that the term of the authorization as herein sought is until the earlier of (1) eighteen months from the effective date of the agreement, (2) termination of authorization as provided by Subpart F of 18 CFR Part 157, or (3) termination of the agreement by either of the parties.

Panhandle would receive the gas from an existing point of interconnection between Union Texas Products Corporation and Panhandle in Major County, Oklahoma, and redeliver the gas, less a four percent reduction for fuel, to Storage Company, an existing jurisdictional sales customer of Panhandle, who in turn would redeliver the gas to Consumers Power Company (Consumers). Dow is an end-use customer of Consumers who is supplied by Storage Company. The end-use of the gas is for boiler fuel at Dow's Midland plant, it is explained.

In addition, Panhandle requests flexible authority to add or delete sources of supply or receipt/delivery points. Any changes in source or receipt/delivery points are intended to be on behalf of the same end-user at the same end-user location and within the maximum daily and annual volumes authorized in this docket, it is submitted.

Furthermore, Panhandle agrees that within 30 days of the addition or deletion of any gas suppliers and/or receipt/delivery points to file all pertinent information required.

Panhandle explains that its transportation rate is based upon its currently effective OST tariff which went into effect on April 1, 1984.

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 theCommission'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. 84-29691 Filed 11-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-35-000]

Panhandle Eastern Pipe Line Co. Request Under Blanket Authorizaiton

November 6, 1984.

Take notice that on October 15, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-35-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of James

River Corporation (James River) under the certificate issued in Docket No. CP83–83–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle proposed to provide transportation for up to 12,000 Mcf of gas per day on behalf of James River on and interruptible basis pursuant to a transportation agreement dated July 19, 1984, between Panhandle and Michigan Gas Storage Company (Storage Company) as agent for and on behalf of James River. Panhandle explains that the term of the authorization as herein sought is until the earlier of (1) eighteen months from the effective date of the agreement, (2) termination of authorization as provided by Subpart F of 18 CFR Part 157, or (3) termination of the agreement by either of the parties.

Panhandle would receive the gas from an existing point of interconnection between Union Texas Products Corporation and Panhandle in Major County, Oklahoma, and redeliver the gas, less a four percent reduction for fuel, to Storage Company, an existing jurisdictional customer of Panhandle, which in turn would redeliver the gas to Consumers Power Company (Consumers). James River is an end-use customer of Consumers which is supplied by Storage Company and the end-use of the gas is for boiler fuel at James River's K.V.P. plant, it is explained.

Panhandle proposes to charge for its services the rate provided in its currently effective OST tariff, which went into effect on April 1, 1984.

In addition, Panhandle requests flexible authority to add or delete sources of supply or receipt/delivery points. Any changes in sources or receipt/delivery points are intended to be on behalf of the same end-user at the same end-user location and within the maximum daily and annual volumes authorized in this docket, it is explained.

Furthermore, Panhandle agrees that within 30 days of the addition or deletion of any gas suppliers and/or receipt/delivery points to file all pertinent information required.

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 Natuaral 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. 84–29692 Filed 11–9–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP85–10–000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Request Under Blanket Authorization

November 6, 1984.

Take notice that on October 5, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85–10–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport up to 1,200 Mcf of gas per day for the Celotex Corporation, a subsidiary of Jim Walter Corporation (Celotex), under the certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the Natural Gas Act, as more fully set forth in the request on file with the Commission and open to public inspection.

It is explained that the gas to be transported would be purchased by Celotex from Browning & Welch, Inc. (Browning & Welch) in the Starr Field, Lamar County, Alabama, and that Tennessee would transport the gas from a point located in Lamar County, Alabama, to Columbia Gas Transmission Corporation (Columbia), for Celotex, at the points of interconnection between the pipeline facilities of Tennessee and Columbia in Montgomery (North Means) and Greenup (Greenup) Counties, Kentucky. Columbia would then transport and deliver such volumes to Cincinnati Gas & Electric Company (Cincinnati) for delivery to Celotex in Lockland, Ohio's plant.

Tennessee states that it commenced this transportation service on August 16, 1984, and that the details of this transaction were reported to the Commission in Docket No. ST84–1259. Tennessee requests authorization to continue this transportation service until June 30, 1985.

Tennessee states that it would charge Celotex rate of 17.14 cents per Mcf for deliveries to North Means and 30.65 cents per Mcf for deliveries to Greenup in acordance with Tennessee's Rate Schedule ITEU. Celotex would provide to Tennessee a percentage of the gas received for its system fuel and uses and lost and unaccounted-for volumes, it is submitted.

Tennessee indicates that the proposed transportation would require the construction of a side valve located in Lamar County, Alabama, at an estimated cost of $5,000, to consummate the purchase of the gas by Celotex from Browning & Welch.

Tennessee further requests flexible authority to add and/or delete sources of gas, and add and/or delete receipt and/or delivery points upon mutual agreement of the parties and agrees to comply with certain filing requirements in implementing these changes. Following the addition or deletion of any gas suppliers or receipt or delivery points, Tennessee would file the necessary information with the Commission within 30 days following the implementation of such changes, it is submitted.

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. 84–29694 Filed 11–9–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP85–9–000]

Tennessee Gas Pipeline Co.; a Division of Tenneco Inc.; Request Under Blanket Authorization

November 6, 1984.

Take notice that on October 5, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85–9–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR

157.205) for authorization to transport natural gas for USS Chemicals, a division of United States Steel Corporation (USS Chemicals) under the certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that USS Chemicals purchases natural gas from Browning and Welch, Inc. (Browning and Welch), in the Starr Field, Lamar County, Alabama. Pursuant to the terms of a gas transportation agreement dated August 15, 1984, Applicant proposes to receive up to 800 Mcf of natural gas per day at a point of interconnection between the facilities of Applicant and Browning and Welch located at Applicant's Mile Post 547D–201 + 0.45 miles in Lamar County, Alabama, it is explained. Applicant proposes to transport and deliver a thermally equivalent quantity of gas, less volumes for fuel and uses and gas lost and unaccounted for, to Columbia Gas Transmission Corporation (Columbia), for the account of USS Chemicals, at the interconnection of the facilities of Applicant and Columbia at (1) Applicant's North Means Sales Meter Station (North Means) in Montgomergy County, Kentucky, from April 1 through October 31 and (2) Applicant's Greenup Sales Meter Station (Greenup) in Greenup County, Kentucky, from November 1 through March 31. It is explained that Columbia would then transport and deliver equivalent volumes to the Union Light, Heat and Power Company which in turn would deliver the gas to USS Chemicals' Acrylic Sheet Unit in Florence, Kentucky.

Applicant states that the transportation service was commenced on August 17, 1984, and reported to the Commission in Docket No. ST84–1258. Applicant requests authority to transport gas for USS Chemicals until June 30, 1985.

In accordance with Applicant's Rate Schedule ITEU, which is on file with the Commission, Applicant proposes to charge USS Chemicals a volume charge equal to

(1) The product of 17.14 cents multiplied by the total volume in Mcf of gas delivered by Applicant for the account of USS Chemicals during the month at North Means; and

(2) The product of 30.65 cents multiplied by the total volume in Mcf of gas delivered by Applicant for the account of USS Chemicals during the month at Greenup.

Applicant also proposes to charge USS Chemicals an Added incentive charge of 5.0 cents per million Btu.

It is explained that in order to provide the transportation service, Applicant has constructed a side valve at its Mile Post 547–201 + 0.45 miles on its 547D–200 line in Lamar County, Alabama, at an approximate cost of $5,000, for which Applicant would be reimbursed by USS Chemicals.

It is stated that Kimball Production Company (Kimball) would act as intermediary between USS Chemicals and Browning and Welch. It is also stated that Kimball would receive a fee of $0.06 per million Btu of gas deliverd for this service.

Applicant also requests flexible authority to add and/or delete sources of gas, and add and/or delete receipt and/or delivery points upon mutual agreement of the parties. It is stated that Applicant would comply with the filing requirements in implementing any changes.

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. 84–29693 Filed 11–9–84; 8:45 am]

BILLING CODE 6717–01–M

EXPORT-IMPORT BANK

Open Meeting of the Advisory Committee of the Export-Import Bank of the United States

Summary: The Advisory Committee was established by Pub. L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

Time and Place: Wednesday, November 28, 1984 from 9:30 a.m. to 12 noon. The meeting will be held in Room 1141, 811 Vermont Avenue, NW., Washington, D.C. 20571.

Agenda: The meeting agenda will include discussion of Eximbank's results in FY 1984 and plans for 1985, an update on Mixed Credits, an update on the Marketing and Small Business Program, the status of the Questionnaire for Competitiveness Survey, and the Advisory Committee's comments on Proposed "Key Linkage" Submission.

Public Participation: The meeting will be open to public participation; and the last 20 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joan P. Harris, Room 1203, 811 Vermont Avenue, NW., Washington, D.C. 20571, (202) 566–8871, not later than November 23, 1984.

Further Information: For further information, contact Joan P. Harris, Room 1203, 811 Vermont Avenue, NW., Washington, D.C. 20571, (202) 566–8871.

Joseph H. Gainer,

Acting General Counsel.

[FR Doc. 84–29774 Filed 11–9–84; 8:45 am]

BILLING CODE 6690–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84M–0350]

Fonar Corp.; Premarket Approval of the Fonar Beta-3000 Nuclear Magnetic Resonance Scanning System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Fonar Corp., Melville, NY, for premarket approval, under the Medical Device Amendments of 1976, of the Fonar Beta-3000 Nuclear Magnetic Resonance Scanning System. After reviewing the recommendation of the Radiologic Devices Panel, FDA notified the applicant that FDA approved the application because the applicant had shown the device to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by December 13, 1984.

ADDRESS: Written requests for copies of the summary of safety and effectiveness

data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert A. Phillips, Center for Devices and Radiological Health (HFZ–430), Food and Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7514.

SUPPLEMENTARY INFORMATION: On January 19, 1984, Fonar Corp., Melville, NY 11747–4292, submitted to FDA an application for premarket approval of the Fonar Beta–3000 Nuclear Magnetic Resonance Scanning System. The device is a nuclear magnetic resonance (NMR) imaging system indicated for use in producing images of multiple planes in the head or body. These images correspond to the distribution of hydrogen nuclei exhibiting NMR, depend on NMR parameters (hydrogen nuclei concentration and flow velocity, T1 (spin-lattice relaxation time), and T2 (spin-spin relaxation time), and result from the acquisition and processing of the NMR data. These images display the internal structure of the head and body and, when interpreted by a trained physician, can yield diagnostically useful information. All other uses of this device remain investigational. The Radiologic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 26, 1984, FDA approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, Center for Devices and Radiological Health.

A summary of the safety and effectiveness data on which FDA based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at the Center for Devices and Radiological Health—contact Robert A. Phillips (HFZ–430), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 (U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 13, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 5, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–29613 Filed 11–9–84; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

National Cancer Institute; Board of Scientific Counselors, Division of Cancer Prevention and Control; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, January 28–29, 1985, Wilson Hall, Building 1, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. on January 28 through adjournment on January 29, to discuss the current and future programs of the Division of Cancer Prevention and Control. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of meetings and rosters of committee members upon request.

Dr. Carlos Caban, Acting Executive Secretary, National Cancer Institute, National Institutes of Health, Blair Building, Room 4A01, Bethesda, Maryland 20205 (301/427–8735) will furnish substantive program information.

Dated: November 6, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–29639 Filed 11–9–84; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; National Cancer Advisory Board and Board Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittee, November 26–28, 1984, National Cancer Institute, Building 31, C Wing, Conference Room 6, National Institute of Health, Bethesda, Maryland 20205. The Board meeting and the Subcommittee meeting will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Mrs. Winfred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings and rosters of members, upon request.

Mrs. Barbara S. Bynum, Executive Secretary, National Cancer Advisory Board, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5147) will furnish substantive program information.

Name of Committee: *National Cancer Advisory Board*

Dates of meeting: November 26–28, 1984

Place of meeting: Building 31, C, Wing, Conference Room 6 National Institutes of Health

Open:

November 26, 8:30 a.m.–recess
November 27, 8:30 a.m.–recess
November 28, 8:30 a.m.–adjournment

Agenda: Report of the Director, National Cancer Institute; Program Reviews; and scientific presentations.

Name of Committee: *Subcommittee for Review of Contracts and Budget of the Office of the Director*

Date of meeting: November 26, 1984

Place of meeting: Building 31, C Wing, Conference Room 7, National Institutes of Health
Open: November 26, 7:30 p.m.–adjournment
Agenda: Concept review of Office of the Director contracts and to review the Office of the Director budget.

Dated: November 6, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-29635 Filed 11-9-84; 8:45 am]

BILLING CODE 4140-01-M

Consensus Development Conference on Limb-Sparing Treatment of Adult Soft-Tissue and Osteogenic Sarcomas; Meeting

Notice is hereby given of the NIH Consensus Development Conference on "Limb-sparing Treatment of Adult Soft-tissue and Osteogenic Sarcomas," sponsored by the National Cancer Institute and the NIH Office of Medical Applications of Research. The conference will be held December 3–5, 1984, in the Masur Auditorium of the Warren Grant Magnuson Clinical Center (Building 10) at the National Institutes of Health, 8600 Rockville Pike, Bethesda, Maryland 20205. This conference will review the experiences of scientists and clinicians from multiple centers specializing in the treatment of adult soft-tissue and osteogenic sarcomas. It will focus on the clinical and histological evaluation of patients from prospective limb-sparing treatment, the methodology and end results of appropriate limb-sparing treatment, and the direction for the development of future treatment strategies. Treatment of adult soft-tissue and osteogenic sarcomas requires a multidisciplinary approach. Care of a patient with a sarcoma of the arm or leg involves cooperation among surgeons, radiotherapists, medical oncologists, nurses, and rehabilitation personnel. Amputation of the extremeity has been the mainstay of therapy for these cancers. However, recent examination of the role of limb-sparing treatment may provide alternative solutions for these patients.

The conference will bring together: Biomedical investigators; specialists in the fields of surgical, radiation, and medical oncology; nurses, physical therapists; and other health professionals, consumers, and representatives of the public. Following two days of presentations by medical experts and discussion by the audience, a Consensus Panel will consider the scientific evidence presented. The panel members, drawn from the medical professions, organizations interested in cancer treatment, and lay persons, will formulate a draft statement responding to the following key questions:

- What is the optimal pretreatment evaluation of the adult sarcoma patient regarding diagnosis, extent of disease workup, and staging?
- Are there types of patients for whom limb-sparing treatment should be considered appropriate?
- If so, what is the optimal limb-sparing treatment strategy? Consider the following:

—Indications and contraindications
—Extent of surgical resection
—Need for and form of radiation therapy and/or chemotherapy
—Treatment morbidity and function of the limb
—End results

- Are there types of extremity sarcoma patients for whom adjuvant chemotherapy is indicated?
- What directions should be taken for future research on the treatment of extremity sarcomas?

On the third day, Consensus Panel Chairman Walter Lawrence, Jr., M.D., Professor and Chairman of Surgical Oncology and Chairman of Massey Cancer Center, Medical College of Virginia, Richmond, Virginia, will read the Consensus Statement before the conference audience and invite comments and questions.

Information on the program may be obtained from Mr. Peter Murphy, Prospect Associates, 2115 East Jefferson Street, Suite 401, Rockville, Maryland 20852, (301) 468–6555.

Dated: November 6, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-29637 Filed 11-9-84; 8:45 am]

BILLING CODE 4140-01-M

Consensus Development Conference on Lowering Blood Cholesterol To Prevent Heart Disease; Meeting

Notice is hereby given of the NIH Consensus Development Conference on "Lowering Blood Cholesterol to Prevent Heart Disease," sponsored by the National Heart, Lung, and Blood Institute of the National Institutes of Health and the NIH Office of Medical Applications of Research. The conference will be held December 10–12, 1984, in the Masur Auditorium of the Warren G. Magnuson Clinical Center (Building 10) at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Elevated blood cholesterol is one the major risk factors for the development of coronary heart disease, although evidence has been lacking to show that reduction of blood cholesterol also would reduce an individual's risk of developing heart disease. In the recently concluded Lipid Research Clinics Coronary Primary Prevention Trial (CPPI), however, the group of participants who reduced their elevated blood cholesterol also experienced a reduction in the number of fatal and nonfatal heart attacks.

The key questions to be addressed at the conference include: Is the relationship between blood cholesterol levels and coronary heart disease causal? Will reduction of cholesterol levels prevent coronary heart disease? Under what circumstances and at what level of blood cholesterol should dietary or drug treatment be started? Should an attempt be made to reduce the blood cholesterol levels of the general population? What are the directions for future research?

This consensus conference will bring together researchers, medical specialists, clinicians and representatives of other interested groups. Following two days of presentations by medical experts and discussion by the audience, a Consensus Panel will weight the scientific evidence and formulate a draft statement responding to the key questions. On the morning of the third day, Consensus Panel Chairman Daniel Steinberg, M.D., Ph.D., Professor of Medicine, University of California, San Diego at La Jolla, California, will read this preliminary Consensus Statement before the conference audience and invite comments and questions.

Information on the program may be obtained from Ms. Michele Dillon, Prospect Associates, 2115 East Jefferson Street, Suite 401, Rockville, Maryland 20852, (301) 468–6555.

Dated: November 6, 1984.

Betty J. Beveridge,

Committee Management Office, NIH.

[FR Doc. 84-29638 Filed 11-9-84; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Child Health and Human Development; Amended Meeting of the Mental Retardation Research Committee

Notice is hereby given of a change in the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, November 15–16, 1984, Conference Room A, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, which was published in the

Federal Register on October 1, 1984 (49 FR 38708).

This committee was to have met in Conference Room A, Landow Building, but has been changed to the conference room in Building 16 (Stone House). The meeting will be open to the public on November 15 from 1:00 p.m. to 2:00 p.m. The meeting will be closed on November 15 from 2:00 p.m. to 5:00 and on November 16 from 9:00 a.m. to adjournment.

Dated: November 6, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-29636 Filed 11-9-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Change in Discount Rate for Water Resources Planning

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of change in discount rate.

SUMMARY: This notice sets forth the discount rate to be used in Federal water resources planning for fiscal year 1985.

DATE: This discount rate is to be used for the period October 1, 1984, through and including September 30, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Norman H. Starler, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone 202-343-5605.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 8 ⅜ percent for fiscal year 1985.

This rate has been computed in accordance with sec. 80(a), Pub. L. 93-251 (88 Stat. 34) and 18 CFR 704.39, which (1) specify that the rate shall be based upon the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity; and (2) provide that the rate shall not be raised or lowered more than one-quarter of one percent for any year. The Treasury Department calculated the specified average yield to be 12.38 percent. Since the rate in FY 1984 was 8 ⅛ percent, the rate for FY 1985 is 8 ⅜ percent.

The rate of 8 ⅜ percent shall be used by all Federal agencies in the formulation and evaluation of water and related land resources plans for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

Dated: November 6, 1984.

Robert N. Broadbent,

Assistant Secretary, Water and Science.

[FR Doc. 84-29611 Filed 11-9-84; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

Colorado; Filing of Plats of Survey

November 5, 1984.

The plat of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., December 27, 1984.

The plat representing the dependent resurvey of a portion of the Ninth Standard Parallel North (south boundary), T. 37 N., R. 9 W., the First Guide Meridian West (east boundary), and the south boundary, and a portion of the subdivisional lines; the survey of the subdivision of certain sections, and a metes-and-bounds survey of private land claims, T. 36 N., R. 9 W., New Mexico Principal Meridian, Colorado, Group No. 681, was accepted October 29, 1984.

This plat was executed to meet certain administrative needs of U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2020 Arapahoe Street, Denver, Colorado 80205.

Jack A. Eaves,

Acting Chief, Cadastral Surveyor for Colorado.

[FR Doc. 84-29659 Filed 11-9-84; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Upper John Day Project, OR; Intent To Prepare an Environmental Statement; Withdrawal

The Bureau of Reclamation published a Notice of Intent to Prepare a Draft Environmental Statement on the Upper John Day Project, Oregon, on April 14, 1983. Since an economically feasible alternative has not been identified, the investigation is being terminated and a planning report concluding the study is being prepared. We are therefore withdrawing the notice of intent and do not plan to prepare an environmental statement.

Dated: November 6, 1984.

Robert A. Olson,

Acting Commissioner.

[FR Doc. 84-29630 Filed 11-9-84; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given that the Santa Monica Mountains National Recreation Area Advisory Commission will hold a public meeting on Tuesday, November 27, 1984 at 7:00 p.m. in the Auditorium at Paul Revere Junior High School, 1450 Allenford Avenue, Los Angeles, California.

The topics for discussion will include:

Superintendent's Status Report of the Santa Monica Mountains National Recreation Area

Draft Cultural Resource Management Plan

Draft Water Resources Management Plan

Santa Monica Mountains/Channel Island Foundation Vegetation Mapping Proposal.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

The minutes of the meeting will be available by December 31, 1984.

Dated: October 25, 1984.

Daniel R. Kuehn,

Superintendent.

[FR Doc. 84-29675 Filed 11-9-84; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 3, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior Washington, DC 20243. Written

comments should be submitted by November 28, 1984.

Beth Grosvenor,

Acting Chief of Registration National Register.

ALABAMA

DeKalb County

Fort Payne, *Cherokee Plantation*, 100 Cherokee Dr. NE.

Perry County

Uniontown, *Westwood Plantation (Boundary Increase)*, Bounded roughly by Hwy. 80, Hwy. 61, Rabbit Yard Rd., and Old Uniontown RR Spur

ARIZONA

Coconino County

Flagstaff, *Ashurst House (U.S. Weather Bureau)*, 417–421 W. Aspen Ave.
Flagstaff, *Clark, J.M., House*, 503 N. Humphreys St.
Flagstaff, *Milligan House*, 323 W. Aspen
Williams, *First Methodist Episcopal Church and Parsonage*, 127 W. Sherman St.

CONNECTICUT

New Haven County

Beacon falls vicinity, *Home Woollen Company (Beacon Falls Rubber Shoe Factory)*, Main St.

FLORIDA

Leon County

Tallahassee, *Exchange Bank Building*, 201 S. Monroe
Tallahassee, *Hotel Floridan*, N. Monroe St.

KENTUCKY

Nelson County

Bardstown, *Beechwold*, 500 E. Stephen Foster St.

Scott County

Georgetown vicinity, *Smith, Dr. William Addison, House*, 1589 Newton Pike
Sadieville vicinity, *Burgess, Joseph Fields, House*, Off US 25 and SW corner of SR 608
Stamping Ground vicinity, *Campbell, William, House (Josiah Gayle House)*, Off U.S. 227

Shelby County

Simpsonville, *Sturgeon-Gregg House*, US 60

Warren County

Boiling Green, *Fort C.F. Smith (Civil War Fortification TR) (Warren County MRA)*, E Main St.
Boiling Green, *Fort Lytle (Civil War Fortification TR) (Warren County MRA)*, Western Kentucky University
Boiling Green, *Fort Webb (Civil War Fortification TR) (Warren County, MRA)*, Country Club Dr.

LOUISIANA

Rapides Parish

Alexandria vicinity, *Conerly House (Neo-Classical Architecture of Bayou Rapides TR)*, Off US 71
Alexandria vicinity, *Geneva (Vanderlick House) (Neo-Classical Architecture of Bayou Rapides TR)*, Hwy 496
Alexandria vicinity, *Hopson House (Neo-Classical Architecture of Bayou Rapides TR)*, Brown's Bend
Alexandria vicinity, *Oxland (Brown House) (Neo-Classical Architecture of Bayou Rapides TR)*, Hwy 1202
Gardner vicinity, *Bayouside (Dunnam, Milton, House) (Neo-Classical Architecture of Bayou Rapides TR)*, Bellgard Bend Rd.
Gardner vicinity, *China Grove (Neo-Classical Architecture of Bayou Rapides TR)*, Hwy. 496
Gardner vicinity, *Eden (Neo-Classical Architecture of Bayou Rapides TR)*, Off Hwy 121
Gardner vicinity, *Island Home (Neo-Classical Architecture of Bayou Rapides TR)*, Across Bayou Rapides of Hwy 121
Gardner vicinity, *Longview (Neo-Classical Architecture of Bayou Rapides TR)*, Across Bayou Rapides from Hwy 121 near intersection with Hwy 121

NEVADA

Clark County

Grapevine Canyon Petroglyphs (AZ:F:14:98 (ASM),
Homestake Mine (26CK3126),

NEW MEXICO

Bernalillo County

Albuquerque, *Our Lady of the Angels School*, 320 Romero St. NW
Albuquerque, *Second United Presbyterian Church*, 812 Edith Blvd. NE.
Albuquerque, *Monte Vista Fire Station*, 3201 Central NE

Santa Fe County

Santa Fe, *Allison Dormitory*, 433 Paseo de Peralta

OHIO

Franklin County

Columbus vicinity, *McCracken-Sells House*, 3983 Dublin Rd.

Hamilton County

Cincinnati, *Cote Bonneville*, 4850 Colerain Ave.

Hocking County

Logan, *McCarthy-Blosser-Dillon Building*, 4 W. Main St.

Lucas County

Toledo, *Bronson Place*, Roughly bounded by Cherry St., Central and Franklin Aves.

RHODE ISLAND

Washington County

Fayerweather, George, Blacksmith Shop,

SOUTH DAKOTA

Walworth County

Gravel Pit Site (39WW203),

WEST VIRGINIA

Monongalia County

Smithtown, *Old Watson Homestead House*, SR 73

The 15-day commenting period for the following property is to be waived in order to allow for an easement in 1984.

MICHIGAN

Wayne County

Detroit, *Globe Tobacco Building*, 407 E. Fort St.

[FR Doc. 84–29728 Filed 11–9–84; 8:45 am]
BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30533]

Burlington Northern Railroad Company and Denver & Rio Grande Western Railroad Company; Trackage Rights Exemption; ASB Bridge in Kansas City, MO

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the acquisition by the Denver & Rio Grande Western Railroad Company of trackage rights over Burlington Northern Railroad Company's ASB Bridge in Kansas City, MO, from the requirement of prior approval under 49 U.S.C. 11343, subject to standard employee protection.

DATES: This exemption is effective on December 13, 1984. Petitions for reconsideration must be filed by December 3, 1984. Petitions for stay must be filed by November 23, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30533 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioners' representative: John S. Walker, P.O. Box 5482, Denver, CO 80217.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy fo the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate

Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: November 1, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 84–29632 Filed 11–9–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Consent Decree in an Action Under the Clean Water Act; Left Beaver Coal Co.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on October 25, 1984, a consent decree in *United States* v. *Left Beaver Coal Company*, was entered by the United States District Court for the Eastern District of Kentucky. The decree requres Left Beaver to comply with the terms of its NPDES permit, to apply for a Surface Disturbance Permit and install additional treatment facilities, to pay stipulated penalties for future violations and to pay a civil penalty of $50,000 for past violations.

The Department of Justice will receive for thirty (30) days from the publication date of this notice, written comments relating to the decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Left Beaver Coal Company*, D.J. 90–5–1–1–2169.

The consent decree can be examined at the office of the United States Attorney, U.S. Post Office and Courthouse, Limestone and Barr Streets, Lexington, Kentucky, at the Region IV office of the Environmental Protection Agency, Office of Regional Counsel, 345 Courtland Street, Atlanta, Georgia and at the Enviornmental Enforcement Section, Land and Natural Resoures Division, Department of Justice (Room 1515), Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the consent decree can be obtained in person or by mail from the Environmental Enforcement Section at the above address.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84–29663 Filed 11–9–84; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Determination Regarding Eligibility To Apply for Worker Adjustment Assistance; Harnischfeger Corp., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 29, 1984–November 2, 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.

In the following case the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–15,416; Harnischfeger Corp., Shiller Park, IL

Affirmative Determinations

TA–W–15,391; Talbott Knitting Mills, New York, NY

A certification was issued covering all workers separated on or after January 1, 1984.

TA–W–15,366; Michigan Instruments Corp., East Orange, NJ

A certification was issued covering all workers separated on or after June 7, 1983.

TA–W–15,441; Gorham Textron Division of Textron, Inc., San Dimas, CA

A certification was issued covering all workers separated on or after August 17, 1983.

TA–W–15,316; Royal Robes, Inc., Bristol, RI

A certification was issued covering all workers separated on or after April 10, 1983.

TA–W–15,316A; Royal Robes, Inc., Woonsocket, RI

A certification was issued covering all workers separated on or after April 10, 1983.

TA–W–15,392; Talbott Knitting Mills, Morgantown, PA

A certification was issued covering all workers separated on or after January 1, 1984.

TA–W–15,393; Talbott Knitting Mills, Reading, PA

A certification was issued covering all workers separated on or after January 1, 1984.

I hereby certify that the aforementioned determinations were issued during the period October 29, 1984–November 2, 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: November 6, 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84–29722 Filed 11–9–84; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Allied Corp. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivison of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may

request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 23, 1984.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 23, 1984.

The petitions filed in the this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 5th day of November 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date Received	Date of Petition	Petition No.	Articles produced
Allied Corporation (USWA)	Nitro, WV	10/29/84	10/24/84	TA-W-15,533	Inorganic acids.
ASARCO, Inc., Tacoma Smelter (USWA)	Tacoma, WA	10/29/84	10/25/84	TA-W-15,534	Copper anode.
Bendey Shoe, Inc. (workers)	Bangor, Maine	10/29/84	10/26/84	TA-W-15,535	Shoes, casual, dress, men's.
Berg Steel Pipe Corp (company)	Panama City, FL	10/31/84	10/26/84	TA-W-15,536	Pipe, steel diameter, large.
Dynamic Merchandise, D.B.A. Universal Firearms (workers).	Hialeah, FL	10/30/84	10/24/84	TA-W-15,537	Carbines, caliber, 30.
E.R. Moore Co. (workers)	Osceola, AR	10/25/84	10/12/84	TA-W-15,538	Sportswear.
Fenner America, Ltd (IAMAW)	Middletown, CT	10/29/84	10/23/84	TA-W-15,539	Belts, rubberized, woven drive computer.
Harris Graphics Corp., Newspaper Press Div., Cleveland Plant (UAW).	Cleveland, OH	11/1/84	10/29/84	TA-W-15,540	Parts, service for sheet fed offset printing presses.
Haywood-Male, Inc., Hopkinsville Plant (workers)	Hopkinville, KY	11/1/84	10/25/84	TA-W-15,541	Jeans & jackets, men's.
Mayer China Co. (Mayer China Co. Employees Union)	Beaver Falls, PA	10/29/84	10/23/84	TA-W-15,542	China, ware hotel.
Pfister & Vogel Tanning Co. (wkrs)	Milwaukee, WI	10/29/84	10/26/84	TA-W-15,543	Leather, side for shoe upper manufacturing.
R.A.M. Enterprises, Inc. (company)	Gonic, NH	10/29/84	10/15/84	TA-W-15,544	Stitched shoe uppers.
Rexnord, Inc., Mechanical Power Div., Roller Chain Operation (USWA).	Worcester, MA	10/26/84	10/25/84	TA-W-15,545	Roller chains.
White Consolidated Industries, Inc., White Sundstrand Machine Tool Div. (USWA).	Liverpool, NY	10/29/84	10/25/84	TA-W-15,546	Computer controlled machining centers.
Zenith Electronics Corp., Austin Ave. Complex (co.)	Chicago, IL	11/1/84	10/26/84	TA-W-15,547	Cable boxes.
Zenith Electronics Corp. (company)	Glenview, IL	11/1/84	10/26/84	TA-W-15,548	Engineering, admin. office also cable products division.
Zenith Electronics Corp., Cable Products Division (company).	Mount Prospect, IL	11/1/84	10/24/84	TA-W-15,549	Offices—sales

[FR Doc. 84-29721 Filed 11-9-84; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: November 27, 28 and 29, 1984
Time: 9:00 a.m. to 5:00 p.m.
Room: M-14
Program: This meeting will review applications submitted for Central Disciplines/Improving Introductory Courses Promoting Excellence in a Field, and Fostering Coherence Throughout and Institution, for projects beginning after April 1, 1985.

Date: November 29-30, 1984
Time: 8:30 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications submitted to the Research Conferences Category, Basic Research Program, Division of Research Programs, for projects beginning after April 1, 1985.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal natural the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 29707 Filed 11-9-84; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7934.

SUPPLEMENTARY INFORMATION: On September 23, 1984, the National Science Foundation published a notice in the **Federal Register** of permit applications received. On November 3, 1984 permits were issued to:

Ann P. Hawthorne
William M. Hamner
Charles E. Myers,
Permit Office, Division of Polar Programs.
[FR Doc. 84-29662 Filed 11-9-84; 8:45 am]
BILLING CODE 7555-01-M

Advisory Panel on Measurement Methods and Data Resources; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel on Measurement Methods and Data Resources.

Date and time: November 28-29, 1984: 9:00 am to 5:30 pm.

Place: Room 643, National Science Foundation, 1800 G Street, NW Washington, DC 20550.

Type of meeting: Closed—November 28-29, 1984 am to 5:30 pm.

Contact person: Dr. Murray Aborn, Program Director, Measurement Methods and Data Improvement, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357-7913.

Summary of minutes: May be obtained from the contact person Dr. Murray Aborn at the above address.

Purpose of subpanel: To provide advice and recommendations concerning support for research and research-related projects in Measurement Methods and Data Improvement.

Agenda: Review and evaluation of research and research-related proposals as part of the award selection process.

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: November 7, 1984.

M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 84-29704 Filed 11-9-84; 8:45 am]
BILLING CODE 7555-01-M

Advisory Panel for Engineering Research Centers

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Engineering Research Centers.

Date and time: December 1 through December 3, 1984: 9 a.m.-5 p.m. each day.

Place: Room 540, National Science Foundation, 1800 G St. NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Mr. Lewis Mayfield, Head, Office of Interdisciplinary Research, Rm. 1121, National Science Foundation Washington, D.C. 20550 Telephone: 202-357-9707.

Purpose of panel: To review and evaluate specific proposals requesting NSF support to develop fundamental knowledge in engineering fields that will enhance the international competitiveness of U.S. industry and prepare engineers to contribute through better engineering practice.

Agenda: To provide advice and recommendations concerning support for Engineering Research Centers proposals.

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 in accord with 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.

M. Rebecca Winkler
Committee Management Officer.

Dated: November 7, 1984.
[FR Doc. 84-29705 Filed 11-9-84; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Environmental Assessment and Finding of no Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the granting of relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Northern States Power Company (the Licensee), which would revise the first ten-year inservice inspection program for the Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50.

Environmental Assessment

Identification of Proposed Action: By letters dated December 22, 1983, March 9 and June 11, 1984, Northern States Power Company, the licensee, requested relief from the requirements set forth in the ASME Boiler and Pressure Vessel Code Section XI related to the Inservice Inspection (ISI) program and the Inservice Testing of Pumps and Valves (IST) covering the second ten-year interval. The licensee has determined that these requirements are impractical at the Prairie Island Nuclear Generating Plant Units Nos. 1 and 2 for the second ten-year inspection program.

The Need for the Proposed Action: If reliefs are not granted, the licensee will be subjected to unnecessary burdens serving no practical purposes and will be unable to utilize the latest version of the ASME code. As stated above, the licensee has determined that these requirements are impractical. The NRC staff agrees with the licensee's findings.

Environmental Impact of the Proposed Action: Our evaluation of the proposed requests for relief from the ASME Code requirements indicates that the relief will not, in any way, reduce the integrity of safety systems.

Accordingly, post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents, and there is no significant increase in occupational exposures. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed relief.

With regard to potential non-radiological impacts, the proposed relief involves systems 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 relief.

Alternative Use of Resources: This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's requests 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 reliefs.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a

significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's letters dated December 22, 1983 and March 9 and June 11, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and Environmental Conservation Library, Minneapolis Public Library, 300 Nicollect Mall, Minneapolis, Minnesota 55401.

Dated at Bethesda, Maryland this 6th day of November, 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Assistant Director for Operating Reactors, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-29720 Filed 11-9-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Agreement on Government Procurement Value of Special Drawing Rights

Under the authority delegated to the United States Trade Representative by Section 1–104 of Executive Order 12260, I hereby determine that, effective on January 1, 1985, the dollar equivalent of 150,000 Special Drawing Right units referred to in the Agreement on Government Procurement is $156,000. The Trade Representative may modify this determination as appropriate.

William E. Brock III,

United States Trade Representative.

[FR Doc. 84-29622 Filed 11-9-84; 8:45 am]

BILLING CODE 3190-01-M

Trade Policy Staff Committee; Public Hearings on the Possible Establishment of Sectoral Free Trade Arrangements With Canada

SUMMARY: This publication gives notice that the Trade Policy Staff Committee will conduct public hearings on consideration of the possible establishment of sectoral free trade arrangements with Canada.

1. Public Hearings

The Chairman of the Trade Policy Staff Committee invites public comments on consideration of the possible establishment of sectoral free trade arrangements with Canada. Such comments will be considered by the Executive Branch in deciding whether it is in the interest of the United States to enter into sectoral free trade arrangements with Canada. The Committee is inviting specific comments on the merits of establishing free trade arrangements with Canada in the following sectors: Agricultural or horticultural articles; pesticides; informatics; steel; furniture; wood and wood products; paper and paper products; cosmetics; petrochemicals and alcoholic beverages. A list of the specific items of the Tariff Schedules of the United States (TSUS) which these sectors comprise is appended to this notice. In addition, comments on other potential sectors are welcomed. Interested parties are invited to submit testimony or written comments on this matter.

2. Requests To Participate in the Public Hearing

Hearings will be held on January 16, 1985, beginning at 10:00 a.m. in the GSA Auditorium, 18th and F Streets, NW., Washington, D.C., and will continue on January 17, if required. Parties wishing to testify orally at the hearings must provide written notification of their intention by noon, January 8, 1985 to Carolyn Frank, TPSC Secretary (Office of the United States Trade Representative, Room 500, 600 Seventeenth Street, NW., Washington, D.C. 20506) giving:

(1) Their names, addresses and telephone numbers;
(2) The sector (including TSUS numbers) to be addressed; and
(3) A brief summary of their presentation.

Those parties presenting oral testimony must submit a complete written brief, in 20 copies, by noon, January 11, 1985.

Remarks at the hearings should be limited to no more than fifteen minutes to allow for possible questions from the Chairman and the interagency panel. Participants should provide twenty typed copies of their oral presentation at the time of the hearings.

Persons not wishing to participate at the hearings may submit a written statement, in twenty copies, by January 31, 1985 to the TPSC Secretary at the address noted above.

Parties are referred to Section 2003 of Title 15 of the Code of Federal Regulations for the Committee's rules concerning oral testimony, the submission of written briefs, the treatment of business confidential information and other procedures related to TPSC hearings.

3. Background

In February 1984 the United States and Canada began discussions on the possibility of establishing free trade arrangements on particular sectors of interest to both nations. In connection with this proposal, the President on September 4, 1984 requested the U.S. International Trade Commission to conduct an investigation, pursuant to section 332(g) of the Tariff Act of 1930, and to provide advice, with respect to each item in the Tariff Schedules of the United States which may be covered by the sectoral arrangements, as to the probable economic effect of providing duty free treatment for imports from Canada on industries in the United States producing like or directly competitive articles and on consumers. The sectors upon which advice has been sought are: Articles to be used for agricultural or horticultural purposes; pesticides; informatics; steel; furniture; wood and wood products; paper and paper products; cosmetics; petrochemicals and alcoholic beverages. A list of the specific items of the TSUS which these sectors comprise is appended to this notice.

4. Comments

Comments are particularly invited on:

(a) Proposed and potential sectors to be included in U.S.-Canada sectoral free trade arrangements;

(b) General observations regarding proposed U.S.-Canada sectoral free trade arrangements;

(c) Experiences in trading with Canada;

(d) Particular benefits or disadvantages to the establishment of sectoral free trade arrangements with Canada.

5. Additional Information

Any questions with regard to the establishment of U.S.-Canada sectoral free trade arrangements should be directed to William Merkin, Deputy Assistant U.S. Trade Representative, Office of the United States Trade Representative, Room 307, 600 17th Street, NW., Washington, D.C. 20506; telephone (202) 395–5190.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

Appendix to the Federal Register Notice Announcing Public Hearings on the Possible Establishment of Sectoral Free Trade Arrangements with Canada.

The following items from the Tariff Schedules of the United States are included in the sectors under consideration in the possible establishment of sectoral free trade area arrangements with Canada:

Articles to be Used for Agricultural or Horticultural Purposes Provided for in the Following Items of the Tariff Schedules of the United States

252.50	610.32	642.85
385.50	640.30	642.87
511.61	640.35	646.54
608.07 [1]	642.11	646.65
608.13 [1]	642.45	651.48 [2]
609.20	642.47	652.92
609.21	642.50	652.94
609.22	642.52	653.00
609.25	642.54	653.52
609.28	642.56	657.25
609.30	642.58	661.06
609.33	642.60	661.15
609.35	642.62	662.50 [3]
609.36	642.64	666.10 [4]
609.37	642.66	676.52
609.40	642.68	684.40
609.41	642.70	692.16
609.43	642.72	692.35 [5]
609.45	642.74	692.40
609.70	642.76	692.60
609.72	642.78	772.65
609.75	642.80	
609.76	642.82	

Articles Provided for in the Following Items of the Tariff Schedules of the United States (Annotated)

664.06	666.2570
664.08 [6]	678.5095 [7]
666.2550	

[1] Only sheets to be used in the construction of, or as replacement or repair panels for, agricultural or horticultural structures.
[2] Only posthole diggers.
[3] Only parts.
[4] Only gang mowers.
[5] Only safety cages.
[6] Only snow plows.
[7] Only machinery for moving manure and log splitters.

Pesticides.—TSUS or TSUSA Item

408.16	408.28	408.38
408.21	408.29	425.1040
408.22	408.31	425.3620
408.23	408.32	428.7270
408.24	408.36	432.1500

Informatics.—TSUS or TSUS (A) Item

668.23	685.4070 (pt.) [1]
668.5040	685.80
676.07	685.9002 (pt.) [2]
676.10	685.9004 (pt.) [2]
676.12	685.9022 (pt.) [2]
676.15	685.9024 (pt.) [2]
676.20	685.9026 (pt.) [2]
676.22	685.9028 (pt.) [2]
676.23	685.9034 (pt.) [2]
676.25	685.9038 (pt.) [2]
676.30	685.9039 (pt.) [2]
676.50	685.9042 (pt.) [2]
676.52	685.9045 (pt.) [2]
682.6052	685.9048 (pt.) [2]
684.62	685.9049 (pt.) [2]
684.84	685.9051 (pt.) [2]
685.11 (pt.) [1]	685.9052 (pt.) [2]
685.13 (pt.) [1]	685.9053 (pt.) [2]
685.14 (pt.) [1]	685.9054 (pt.) [2]
685.15 (pt.) [1]	685.9056 (pt.) [2]
685.16 (pt.) [1]	685.9058 (pt.) [2]
685.17 (pt.) [1]	685.9059 (pt.) [2]
685.18 (pt.) [1]	685.9060 (pt.) [2]
685.20 (pt.) [1]	685.9061 (pt.) [2]
685.22 (pt.) [1]	685.9066 (pt.) [2]
685.2350	685.9068 (pt.) [2]
685.2471	685.9080 (pt.) [2]
685.2473	686.10
685.2474	687.3010
685.2476	687.35
685.2485	687.42
685.2486	687.43
685.26	687.54
685.27	687.66
685.29	687.70
685.4009	687.72
685.4011	687.74
685.4052 (pt.) [1]	687.77
685.4055 (pt.) [1]	687.79
685.4058 (pt.) [1]	687.81
687.83	708.09 (pt.) fiber optic cable
687.85	708.29 (pt.) fiber optic cable
687.87	712.49 (pt.) analog computers
688.0410 (pt.) [2]	722.1335
688.0415 (pt.) [2]	722.1660
688.0425 (pt.) [2]	722.4040
688.0430 (pt.) [2]	724.40 (pt.) [1]
688.0465 (pt.) [2]	724.45 (pt.) [2]
688.06 (pt.) [2]	
688.15 (pt.) [2]	
688.25 (pt.) [2]	
688.4340	

[1] Articles to be used in telecommunications, computer, or business applications only.
[2] Articles, other than power distribution components, to be used in telecommunications, computer, or business applications only.

Steel and Steel Products.—TSUS or TSUS(A) Item

606.67	608.01	609.98
606.69	608.07	610.20
606.79	608.11	617.21
606.81	608.13	610.25
606.83	608.14	610.26
606.86	608.19	610.30
606.88	608.21	610.31
606.90	608.23	610.32
606.91	608.26	610.35
606.93	608.29	610.36
606.94	608.31	610.37
606.95	608.34	610.39
606.97	608.38	610.40
606.99	608.39	610.42
607.05	608.43	610.43
607.07	608.47	610.45
607.09	608.49	610.46
607.14	608.55	610.48
607.17	608.57	610.49
607.22	608.59	610.51
607.23	608.64	610.52
607.26	608.67	642.08
607.28	609.14	642.1105
607.32	609.15	642.1120
607.34	609.17	642.1142
607.41	609.20	642.1144
607.43	609.21	642.1146
607.46	609.22	642.12
607.48	609.25	642.14
607.54	609.28	642.15
607.59	609.30	642.16
607.62	609.33	642.35
607.64	609.35	642.91
607.66	609.36	642.93
607.67	609.37	642.96
607.69	609.40	642.97
607.72	609.41	646.25
607.76	609.43	646.26
607.78	609.45	646.3020
607.81	609.70	652.90
607.83	609.72	652.92
607.86	609.75	652.93
607.88	609.76	652.94
607.90	609.80	652.95
607.91	609.82	652.96
607.92	609.84	652.97
607.93	609.86	653.00
607.94	609.88	690.25
607.97	609.90	
607.99	609.98	

Furniture.—TSUS Item

727.02	727.15	727.40
727.02	727.23	727.45
727.04	727.25	727.47
727.11	727.27	727.59
727.13	727.29	727.65
727.14	727.35	727.70

Wood and Wood Products.—TSUS Item

200.06	202.62	204.35
200.20	202.66	204.40
200.25	203.10	204.50
200.91	203.20	206.30
200.95	203.30	206.45
202.38	204.05	206.47
202.54	204.10	206.50
202.56	204.20	206.52
202.60	204.30	206.53
206.54	240.19	240.60
206.60	240.21	245.00
206.65	240.23	245.10
206.67	240.25	245.20
206.85	240.30	245.30
206.87	240.32	245.45
206.95	240.34	245.50
206.96	240.36	245.60
206.98	240.38	245.70
207.00	240.40	245.80
240.10	240.50	696.30
240.12	240.52	790.05
240.14	240.54	790.08
240.16	240.56	
240.17	240.58	

Paper and Paper Products.—TSUS Item

251.10	254.40	
251.15	254.42	
251.20	254.44	
251.25	254.46	
251.30	254.48	
251.45	254.50	
252.05	254.54	
252.10	254.56	
252.13	254.58	
252.15	254.63	
252.17	254.65	
252.20	254.70	
252.25	254.80	
252.27	254.85	
252.30	254.90	
252.35	254.95	
252.40	256.05	
252.42	256.10	
252.45	256.13	
252.50	256.15	
252.57	256.20	
252.59	256.25	
252.91	256.30	
252.63	256.35	
252.70	256.40	
252.73	256.42	
252.75	256.44	
252.77	256.48	
252.81	256.52	
252.84	256.54	
252.86	256.56	
252.90	256.58	
253.05	256.60	
253.10	256.65	
253.15	256.67	
253.20	256.70	
253.25	256.75	
253.30	256.80	
253.35	256.84	
253.40	256.87	
253.45	256.90	
254.05	668.5080–pt. paper masters for lithographic machinery	
254.09	722.82	
254.15	723.35	
254.18	790.25	
254.20	790.50	
254.25	790.55	
254.30		
254.35		

Perfumery, Cosmetics, and Other Toilet Preparations.—TSUS item

461.05	461.30	
461.10	461.35	
461.15	461.40	
461.20	461.45	

Petrochemicals—TSUS or TSUS(A) Item

402.08	404.16	
402.12	404.20	
402.16	404.30	
402.20	406.64	
402.24	406.68	
402.36(pt.) dodecylbenzene, ethylbenzene	406.76	
403.49	406.96	
403.51(pt.) phenol	408.61(pt.) nylon 6, nylon 66	

408.72	428.4710
408.8420	428.58
409.10	428.68
425.00	428.84
425.12	429.22
425.4240(pt.) adiponitrile	429.24
425.5220	429.29
425.70	429.32
426.00	429.34
427.40	429.42
427.48	429.44
427.60	429.47(pt.) 1,1,1-trichloroethane, methylchloride
427.62	
427.7410	
427.97	445.30
427.9810	445.46
428.06	445.52
428.3020	446.1535
428.34	

Alcoholic Beverages.—TSUS Item

167.05	168.14	169.08
167.10	168.16	169.13
167.15	168.36	169.14
167.20	168.37	169.19
167.25	168.39	169.20
167.30	168.41	169.21
167.32	168.42	169.22
167.34	168.54	169.31
167.35	168.57	169.32
167.37	168.59	169.37
167.40	168.61	169.38
167.42	168.74	169.39
167.50	168.76	169.42
167.90	168.78	169.44
168.04	168.80	169.47
168.06	168.82	169.48
168.09	168.96	169.49
168.11	168.98	169.58
168.12	169.04	169.59
168.13	169.07	

[FR Doc. 84-29823 Filed 11-9-84; 8:45 am]

BILLING CODE 3910-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14224; 812-5854]

Citizens growth Properties, et al.; Application For an Order Exempting Applicants

November 5, 1984.

Notice is hereby given that Citizens Growth Properties ("Citizens"), 200 Peoples Bank Building, 120 North Congress Street, Jackson, Mississippi, 39201, Congress Street Properties, Inc. ("Congress Street"), EastGroup Properties ("EastGroup"), Eastover Corporation ("Eastover"), EastPark Realty Trust ("ERT"), National Mortgage fund ("National"), The Parkway Company ("Parkway"), and Rockwood National Corporation ("Rockwood") (collectively, the "Eastover Group" or the "Applicants"), filed an application on May 5, 1984, and an amendment thereto on October 9, 1984, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting Eastover Group 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 made therein, which are summarized below, and to the Act for the text of the applicable statutory provisions.

Applicants state that, with the exception of Rockwood and Congress Street, a recent spain-off of Eastover designed to hold certain of Eastover's assets, each company in the Eastover Group was organized to operate as a real estate investment trust ("Reit") in accordance with sections 856–860 of the Internal Revenue Code (the "Code"). According to the application, Eastover was a Reit originally sponsored and advised by a New Orleans bank. Applicants state that control of Eastover, which was then in a cumulative loss position, passed in 1978 to a new management headed by Leland R. Speed, now chief executive officer of all companies in the Eastover Group. Applicants state that Mr. Speed sought to restore profitability to Eastover by adopting a new business strategy ("Eastover Business Strategy") derived from an analysis of the problems that beset the real estate industry in the mid 1970's.

Applicants state that an essential component of the Eastover Business Strategy (*i.e.* the purchase of real estate at attractive prices) is obtaining operating control of other real estate companies. Applicants further state that Eastover, in accordance with its strategy, began to acquire shares of various real estate companies, intending to acquire sufficient shares to gain control. According to the application, Eastover, with very few exceptions, has obtained (either directly or through already controlled companies, *i.e.* Eastover Group Companies) control of each real estate company in which it has invested; Applicants assert that, for purposes of the Act, a controlling interest in each member of the Eastover Group (except Eastover and Congress Street) is held by other Eastover Group companies. Applicants state that within the limitations of their respective financial conditions, and, with respect to the tax-qualified Reits, within the limitations imposed by the Code, each Eastover Group company has adopted the Eastover Business Strategy, which involves (i) liquidation of nonincome producing properties acquired through foreclosure which management has decided that the Eastover Group company could not feasibly develop; (ii) investment of available funds not required for current operating expenses or debt repayment in (a) interests in real estate which were already income-producing or which the Eastover Group company could, either singly or together with other investors, develop into income-producing properties or (b) shares of Reits or other real estate companies with a view toward obtaining control and implementing a similar strategy with respect thereto; and (iii) investigation of possible mergers or acquisitions to increase the Eastover Group company's asset base and thereby its ability to compete with larger real estate investors for attractive real estate opportunities.

Applicants state that operational control of the Eastover Group companies has been achieved through their adoption of an expense-sharing agreement that contemplates that officers of the Eastover Group will become officers of each company joining the Eastover Group and will assume the day-to-day management of the other Eastover Group companies. Applicants further state that the members of the Eastover Group also share the same administrative headquarters, personnel, and facilities. According to the application, and exhibits thereto, the Eastover Group companies have a large number of common officers pursuant to the expense-sharing agreement and the officers of Eastover have become responsible for day-to-day management of each of the Eastover Group companies. They also assert that most of the Eastover Group officers, as well as many of the trustees or directors of the Eastover Group companies, have substantial experience in the real estate business. The boards of those companies, which control other companies, regularly review the operations of the controlled companies. Applicants state that the officers are intimately involved with the operations of each Eastover Group member, spending a majority of their time in purchasing, managing, developing, and selling interests in real estate on behalf of the Eastover Group companies, including investigating opportunities for direct acquisition of interests in real estate. Most of their remaining time, Applicants state, is devoted to general administrative and financial activities of the Eastover Group. The officers estimate that at least 90 percent of their time is devoted to the aforementioned activities.

Applicants state that each of the Eastover Group companies participates in real estate development projects, either singly or in partnership with other Eastover Group companies or unrelated partners. Applicants also state that in late 1983, the Eastover Group also determined that in light of the Garn-St Germain Depository Institutions Act of 1982, control of a thrift institution was

central to its future and, through a company all the stock of which is owned by four Eastover Group companies, entered into an agreement in January 1984, to acquire, subject ot regulatory approvals, a control block of stock in a federal thrift institution based in Jackson Mississippi.

Applicants assert that ERT and Rockwood do not own and do not propose to acquire investment securities having a value exceeding 40 percent of their assets. Applicants state that ERT owns office buildings, apartment complexes, motels and hotels, while Rockwood owns land that is being developed for residential, commercial and industrial uses. Applicants further state that each of these companies has been, and is involved in the sale of improved and unimproved acreage, residential and commercial lots, and in the leasing and management of real estate. Applicants state that in both instances, over 30 percent of their total assets is invested in real estate. In making this and other determinations of value, Applicants used market value as of the end of the last preceding fiscal quarter for securities as to which market quotations are readily available and the lower of cost or market value for all other securities and assets, in accordance with the good faith determinations by the boards of directors or trustees of each of the Eastover Group companies that these valuations would constitute fair value. Rockwood also owns a manufacturer of mobile and modular homes.

Applicants further assert that National, EastGroup, and Parkway each have substantial interests in real estate (well over 55 percent of their respective assets) and do not issue redeemable securities. For example, it is indicated in the application that National's interest in investments in mortgages and real estate represented approximately 61 percent of its assets as of November 30, 1983; EastGroup's ownership of apartments, shopping centers, hotels and motels, office buildings, and undeveloped land in numerous states, in addition to substantial land purchase-leaseback investments, accounted for 77 percent of its assets as of November 30, 1983; and Parkway's real estate holdings in conjunction with its mortgage holdings, represented 78 percent of its assets as of December 31, 1983. Accordingly, Applicants assert that National, EastGroup, and Parkway meet the tests of section 3(c)(5)(C) of the Act and each is thereby excluded from the definition of investment company. The application indicates that the above percentages are much higher when effect is given to each company's ownership of interests in real estate through other controlled companies in the Eastover Group.

Applicants further assert that section 3(c)(5)(C) of the Act ought to be applied to exclude Citizens, Eastover, and Congress Street from the Act's definition of investment company because each company is both directly and indirectly engaged in the business of acquiring mortgages and real estate and does not issue any redeemable securities. Applicants state that as of December 31, 1983, 94.5 percent of Eastover's assets were devoted directly, or indirectly through controlled companies, to the real estate business. Giving effect to the spin-off of Congress Street, as of that date, 99.6 percent of the Eastover's assets were so devoted. At March 1, 1984, 84.8 percent of the assets of Congress Street were devoted directly, or indirectly through controlled companies, to the real estate business. Applicants further state that as of October 31, 1983, 96.3 percent of Citizen's assets were directly, or indirectly through controlled companies, dedicated to the real estate business. Applicants assert that each has substantial direct commitments to mortgages and real estate, and, through other companies within the Eastover Group, which are under the common control of the Eastover Group, each has substantial indirect commitments to mortgages and real estate. Applicants further assert that neither Eastover nor Congress Street is an investment company within the meaning of sections 3 (a)(1) and (a)(2), and that there are no facts that remotely suggest either company is a "special situation" investment company.

In further support of their request for exemption, Applicants state that their program has been described by most of the Eastover Group in their annual reports to shareholders. Additionally, many such annual reports contain condensed financial information with respect to other members of the Eastover Group over which the reporting company exercises control. Applicants aver that companies which have not yet followed these practices are expected to do so in the future. Moreover, Applicants state that the Eastover Group companies have publicly stated their policies in other documents filed with the Commission.

Applicants also assert that requiring the registration of any of the Eastover Group companies under the Act would not materially improve the nature, quality, or quantity of the information about the companies presently received by their respective shareholders. Furthermore, they assert that to require companies such as those in the Eastover Group, to comply with the regulatory provisions of the Act would be expensive, burdensome, and contrary to the best interests of their shareholders. Finally, Applicants state that the Eastover Group believes that the scope and content of the expense-sharing agreement more fully described in the application addresses sufficiently any conflicts of interest concerns.

Applicants conclude that companies primarily engaged in the businessof real estate were not intended to be required to register under the Act, and that all of the companies in the Eastover Group, being in essence real estate companies under common operational control, are excluded from the definition of investment company. They assert that in light of the foregoing, the exemptive relief requested is necessary and appropriate in the public interest and is also consistent with the protection of investors.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than November 30, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, and 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. 84-29647 Filed 11-9-84; 8:45 am]

BILLIHG CODE 8010-01-M

[Release No. 14223; 812-5950]

First Investors Tax Exempt Fund, Inc.; Application for an Order Exempting Applicant

November 2, 1984.

Notice is hereby given that First Investors Tex Exempt Fund, Inc. ("Applicant"), 120 Wall Street, New York, NY, 10005, registered under the

Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on October 1, 1984, for an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of section 22(d) of the Act to permit unitholders ("Unitholders") of Multistate Tax Exempt Unit Trust, Series I and any subsequent series plus various other state trusts within such series which include, but are not limited to, the Connecticut Trust, Maryland Trust, New Jersey Trust, Pennsylvania Trust, North Carolina Trust, South Carolina Trust and Virginia Trust (collectively, "Trusts"), each to be registered under the Act, to invest their distributions ("Distributions") of interest income, capital gains or principal from the Trusts in shares of Applicant at net asset value plus a reduced sales charge. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of applicable sections.

Applicant states it is currently engaged in continuous offerings of its shares to the public through First Investors Corporation and First Investors Management Company, Inc. ("FIM"). FIM also serves as Applicant's investment advisor. Further, Applicant states that the Trusts are cosponsored by Mosely, Hallgarten, Estabrook & Weeden Inc. and Avest, Inc., broker-dealers registered under the Securities Exchange Act of 1934, and that Bradford Trust Company is trustee for the Trusts.

Applicant represents that its investment objective is to provide a high level of tax-exempt investment income by investing in a diversified, managed portfolio of debt obligations, the interest on which is exempt from federal income tax, and the principal and interest payments on which are insured by an independent insurance company. Applicant also represents that the Trusts seek to obtain income from investments in interest-bearing obligations, which income in the opinion of Applicant's bond counsel is exempt from federal income and state and local taxes.

Applicant requests an order to permit Unitholders to reinvest their semi-annual, quarterly, or monthly Distributions in shares of Applicant at net asset value plus a a sales charge of 1.5% rather than the 7.25% range described in Applicant's prospectus. Applicant represents that FIM will retain 0.5% of the sales charge, with the remaining 1.0% to be allowed to co-sponsors and dealers. Applicant also represents that separate accounts will be maintained and confirmations of the transactions will be mailed to each Unitholder who participates ("Participants") in the reinvestment program.

Applicant states that all Unitholders will be eligible to participate in the reinvestment program but will be required to reinvest the entire amount of their Distributions. (Participants who wish to purchase shares of Applicant outside of the reinvestment program will be required to meet Applicant's minimum investment requirements.) According to Applicant, notice of the reinvestment program will be given to existing Unitholders and included in future prospectuses of the Trusts. Applicant represents that Participants will be entitled to all rights of any other shareholder of Applicant, except they will not be entitled to reduced sales charges for quantity purchases or the right to exchange Applicant's shares for shares of other funds managed by FIM.

Applicant argues that its shareholders would benefit from the proposed transactions because the increased cash flow would enable Applicant to meet redemptions without liquidating portfolio investments and to diversify further its portfolio. Additionally, Applicant represents that less selling effort and expense would be involved than in making the initial sale of such shares. Further, Applicant submits that the proposed reinvestment of Distributions into shares of Applicant would not lead to a dimunition of Applicant's assests or of the equity position of its existing shareholders. Accordingly, Applicant believes the requested exemption would not violate the underlying policy of section 22(d) of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than November 27, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the applications 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. 84-29044 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14225; 812-5926]

First Variable Life Insurance Co. and First Variable Annuity Fund E; Filing of an Application for an Order Granting Exemption

November 5, 1984.

Notice is hereby given that First Variable Life Insurance Company (the "Company"), Plaza West Building, Little Rock, Arkansas, 72205, a stock life insurance company oranized under the laws of the state of Arkansas, and First Variable Annuity Fund E, a separate account of the Company registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust (the "Separate Account") (together referred to as "Applicants"), filed an application on August 20, 1984, for an order of the Commission pursuant to section 6(c) of the Act exempting Applicants from sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Applicants proposed that they be granted an exemption from sections 26(a) and 27(c)(2) to allow the Company to deduct a charge for assumption of mortality risks, expense risks, and distribution expense risks in connection with individual and group variable annuity contracts funded by the Separate Account. Applicants state that the charge is a percentage assessed daily against the Separate Account at a rate of 1.15% annually (0.60% for mortality risks, 0.40% for administrative expense risks, and 0.15% for distribution expense risks), and that the rate is guaranteed and may not be increased by the Company. Applicants represent that the mortality risk, expense risk, and distribution expense risk charges are reasonable in relation to the risks assumed by the Company under the annuity contracts, are consistent with

the protection of investors insofar as they are designed to be competitive while not exposing the Company to undue risk of loss, and fall within the range of similar charges imposed under competitive variable annuity products. Applicants further represent that the mortality risk, expense risk and distribution expense risk charges are reasonable in amount as determined by industry practice with respect to comparable annuity products, and that this representation is based on Applicants' analysis of publicly available information about similar industry practices, taking into consideration such factors as current charge levels and the existence of expense charge guarantees and guaranteed annuity rates. Applicants further state that the Company will maintain at its home office available to the Commission a comparative survey setting forth in detail the products analyzed and the methodology and results of the survey.

The Company also represents that there is a reasonable likelihood that the Separate Account's distribution financing arrangement will benefit the Separate Account and contract owners, and that the Company will maintain and make available to the Commission upon request a memorandum setting forth the basis for this representation. Applicants further state that the Separate Account will invest only in open-end management companies which have undertaken to have a board of directors, a majority of which are not interested persons of the open-end management company, formulate and approve any plan under rule 12b-1 of the Act to finance distribution expenses.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than November 30, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for such request, and the specific issues, if any, of fact or law that are disputed. Such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon Applicants at the address stated above. Proof of such 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. 84-29646 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-13336]

Storage Equities, Inc.; Application and Opportunity for Hearing

November 7, 1984.

Notice is hereby given that Storage Equities, Inc., a California corporation ("Applicant") has filed an Application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of First Interstate Bank of California, a California banking corporation ("FICAL") under a proposed third supplement and existing Indenture qualified under the Act is not so likely to involve material conflicts of interest as to make it necessary in the public interest or for the protection of investors to disqualify FICAL from acting as Trustee under such third supplement.

Section 310(b) of the Act provides in part that, if a Trustee under an Indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety (90) days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a Trustee under a qualified Indenture shall be deemed to have a conflicting interest if such Trustee is Trustee under another Indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another Indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified Indenture and such other Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such Trustee from acting as Trustee under either of such Indentures.

The Applicant alleges that:

1. FICAL currently is acting as Trustee under an Indenture and two Supplements thereto under which the Applicant is an obligator. The Indenture, dated as of August 9, 1983 is between Applicant and FICAL and provides for the periodic issuance of secured notes in partial consideration for the purchase of property by Applicant. This Indenture was filed as Exhibit 4.3 to Applicant's Registration Statement No. 2-80850 filed under the Securities Act of 1933, has been qualified under the Trust Indenture Act under File No. 22-12633. No notes have been issued directly under this Indenture, and it is not anticipated that any will be. Applicant has also entered into and filed, by way of post-effective amendments to the Registration Statement stated above, a First Supplemental Indenture and a Second Supplemental Indenture under which FICAL is a trustee, and such supplements appear as Exhibit 4.4 and exhibit 4.6, respectively, to the Registration Statement. Applicant issued Series 1 through 9 of its secured notes under the First Supplemental Indenture and Series 10 under the Second Supplemental Indenture. Applicant intends to execute a Third Supplemental Indenture, and has filed a post-effective amendment to the above Registration Statement containing the form of the proposed Third Supplemental Indenture. Applicant proposes to issue Series 11 of its secured notes under such supplement.

2. On March 14, 1984, Applicant filed with the Commission an application under section 310(b)(1)(ii) of the Act for a determination that FICAL's trusteeships under Indenture and the First and Second Supplements thereto were not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FICAL from acting as trustee under any of the Indenture of the First or Second Supplement thereto. By order dated May 14, 1984, the Commission granted this application.

3. SEI wishes to appoint FICAL as Trustee under the Third Supplemental Indenture.

4. The Applicant is not in default in any respect under the Indenture, the First Supplement or the Second Supplement thereto, nor, when the Third Supplemental Indenture is delivered, will it be in default thereunder or under any of the provisions of the Indenture, or the First or Second Supplemental Indentures.

5. Each series of secured notes issued or to be issued under the Indenture, the First or Second Supplement thereto and the proposed Third Supplement are or will be secured by separate and distinct assets of Applicant, so that should FICAL have occasion to proceed against the security under any series of notes, such action would not affect the security, or the use of any security,

under any other series. Thus, the existence of the other trusteeships should not inhibit or discourage FICAL's actions under any one series.

The Applicant has waived notice of hearing, hearing on the issues raised by its Application and all right to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than December 2, 1984, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the Application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29642 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14226; 811-2150]

Sun Growth Fund, Inc.; Filing of Application Declaring That Applicant has Ceased To Be an Investment Company

November 5, 1984.

Notice is hereby given that Sun Growth Fund, Inc. ("Applicant"), One Sun Life Executive Park, Wellesley Hills, MA, 02181, a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on October 5, 1984, for an order of the Commission, pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the applicable provisions thereof.

Applicant states that it filed a notification of registration and a registration statement under the Act on December 8, 1970. Applicant states that it concurrently filed a registration statement on Form S-5, under the Securities Act of 1933. Until April 23, 1982, shares of Applicant have served as the underlying investment of two unit investment trusts registered under the Act, Sun Life of Canada U.S. Variable Account A and Sun Life of Canada U.S. Variable Account B.

Pursuant to an Agreement and Plan of Reorganization dated November 1, 1983, between Applicant and Massachusetts Financial Development Fund, Inc. ("MFD"), Applicant exchanged all of the assets, consisting of marketable securities and other assets valued at $3,756,542.72 at the close of business on December 16, 1983, for 307,409.388 share of MFD. The exchange was approved by the Commission pursuant to an application filed under section 17(b) of the Act and Rule 17d-1 thereunder (Investment Company Rel. No. 13673, December 13, 1983).

The application represents that Applicant does not have any securityholders or assets, that it is not a party to any litigation or administrative proceeding and does not intend to engage in business activities other than those necessary for the winding up of its affairs. Finally, the application represents that the Applicant filed a Certificate of Election to Dissolve under Delaware Corporation law on December 30, 1983.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than November 30, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29645 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23467; 70-6505]

West Penn Power Co.; Proposed Pollution Control Financing

November 5, 1984.

West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania, 15601, an electric utility subsidiary of Allegheny Power System, Inc., a registered holding company, has filed a post-effective amendment to its proposal previously filed with this Commission pursuant to sections 6(a), 7, 9(a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By Commission order dated December 8, 1980 (HCAR No. 21830), West Penn was authorized to enter into the first phase of a plan to finance the installation of pollution control equipment and facilities ("Facilities") at West Penn's Mitchell Power Station in Washington County, Pennsylvania. These Facilities are now substantially complete. That initial phase involved the issuance of $60,000,000 principal amount of three-year pollution control revenue bonds ("Series A Bonds") by the Washington County Industrial Development Authority ("Authority").

By Commission order dated February 9, 1983 (HCAR No. 22849), West Penn was authorized to deliver its long-term promissory note to the Authority corresponding to $30,000,000 aggregate principal amount of long-term bonds ("Series B Bonds") maturing January 15, 2003, and bearing interest at 9.75% per annum issued by the Authority. The February 9, 1983 order also authorized an increase from $60,000,000 to $65,000,000 aggregate principal amount of long-term pollution control financing. That order reserved jurisdiction over the fees, commissions, and expenses to be incurred in connection with the Series B Bonds and over the terms and conditions of the additional series of bonds to be issued by the Authority, insofar as such terms and conditions affect the payments to be made by West Penn under the proposed long-term promissory notes and with respect to fees, commissions, and expenses to be incurred in connection with the additional series.

By Commission order dated August 1, 1983 (HCAR No. 23017), West Penn was

authorized to issue $15,150,000 aggregate principal amount of Series D Bonds maturing August 1, 1986 and bearing interest at 6⅞% per annum. The Series D Bonds do not have a sinking fund and are not callable for redemptions. The proceeds of the Series D issue were applied by West Penn to the payment of the expenses of the issue and the cost of the Facilities. Presently, there is $76,650,000 now outstanding of the pollution control revenue bonds.

The Authority now intends to issue not to exceed $18,000,000 of Series E Bonds ("Bonds") prior to the maturity of the Series D Bonds for the purpose of defeasing prior to maturity and paying at maturity the Series D Bonds and paying their costs of issuance. The Bonds will be issued under a trust indenture with a corporate trustee, approved by West Penn, and shall be sold at such time, at such interest rate, and for such price as shall be approved by West Penn. The timing of any such financing will depend on a subjective determination by West Penn of market conditions which are expected to prevail through the maturity of the Series D Bonds.

West Penn will deliver concurrently with the issuance of the Series E Bonds its non-negotiable Pollution Control Note (the "Note") corresponding to such series of Bonds in respect of principal amount, interest rates and redemption provisions and having installments of principal corresponding to any mandatory sinking fund payments and stated maturities. The Bonds will be issued pursuant to a supplemental indenture which will provide for redemption, sinking funds, no-call and other appropriate provisions to be determined. The supplemental indenture will also provide that all the proceeds of the sale of the Bonds by the Authority must be applied to the refunding of the Series D Bonds. West Penn also proposes to pay any trustees' fees or other expenses incurred by the Authority. The Note will be secured by a second lien on the Facilities and certain other properties, pursuant to the Mortgage and Security Agreement delivered by West Penn to the Trustee creating a mortgage and security interest in the Facilities and certain other property (subject to the lien securing West Penn's First Mortgage Bonds). The Note will not constitute "unsecured debt" within the meaning of the provisions of West Penn's charter.

It is intended to the extent feasible to accomplish by the proposed transaction the final step in the permanent long-term financing of the Facilities. Market conditions prevailing at the time of the offering may warrant the issuance of the Bonds with "floating" interest rates during all or a portion of the stated life of the Bonds based on a specified index as well as provisions permitting the Bondholders to require the redemption or repurchase of the Bonds at stated intervals. West Penn will file an appropriate amendment to this proposal setting forth such provisions if it is determined to include such special terms in the Note and Bonds.

It is expected that the Authority will engage Goldman, Sachs & Co. and any co-managers that may be desirable to provide financial advice and, together with such other underwriters as may be designated, to underwrite the sale of the Bonds. Fees, commissions, and expenses of the underwriters and legal counsel will be included in the total cost of the Facilities. West Penn has been informed that the Authority has legal authority to issue tax exempt revenue bonds. The Bonds will be in registered form and will bear interest semi-annually at rates to be determined.

The proposal and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 30, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact and/or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the proposal, as filed or as it may be amended, may be authorized.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29648 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21455; SR-MSE-84-4]

Self-Regulatory Organizations; Order Approving Proposed Rule Change

November 2, 1984.

The Midwest Stock Exchange, Inc. ("MSE") Midwest Stock Exchange, Inc.; 120 South LaSalle Street, Chicago, IL, 60603 submitted on July 23, 1984, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Article XXX, Rule 1, Interpretations and Policies .01 of the MSE rules to increase the number of days the Committee on Specialist Assignment and Evaluation ("the Committee") or a designated subcommittee thereof has to deliberate on and respond to written agreements or proposals to exchange existing assignments submitted by specialists before such proposals become effective. The proposed rule change would increase the ten day Committee deliberation period to thirty days. According to the MSE, in addition to providing a more adequate time period in which to schedule a meeting of the Committee or a subcommittee, the proposed amendment will allow a sufficient time period in which to schedule personal appearances when necessary for individuals submitting a proposal to the Committee.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 21269, August 24, 1984) and by publication in the **Federal Register** (49 FR 34993, Sep. 4, 1984). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29649 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21468; File No. SR-NASD-84-10]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Amendment to Appendix F Under Article III, Section 34 of the NASD Rules of Fair Practice

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 15, 1984 [1] the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend Appendix F under Article III, Section 34 of the Rules of Fair Practice, which relates to the public offering of direct participation programs. Section 5(b)(5) of Appendix F presently precludes member firms from receiving underwriting compensation of an indeterminate value in connection with the offering of a direct participation program. (Compensation is deemed to be indeterminate if it is impossible at the time the offering is filed to definitively determine the total value which eventually will accrue to the member as a result of the arrangement.) However, the Board of Governors has concluded after a lengthy review of the restrictions presently imposed that it may be appropriate to permit members to negotiate to receive continuing compensation for the distribution of pulic programs under certain circumstances. Therefore, the Association is proposing an amendment to Appendix F which would permit continuing distribution compensation where the arrangement generally benefits both the investor and the broker/dealer and the Association's guidelines for fair amounts of total compensation are followed.

Under the proposed amendment, a member broker/dealer or associated person would be allowed to receive up to a three percent subordinated participation in cash distributions from operations or liquidations for each one percent by which front-end cash compensation (e.g., commissions) fall below nine percent. In other words, if a member chose to trade off two percent of its front-end commission (charging no more than seven percent), it could receive a six percent subordinated participation interest in program distributions. The maximum amount a member or associated person could receive under any circumstances would be 12 percent and the maximum front-end commission that a program using this sharing arrangement could charge is nine percent. The member or associated person could not participate in any cash distributions from the program until the public investors received distributions equal to their original investment plus a six percent cumulative annual return on their adjusted investment. When the broker/dealer begins participating in distributions, the limited partners cannot bear any greater burden of the cost of the member's distributions than the limited partners receive under the pay-out arrangement in the limited partnership agreement. In other words, if the general partners and limited partners share distributions with 67 percent going to the limited partners and 33 percent to the general partners and the member firm had a nine percent interest, the limited partners could not be required to contribute more than six percent to the member's share. The new distribution arrangement would be as follows: general partner 30 percent limited partner 61 percent and member firm nine percent.

The proposed amendment reflects several considerations. First, the amendment is permissive only. Second, the proposed amendment generally permits ongoing compensation only in lieu of and not in addition to normal "front-end" compensation. Third, the Association believes that the amendment will benefit investors because it will permit a greater percentage of offering proceeds to be commited to program operations, thereby increasing the likelihood of a successful return to investors. Fourth, the amendment permits a "trade-off" which is believed to provide a reasonable return to broker/dealers who choose to forgo "front-end" compensation for a future participation, subordinated to investors' return of their investment. The proposed three-to-one trade-off ratio is based on analyses indicating that a broker/dealer operating under such a ratio will realize meaningful benefit by deferring compensation only if the program provides attractive returns to investors.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed 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 VI 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 of, and Statutory Basis for, the Proposed Rule Change

This rule change reflects a determination by the Association that a change of policy regarding indeterminate compensation would be in the public interest. As a result, the Association developed the proposed amendment which would permit broker/dealers distributing publicly registered direct participation programs to trade off a portion of their front-end cash compensation for a back-end revenue participation if front-end underwriting compensation plus continuing compensation falls within the equivalent of existing guideline limitations.

The proposed amendment to Appendix F is consistent with section 15A (b)(2) and (b)(6) of the Securities Exchange Act of 1934 ("1934 Act") in that it is designed to prevent fraudulent and manipulative practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and generally protect investors by removing restrictions against arrangements for compensation of an indeterminate nature, provided that specified conditions outlined in the proposed rule change are met.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes the proposed rule change will not impose an unreasonable burden on competition. The proposed amendment will permit broker/dealers and issuers the flexibility to negotiate non-cash compensation for underwriting services. This is particularly important in the context of new products where sponsors may be precluded from entry into the market due to high front-end expenses. This regulatory relaxation in response to present market conditions will further the purposes expressed in the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

An antecedent of the proposed rule change was published for comment by members and other interested persons in Notice to Members 82–14 (March 9, 1982). Letters of comment were received from eleven firms and may be divided into three categories: Comments

[1] The NASD filed the proposed rule change on May 14, 1984 and amended it at the request of Commission staff on October 15, 1984.

suggesting that the amendment be liberalized, comments opposing the amendment and comments seeking clairfication of certain terms used in the amendment. As a result of these comments, the Association determined to modify or clarify where appropriate certain aspects of the proposed amendment. Those changes are reflected in the text of the proposed rule change. Copies of the comment letters responding to Notice to Members 82–14, the Notice itself, and a more detailed discussion of the reasoning behind the Association's decision to accept or reject suggestions for changes is available for public viewing in the Association's filing with the Commission, SR–NASD–84–10.

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 5th Street, NW., 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 communiactions 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 5th Street, NW., Washington, D.C. Copies of such filing will also be available 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 December 4, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 5, 1984.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84–29643 Filed 11–9–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21456; File No. SR–PSE–84–19]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Stock Exchange Inc.

November 24, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 16, 1984, the Pacific Stock Exchange, Incorporated ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends the PSE's Options Floor Procedure Advice F–4 ("Advice"), which details standards of dress and conduct on the PSE options trading floor. As amended, the Advice requires all persons on the options trading floor (members, employees of member organizations or visitors) to be dressed in personal attire which is clean, neat and presentable; men must wear dress shirts and neckties or bow ties; golf and aloha shirts are prohibited; and all persons must wear traking jackets and/or suit or sport coats while present on the trading floor. Pursuant to the Advice as amended, the following are examples of violations of trading floor dress code standards: Blue jeans or trousers which are patched, torn, frayed or faded; bare or stocking feet or thongs; and clothing drawing excessive attention (*e.g.*, costumes or bare midriffs). The Advice, as amended, also provides that waiver of the dress code means only that ties and jackets need not be worn.

The PSE states that the proposed rule change is consistent with section 6(b)(5) of the Act and is intended to enhance the business atmosphere on the floor.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 under the Act. The Commission has determined that immediate effectiveness of the proposed rule change is appropriate under the Act because the proposal amends the stated policies and practices of the PSE with respect to the administration of an existing PSE rule. 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 Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desirnig to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–PSE–84–19.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the PSE.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84–29650 Filed 11–9–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21460; File No. SR–Phlx–84–23]

Self-Regulatory Organization; Philadelphia Stock Exchange, Inc.; 1900 Market Street, Philadelphia, PA, 19103, Filing and Order Granting Accelerated Approval of Proposed Rule Change

November 2, 1984.

The Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, PA, 19103, submitted on October 9, 1984 copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder to extend from October 1, 1984 to April 1, 1985 the applicability of Phlx Rules 501

through 506 governing the Exchange's pilot program providing for applications and evaluations of and stock allocations to Phlx specialists, alternate specialists, and registered options traders. As approved by the Commission, these rules, which were first effective on October 1, 1982, were to continue in effect only through October 1,1984. Under Rule 506, these rules can be extended only pursuant to further approval by the Commission.[1]

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 204549. Reference should be mede to file No. SR–Phlx–84–23.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW. Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commissifon finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to nationals securities exchange and, in particular, the requirements of section 6 of the Act and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the Phlx proposal would extend the applicability of Rules that previously have been approved by the Commission. An extension of the pilot program until April 1, 1985 will provide the Phlx and the Commission with additional time to assess the need for further modifications. In light of this fact, the Commission finds that accelerated approval with respect to the Phlx's proposed six month extension of Rules 500 through 506 is appropriate.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29641 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

[1] Rule 506 provides, however, that Rule 505, governing appeals from Exchange decisions made pursuant to the procedures set out in Rules 501 through 504, will automatically continue to be effective beyond October 1, 1984, but only with respect to appeals from such decisions rendered prior to October 1, 1984.

[Release No. 21459; (SR–MSE–84–5]

Self-Regulatory Organizations; Order Approving Proposed Rule Change

November 2, 1984.

The Midwest Stock Exchange, Inc. ("MSE") 120 South LaSalle Street, Chicago, Illinois 60603, submitted on July 23, 1984, 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 modify Article IV, Rule 9 (Committee Quorum) of the MSE rules. Rule 9 provides that one-half of a committee's members, including ex-officio ones, shall constitute a quorum for each committee provided for in Article IV. The proposed rule change grants an exception for the Committee on Specialist Assignment and Evaluation to the extent that one-half of the members of this committee, not counting ex-officio members, is to constitute the number of committee members required for a quorum.[1] Ex-officio members may be included for purposes of determining a quorum, provided that at least one-half of those members present are not ex-offico ones.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange, Act Release No. 21270, August 24, 1984) and by publication in the **Federal Register** (49 FR 34994, September 4, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29651 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

[1] As originally submitted, the text of the proposed rule change stated that one-half of the members of the Committee on Specialist Assignment and Evaluation, not including ex-officio members, shall constitute a quorum. A letter submitted on August 15, 1984, clarified that for the Committee on Specialist Assignment and Evaluation, one-half of its members, not counting ex-officio members, shall constitute the "number of Committee members required for a quorum." *See* letter from J. Craig Long, Vice President and Secretary, Midwest Stock Exchange, to Thomas Etter, Division of Market Regulation, dated August 15, 1984.

[Release No. 34–21457; File No. SR–AMEX–84–30]

Self-Regulatory Organizations: Proposed Rule Change by the American Stock Exchange, Inc.; Increasing Position and Exercise Limits for Stock Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 87s(b)(1), notice is hereby given that on October 3, 1984, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("AMEX" or "Exchange") proposes to amend Rule 904 to increase position and exercise limits for individual equity options.

Italics indicates material proposed to be added; [brackets] indicate material proposed to be deleted.

Position Limits

Rule 904. Except with the prior written approval of the Echange in each instance, no member or member organization shall effect, for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, an opening transaction [whether on the Exchange or on another Participating Exchange] in an option contract of any class of options dealt in on the Exchange if the member or member organization has reason to believe that as a result of such transaction the member or member

organization or partner, officer, director or employee thereof or customer would, acting alone or in concert with others, directly or indirectly, hold or control or be obligated in respect of any aggregate position in option contracts (whether long or short) of the put class and the call class on the same side of the market covering any underlying security in excess of:

(i) [2,500 or] 4,000, *6,000 or 8,000* contracts covering an underlying stock, which limit is determined in accordance with Commentary .70; or

(ii) through (vi)—no change

. . . Commentary

.01 through .06—no change

.07 The position limit shall be [4,000] *8,000* contracts for options:

(i) On an underlying security which had trading volume of at least 40,000,000 shares during the most recent six-month trading period; or

(ii) On an underlying security which had trading volume of at least 30,000,000 shares during the most recent six-month trading period and has at least 120,000,000 shares currently outstanding.

The position limit shall be 6,000 contracts for options:

(i)On an underlying stock which had trading volume of at least 20,000,000 shares during the most recent six-month trading period; or

(ii)On an underlying stock which had trading volume of at least 15,000,000 shares during the most recent six-month trading period and has at least [60,000,000] *40,000,000* shares currently outstanding.

The position limit shall be [2,500] *4,000* contracts for all other options.

The Exchange will review the volume and outstanding share information of all underlying stocks every six months to determine which limit shall apply [The 4,000] *A higher* limit will be effective on the date set by the Exchange while any change [from a 4,000 to a 2,500] *to a lower* limit will take effect after the last expiration then trading, unless the requirement for *the same or* a [4,000] *higher* limit is met at the time of an intervening six-month review.

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 chnage. 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 of, and Statutory Basis for, the Proposed Rule Change

Currently, position and exercise limits [1] are determined in accordance with a two-tiered system which was established in July 1983. If an underlying stock meets specific standards governing trading volume and/or number of outstanding shares, the option qualifies for a higher-tier, 4,000-contract limit. All other options are subject to a 2,500 contract position limit. Specifically, to be eligible for the 4,000-contract limit, an underlying security must have either (i) trading volume totalling at least 20,000,000 shares during the last six months, or (ii) trading volume of at least 15,000,000 shares during the last six months and at least 60,000,000 shares outstanding.

The Exchange believes it is now appropriate to file a proposal for increased position limits. In keeping with the tiered system, the Amex proposes a three-tier system, with limits of 4,000, 6,000, and 8,000 contracts, as described below:

Highest Tier (8,000 Contract Limit). Options on stocks that have (i) trading volume of at least 40,000,000 shares during the preceding six months or (ii) trading volume of at least 30,000,000 shares during the preceding six months *and* 120,000,000 shares outstanding, would be subject to this highest tier limit.

Middle Tier (6,000 Contract Limit). Options on stocks that have (i) trading volume of at least 20,000,000 shares during the preceding six months or (ii) trading volume of at least 15,000,000 shares during the preceding six months *and* 40,000,000 shares outstanding, would be subject to this middle tier limit.

Lowest Tier (4,000 Contract Limit). Options on stocks which do not meet either of the criteria above would be subject to the 4,000 contract limit. As noted above, this represents an increase from the current lower tier (2,500) limit.

The proposed changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange by increasing position limits to provide investors (particularly market professionals and institutions) with added trading and hedging opportunities, and thus potentially enhancing market depth and liquidity. Therefore, the proposed rule change is consistent with section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The AMEX believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Options Committee, a committee of the AMEX Board of Governors, comprised of members and representatives of member firms, has endorsed the proposed rule change.

No written comments were solicited or received.

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, NW., 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

[1] Hereafter, the term "position limits" includes position and exercise limits.

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 on or before December 4, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 2, 1984.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29652 Filed 11-9-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting and recordkeeping requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish notice in the Federal Register that the agency has made such a submission.

DATE: Comments must be received on or before December 6, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible before the comment deadline.

Copies: Copies of the form, request for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L Street NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538

OMB Reviewer: Kenneth B. Allen, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-3785.

Information Collections Submitted for Review

Title: Questionnaire for Companies doing business with a small business lending company
Form No. SBA 1451
Frequency: On occasion
Description of Respondents: Information is obtained from small businesses which have received financings from non-bank lenders
Annual Responses: 100
Annual Burden Hours: 200
Type of Request: New.

Dated: November 6, 1984.

Elizabeth Zaic,

Chief, Information Resources Management Branch.

[FR Doc. 84-29671 Filed 11-9-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5156]

Verde Capital Corp.; Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.601 of the Regulations governing small business investment companies (13 CFR 107.601 (1984)), for transfer of control of Verde Capital Corporation (Verde), 6701 Sunset Drive, South Miami, Florida 33143, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended, (15 U.S.C. 661 *et seq.*).

Verde was licensed on November 22, 1978.

The current owner of Verde is: Max Homberger, 6701 Sunset Drive, South Miami, Florida 33143.

The proposed new owner of Verde is: Jose Dearing, 5821 S.W. 73rd Avenue, Miami, Florida 33143.

The proposed officers and directors will be:

Jose Dearing, 5821 S.W. 73rd Avenue, Miami, Florida 33143—President, Director
Carmen D. Dearing, 5821 S.W. 73rd Avenue, Miami, Florida 33143—Treasurer, Director
Antonio R. Zamora, 7500 S.W. 82nd Court, Miami, Florida—Secretary, Director

Mr. Jose Dearing is currently the President and General Manager of Verde.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner of Verde and the probability of successful operations of Verde under this ownership, including adequate profitability, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Miami, Florida area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 6, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment

[FR Doc. 84-29670 Filed 11-9-84; 8:45 am]

BILLING CODE 8025-01-M

Region VI; Advisory Council; Public Meeting

The Small Business Administration—Region VI—Advisory Council, located in the geographical area of Houston, Texas, will hold a public meeting from 9:30 a.m. until 1:30 p.m., Tuesday, December 4, 1984, at the Ramada Inn, Room 1, located at 6855 Southwest Freeway, Houston, Texas 77057. This meeting will be conducted to discuss such business as may be presented by members of the District Council, the staff of the U.S. Small Business Administration, and others attending. For further information, write or call Donald D. Grose, District Director, U.S. Small Business Administration, 2525 Murworth, Suite 112, Houston, Texas 77054, (713) 660-4409.

Jean M. Nowak,

Director, Office of Advisory Councils.

November 6, 1984.

[FR Doc. 84-29673 Filed 11-9-84; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Des Moines, will hold a public meeting at 9:30 a.m., on Friday, November 30, 1984, at Federal Building, 210 Walnut Street, Room 749, Des Moines, Iowa, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Conrad Lawlor, District Director, U.S. Small Business Administration, 210

Walnut Street, Des Moines, Iowa 50309. Telephone number (515) 284–4422.

Jean M. Nowak,

Director, Office of Advisory Councils.

November 5, 1984.

[FR Doc. 84–29672 Filed 11–9–84; 8:45 am]

BILLING CODE 8025–01–M

Senior Executive Service Performance Review Board; List of Members

AGENCY: Small Business Administration.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Board.

SUMMARY: Public Law 95–454 dated October 13, 1978, (Civil Service Reform Act of 1978) requires that Federal Agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is a listing of those individuals currently serving as members of this Agency's PRB:

1. Robert B. Webber, General Counsel
2. Charles Hertzberg, Deputy Associate Administrator for Financial Assistance
3. Arthur E. Armstrong, Director for Special Guarantees
4. Carlos R. Suarez, Regional Administrator, Denver
5. Robert T. Lhulier, Regional Administrator, Philadelphia
6. Harry S. Carver, Comptroller
7. Janice E. Wolfe, District Director Washington District Office
8. Stephen J. Hall, Regional Administrator, Seattle
9. Wiley S. Messick, Deputy Regional Administrator, Atlanta
10. Donald Kirkendall, Deputy Inspector General Environmental Protection Agency
11. Robert Hudak, Assistant Inspector General for Management and Fraud Control Department of Housing & Urban Development
12. Bill Colvin, Deputy Inspector General National Aeronautics and Space Administration
13. George H. Robinson, Director of Equal Employment Opportunity and Compliance (Non-voting Equal Employment Opportunity Advisor)
14. Richard L. Osbourn, Director of Personnel, (Non-voting technical advisor)

Dated: November 6, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84–29674 Filed 11–9–84; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Clackamas County, OR

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice of advise the public that an environmental impact statement will be prepared for a proposed highway project in Clackamas County, Oregon.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental Coordinator and Safety Programs Engineer, Federal Highway Administration, Equitable Center, Suite 100, 530 Center NE, Salem, Oregon 97301, Telephone: (503) 399–5749.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Oregon Department of Transportation will prepare an environmental impact statement (EIS) on the proposed widening of US 26 (Mt. Hood Highway) from Wildwood to Rhododendron a distance of 5.68 miles.

The widening is considered necessary to accommodate existing and projected traffic in excess of present capacity.

The existing roadway is two lanes. The proposed widening would create four travel lanes, a median lane (except in a ¾-mile section with no driveways), and shoulder bike lanes on both sides. Alternatives under consideration include: (1) Taking no action and (2) to build alternatives that differ in alignment in the eastern half of the proposed project.

Effects to a scenic corridor, wetlands, and the small communities along the project will be major considerations

Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. Public meetings will be held, as may be necessary, and a public hearing will be held. No formal scoping meeting is planned at this time.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs" apply to this program.)

Issued on: November 5, 1984.

Richard R. Arnold,

Environmental Coordinator/Safety Program Engineer.

[FR Doc. 84–29658 Filed 11–9–84; 8:45 am]

BILLING CODE 4910–22–M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation to be held at 2:00 p.m., November 29, 1984, at the Corporation's Administration Offices, Room 5424, 400 Seventh Street SW., Washington, D.C. The agenda for this meeting will be as follows: Opening Remarks, Consideration of Minutes of Past Meeting; Review of Programs; Business; Closing Remarks.

Attendance at meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than November 19, 1984, Joan C. Hall, Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, D.C. 20590; 202/426–3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on November 1, 1984.

Joan C. Hall,

Advisory Board Liaison.

[FR Doc. 84–29408 Filed 11–9–84; 8:45 am]

BILLING CODE 4910–61–M

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting

In accordance with Pub. L. 92–463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Vista International Hotel, 1400 "M" Street, NW, Washington, DC 20005, December 10–12, 1984, beginning at 8 a.m. on Monday. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make

recommendations to the Director, Rehabilitation Research and Development Service regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the December 10th session for approximately one hour to cover administrative matters and to discuss the general status of the program and the administrative details of the review process. During the closed session, the Board will be reviewing research and development applications. This review involves oral comments, discussion of site visits, staff and consultant critiques of research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with section 552b, Subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code and the determination of the Administrator of Veterans Affairs under section 10(d) of Pub. L. 92–463 as amended by section 5(c) of Pub. L. 94–409.

Due to the limited seating capacity of the room those who plan to attend the open session should contact Dr. Larry P. Turner, Administrative Officer, Rehabilitation Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420 (Phone: (202) 389–5177) at least 5 days before the meeting.

Dated: November 5, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84–29669 Filed 11–9–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 220
Tuesday, November 13, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—November 14, 1984.

PLACE: Hearing Room One—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Agreement No. 202–006190–041: Modification of the United States Atlantic and Gulf/Venezuela Steamship Conference to provide for intermodal authority in the United States, independent action and otherwise comply with Commission rules.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725

Francis C. Hurney,

Secretary.

[FR Doc. 84–29729 Filed 11–8–84; 8:52 am]

BILLING CODE 6730–01–M

2

INTERNATIONAL TRADE COMMISSION

[USITC SE–84–53]

TIME AND DATE: 3:00 p.m., Monday, November 19, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Certain shoe stiffener components (Docket No. 1111).
   b. Certain architectural panels (Docket No. 1112).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary.* (202) 523–0161.

Kenneth R. Mason.

Secretary.

[FR Doc. 84–29732 Filed 11–8–84; 10:07 am]

BILLING CODE 7020–02–M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE–84–55]

TIME AND DATE: 10:00 a.m., Wednesday, November 28, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. Investigation 731–TA–163 [Final] (Cell-Site Transceivers and Subassemblies Thereof from Japan)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary* (202) 523–0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–29733 Filed 11–8–84; 10:07 am]

BILLING CODE 7020–02

4

INTERNATIONAL TRADE COMMISSION

[USITC SE–84–54]

TIME AND DATE: 3:00 p.m., Monday, November 26, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and Complaints:
   a. Certain aluminum frame fabric covered luggage and components thereof (Docket No. 1113).
   b. Certain motor graders with adjustable control consoles and components thereof (Docket No. 1114).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary. (202) 534–0161

Kenneth R. Mason,

Secretary.

[FR Doc. 84–29734 Filed 11–8–84; 10:07 am]

BILLING CODE 7020–02–M

5

TENNESSEE VALLEY AUTHORITY

Meeting No. 1341.

TIME AND DATE: 10:15 a.m. (EST), Wednesday, November 14, 1984.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda Items

Approval of minutes of meeting held on October 30, 1984.

Discussion Item

1. Report on current and potential programs associated with commercial and industrial energy conservation.

Action Items

Old Business Items:
1. Fiscal year 1985 operating budget financed from regular appropriations.
2. Fiscal year 1985 capital budget financed from regular appropriations.

New Business Items:

B—Purchase Awards
B1. Negotiation 65–835893—Reactor coolant pump cartridge seal conversion for Sequoyah Nuclear Plant.

C—Power Items
C1. Renewal of power contract with Cookeville, Tennessee.
C2. Agreement with Big Rivers Electric Corporation covering arrangements for wheeling of nonfirm power and energy.
*C3. Interagency agreement with Department of Energy (DOE) covering arrangements for fabrication and delivery to DOE of five assessment towers similar to the watchtowers installed for Sequoyah and Watts Bar Plants.
C4. Supplement to subagreement under the TVA/Electric Power Research Institute General Agreement No. TV–50942A: Utah-type bituminous coal test run on TVA's Texaco gasification pilot plant.

D—Personnel Items
D1. Personal services contract with Impell Corporation, Atlanta, Georgia, providing for the performance of general engineering, design, and architectural services related to TVA's nuclear, fossil, and hydro power plants, requested by the Office of Engineering.
D2. Personal services contract with Gilbert/Commonwealth, Inc., Reading, Pennsylvania, providing for the performance of general engineering, design, and architectural services related to TVA's nuclear, fossil, and hydro

* Item approved by individual Board members. This would give formal ratification to the Board's action.

power plants, requested by the Office of Engineering.

D3. Personal services contract with Burns and Roe, Inc., Oradell, New Jersey, providing for the performance of general engineering, design, and architectural services related to TVA's nuclear, fossil, and hydro power plants, requested by the Office of Engineering.

D4. Personal services contract with Gibbs & Hill, Inc., New York, New York, providing for the performance of general engineering, design, and architectural services related to TVA's nuclear, fossil, and hydro power plants, requested by the Office of Engineering.

D5. Personal services contract with Bechtel Power Corporation, Gaithersburg, Maryland, providing for the performance of general engineering, design, and architectural services related to TVA's nuclear, fossil, and hydro power plants, requested by the Office of Engineering.

D6. Personal services contract with United Engineers & Constructors Inc., Philadelphia, Pennsylvania, providing for the performance of general engineering, design, and architectural services related to TVA's nuclear, fossil, and hydro power plants, requested by the Office of Enginerring.

E—Real Property Transactions

E1. Property exchange agreement between American Nuclear Corporation and TVA.

F—Unclassified

F1. Supplement to Contract No. TV-65211A between TVA and North Georgia Electric Membership Cooperative providing for cooperation in assisting existing industries to expand and generate new employment opportunities for certified unemployed residents of the Tennessee Valley region.

F2. Contract No. TV-65469A between TVA and Kemper County Board of Supervisors covering arrangements to construct an industrial building to be leased to a local industry for the purpose of hiring local residents in the Kemper County area.

F3. Memorandum of Agreement No. TV-64520A between TVA and the U.S. Environmental Protection Agency (EPA) covering arrangements for the establishment of an environmental interagency coordination committee and formal procedures for the development of cooperative projects between TVA and EPA.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: November 7, 1984.

W. F. Willis,

General Manager.

[FR Doc. 84-29830 Filed 11-8-84; 2:57 pm]

BILLING CODE 8120-01-M

Federal Register

Tuesday
November 13, 1984

Part II

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Rule and Denial of Rulemaking Petition

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL 2664-1]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Final rule and denial of rulemaking petition.

SUMMARY: The Environmental Protection Agency (EPA) is today amending the hazardous waste management regulations under the Resource Conservation and Recovery Act of 1976 (RCRA), by expanding the household waste exclusion to include wastes from bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. The Agency is also publishing its denial of a rulemaking petition, by the American Retail Federation, to exempt from RCRA regulation wastes from "consumer-household products" which have left manufacturer control. This action is in response to petitions submitted by the U.S. Department of Agriculture, the U.S. Department of the Interior, and the American Retail Federation.

DATES: Final rule effective May 13, 1985.

ADDRESSES: The public docket for this final rule is in Room S-212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346 or in Washington, D.C. at 382-3000. For technical information, contact Susan Bromm, Office of Solid Wast (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-4770.

SUPPLEMENTARY INFORMATION:

I. Background

The regulations implementing the hazardous waste management system under Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, are published in Title 40 of the Code of Federal Regulations (CFR) in Parts 260 to 265, 270, 271, and 124. These regulations include a list of solid wastes which are not defined as hazardous wastes and thus, are not subject to the Subtitle C requirements. Included in this list of exclusions is "household waste" (40 CFR 261.4(b)(1)). In the **Federal Register** of May 19, 1980 (45 FR 33120), the Agency characterized this provision as an exclusion of a waste stream—namely "household waste"—when generated by consumers. EPA excluded household wastes because the legislative history of RCRA indicated an intent to exclude such wastes, though *not* because they necessarily pose no hazard (see Senate Report No. 94-988, 94th Cong., 2d Sess., at 16 (1976)). Since the wastes generated at hotels and motels are essentially the same as those generated by consumers in their households, EPA decided that such wastes should also be within the exclusion. In response to comments to its original proposal of the hazardous waste regulations, EPA also indicated that Federal agencies could not, as a class, qualify as households. Therefore, the regulations as promulgated did not categorically exclude Federally owned facilities from regulation under this provision (see 45 FR 33099, May 19, 1980).

II. Reason and Basis for Today's Amendment

The Agency received three rulemaking petitions concerning this exclusion. In their petitions, the U.S. Department of Agriculture and the U.S. Department of the Interior requested that EPA expand the existing household waste exclusion to include "household type wastes" generated at federally owned campgrounds, picnic grounds, an administrative sites. The petitioners claimed that wastes generated from these types of Federal facilities are essentially the same as those generated by consumers in their households, and those generated by hotels and motels. In its petition, the American Retail Federation (ARF) requested that EPA exempt "consumer-household products" which have left manufacturer control, whether in the hands of households, retailers, transporters, or landfill operators.

On February 15, 1983, EPA responded by proposing to (1) amend the household waste exclusion to expressly include wastes generated at bunkhouses, ranger stations, crew quarters, campgrounds, and picnic grounds in response to the petitions from the Departments of Agriculture and Interior; and (2) deny ARF's petition. In the proposal, EPA explained that, based on legislative history, it was appropriate to apply two criteria to define the scope of the exclusion. First, the waste must be generated by individuals on the premises of a temporary or permanent residence for individuals; that is, a household. Second, the waste stream must be composed primarily of materials found in the wastes generated by consumers in their homes. In EPA's view, a waste stream satisfying both criteria is a household waste for regulatory purposes. Under these criteria, ownership of the source (*i.e.*, Federal vs. non-Federal) does not determine whether the source is covered by the "household waste exemption."

Since bunkhouses (relatively permanent multiple residences), ranger stations (relatively permanent single residences), and campgrounds and picnic grounds (temporary residences) all generate wastes similar to wastes generated by consumers in their homes, EPA proposed to add these facilities to the household waste exclusion. Likewise, single and multiple residences on military installations generate wastes similar to those generated by consumers in their homes, so EPA proposed to exclude them as well.

In contrast, waste from establishments such as retail stores, office buildings, restaurants, and shopping centers do not meet the two criteria: They do not serve as temporary or permanent residences for individuals, and the waste generated at these establishments are not necessarily similar to wastes generated by consumers in their homes. Therefore, EPA proposed that ARF's petition be denied.

III. Final Rule and Denial of Petition for Rulemaking

EPA received five comments on the proposed rule and tentative determination. After carefully considering these comments, EPA has decided to promulgate the amendments to the household waste exclusion as they were proposed (with one addition) and to deny ARF's petition. The basis for the Agency's action is explained in Sections II and IV of this preamble and in the February 15, 1983, proposal.

In addition, in the course of developing this final regulation, EPA has determined that there is no basis for extending the household waste exclusion to wastes such as debris produced during building construction, renovation, or demolition in houses, or other residences, as EPA does not consider wastes from these sources to be similar to those generated by a consumer in the home in the course of daily living. Therefore, such wastes must be evaluated on the same basis as all other solid wastes which, if found to be hazardous, are subject to the hazardous waste regulations (or to the small quantity generator exclusion, if applicable).

IV. Major Comments on Proposed Rule and Tentative Response

EPA received five comments on this proposal, four of which favored the proposal. A commenter suggested that EPA amend the wording of the household waste exclusion to include "day-use recreation areas." This term would refer to all types of recreation areas (such as fishing access areas, hunting access areas, boat launching areas, off-road vehicle areas, swimming areas, trail systems, field sports areas, swimming pools, golf courses, and tennis courts). The commenter's rationale is that areas such as these contain sanitary facilities which generate "household waste" (garbage, trash, and sanitary wastes in septic tanks). We agree with this suggestion, since it meets the two criteria which form the basis of this amendment. Thus, we are amending the final rule to exclude any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and *day-use recreation areas* (emphasis added).

One commenter suggested that EPA amend the rule to state that the exclusion does not apply to hazardous waste from maintenance and construction facilities often associated with parks, campgrounds, stations, etc. Although EPA believes it is not appropriate to attempt to specify in the rule itself what is *not* covered by the exclusions, it is clear that the exclusion only extends to those areas of administrative sites serving as temporary or permanent residences and not to any non-residential areas of such facilities as these areas do not meet either of the two criteria, namely they are neither residences nor do they necessarily generate consumer type household wastes. Another commenter suggested that the Agency modify the exclusion to cover field offices and work centers where "normal household products are used to maintain the facility." EPA does not believe such an extension of the exclusion is appropriate because such offices and centers do not serve as residences, and thus do not qualify for this exclusion.

One commenter disagreed with EPA's proposal to deny the ARF petition. This commenter stated that the household waste exclusion should apply to "consumer-household product" wastes of any origin because they feel that EPA has not established that such wastes could pose a threat to human health and the environment. In identifying hazardous wastes through listings and characteristics, EPA does meet its burden to establish that such wastes can pose potential hazards to human health and the environment. EPA certainly has no basis to claim that "consumer household product" wastes can never pose the risks associated with hazardous wastes. In exempting "household wastes" EPA is not attempting to pass judgment on the health and environmental risks associated with those wastes. Instead EPA is simply honoring Congressional interest that wastes generated by consumers *in their households* be exempt from the Subtitle C regulation. Since "consumer household product wastes" are not generated by households, they do not qualify for the exemption.

The commenter also stated that, although some retailers are small quantity generators entitled to the small quantity generator exemption, they need to obtain a thorough understanding of the hazardous waste regulations to know whether they are small quantity generators. The commenter stated that the need to obtain this knowledge is excessively burdensome to the small business owner. This is a problem associated with RCRA implementation in general, and therefore does not justify excluding these particular wastes from regulation. In response to the general concern about the amount and extent of the small quantity generator waste, EPA is studying this issue and recognizes the need for an education program to accompany any new regulation of small quantity generators.

V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This final regulation is not a major rule because it will not result in an effect on the economy of $100 million or more, nor will it result in an increase in costs or prices to industry. In fact, this regulation will reduce the overall costs and economic impact of EPA's hazardous waste management regulations. There will be no adverse impact on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Because this amendment is not a major regulation, no Regulatory Impact Analysis is being conducted.

This amendment 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 in Room S-212 at EPA Headquarters.

VI. State Authority

A. Applicability in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce their State hazardous waste management programs in lieu of EPA operating the Federal program in those States (See 40 CFR Part 271 for the standards and requirements for authorization.) Authorization, either interim or final, may be granted to State programs that regulate the identification, generation, and transportation of hazardous wastes and the operation of facilities that treat, store, or dispose of hazardous waste in containers, tanks, plies, surface impoundments, land treatment facilities, landfills and incinerators.

Today's announcement promulgates standards for certain hazardous wastes under the Federal hazardous waste management program. Upon authorization of the State program, EPA suspends operation within the State of those parts of the Federal program for which the State is authorized. Therefore, today's promulgation would be applicable only in those States which have not been granted authorization.

B. Effect on State Authorization

States which have been granted final authorization will have to revise their programs, in accordance with 40 CFR 271.21, to cover those requirements in today's announcement which are more stringent or broader in scope than the States' current requirements. Generally, these authorized State programs must be revised within one year of the date of promulgation of these standards, or within two years if the State must amend or enact a statute in order to make the required revision. (See the amendment to 40 CFR 271.21 published in the May 22, 1984, **Federal Register** at 49 FR 21678–21682.) States need not revise their programs to accommodate Federal requirements which are less stringent than their extant program requirements.

EPA does not consider conforming revisions to this part of an authorized State program to be "substantial" under 40 CFR 271.21(b). The Agency believes that revisions to existing analogues in authorized States would not constitute a major change in the authorized program which warrants public review, since the impact and extent of this change is limited (*i.e.*, only one relatively small element of the State program would be revised). EPA does not consider this

promulgation to increase the stringency or scope of the Federal program; therefore, States need not make conforming revisions to their programs, although they are free to do so.

VII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental juridictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will generally have no adverse economic impact on small entities. Rather, it will reduce the population affected by EPA's hazardous waste management regulations, some of whom are small entities, and thus reduce the overall costs of these regulations. The denial of the American Retail Federation's petition means that the status of retailers and subsequent handlers of their wastes has not changed. Therefore, if retailers generate hazardous wastes, they will either remain subject to the small quantity generator exclusion or, if they exceed the small quantity exclusion limits, they will be subject to full RCRA Subtitle C regulation. Since this amendment does not change the status quo for such entities, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation therefore does not require a regulatory flexibility analysis.

VIII. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

IX. List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: November 1, 1984.

William D. Ruckelshaus,

Administrator.

PART 261—[AMENDED]

For the reasons set out in the preamble, 40 CFR Part 261 is amended as follows:

1. The authority citations for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. 40 CFR 261.4 is amended by revising paragraph (b)(1) to read as follows:

§ 261.4 Exclusions.

* * * * *

(b) * * *

(1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (*e.g.*, refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

* * * * *

[FR Doc. 84-29445 Filed 11-9-84; 8:45 am]

BILLING CODE 6560-50-M

federal register

Tuesday
November 13, 1984

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 965

PHA-Owned or Leased Projects—Maintenance and Operations; Transfer of Contracting Authority; Policy Statement and Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 965

[Docket No. N-84-1471; FR-2011]

PHA-Owned or Leased Projects—Maintenance and Operations; Transfer of Contracting Authority; Policy Statement

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Policy statement.

SUMMARY: Part 965, Subpart F, of the Department's regulations sets out procedures for Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) that want to use the Consolidated Supply Program. This Program is designed to assist PHAs/IHAs retain the low-income nature of their housing projects. In another document in this issue of the **Federal Register**, the Department is changing the designation of the Contracting Officer for this program to be consistent with the Department-wide acquisition regulation (HUDAR) promulgated earlier this year. This Policy Statement announces the Department's intent to use the HUDAR whenever there is an inconsistency between the HUDAR and Part 965, Subpart F, until the conforming amendments published elsewhere today can become effective.

EFFECTIVE DATE: November 13, 1984, retroactive to April 1, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas Sherman, Director, Office of Public Housing, Room 4204, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone, (202) 755-5380. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department's Part 965, Subpart F, contains regulations governing the operation of the Consolidated Supply Program (CSP), which assists Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) in ensuring the low-income nature of projects. Under the CSP, HUD furnishes technical assistance to PHAs and IHAs in purchasing certain supplies, materials, equipment, and services necessary in the development, operation and maintenance of low-income housing by entering into and administering contracts for the voluntary use of those agencies. These regulations are intended to be consistent with the Department's acquisition regulation.

The Department of Defense, General Services Administration and the National Aeronautics and Space Administration promulgated the Federal Acquisition Regulation (FAR) on September 19, 1983 (see 48 FR 42102), effective April 1, 1984. The FAR is the primary regulation used by all Federal Executive agencies in their acquisition of supplies and services with appropriated funds. Each Executive agency was required to publish its own regulations, which implemented or supplemented the FAR, as appropriate. HUD promulgated its acquisition regulation (HUDAR) on March 1, 1984, effective April 1, 1984 (see 49 FR 7696, corrected on March 23, 1984, 49 FR 10930).

Portions of the existing regulations in 24 CFR Part 965, Subpart F, are now inconsistent with the HUDAR. To remedy this, the Department, in a separate rule making document in this issue of the **Federal Register**, is amending the Subpart F regulations to designate the Director of the Office of Procurement and Contracts or designee as the Consolidated Supply Program Contracting Officer.

Since this final rule cannot become effective until sometime in early 1985, this policy statement is being published to notify affected persons that the Department will implement the provisions of the HUDAR to the extent they are inconsistent with Part 965, Subpart F. That is, the Department, pending the effective date of the changes to Part 965, Subpart F, will nevertheless regard the Director of Procurement and Contracts, or his or her designee, as the CSP Contracting Officer.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: November 6, 1984.

Warren T. Lindquist,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 84-29619 Filed 11-9-84; 8:45 am]

BILLING CODE 4210-33-M

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24 CFR Part 965

[Docket No. R-84-1210; FR-2011]

PHA-Owned or Leased Projects—Maintenance and Operations; Transfer of Contracting Authority

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: This rule amends the Department's Public Housing Consolidated Supply Program (CSP) regulations to provide that the Director, Office of Procurement and Contracts, Office of the Assistant Secretary for Administration, now has contracting authority for the CSP. This rule conforms public housing regulations with the Department-wide acquisition regulations published earlier this year.

EFFECTIVE DATE: Thirty calendar days of continuous session of Congress after publication, but not until further notice of the effectiveness of this rule is published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Thomas Sherman, Director, Office of Public Housing, Room 4204, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone, (202) 755-5380. (This is not a toll-free number.

SUPPLEMENTARY INFORMATION: This rule conforms applicable parts of Consolidated Supply Program regulations (24 CFR Part 965, Subpart F) to HUD's recently promulgated acquisition regulations contained in 48 CFR Chapter 24. The Consolidated Supply Program is designed to assist Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) in ensuring the low-income character of their projects. This is done by HUD entering into contracts and by offering voluntary participation in the contracts by PHAs and IHAs in their purchase of certain supplies, materials, and equipment necessary for the operation and maintenance of low-income housing.

Existing regulations (see 24 CFR 965.602(b)) state that the Consolidated Supply Contract Contracting Officer is the Chief, Supply Management Branch, Program Services Division, Office of Public Housing or successor position. As discussed below, this is no longer an accurate reference. In addition, current Consolidated Supply Program regulations contain four references to old Federal Procurement regulations. These have been revised or removed to conform with the recently promulgated Federal Acquisition Regulation.

The Department of Defense, General Services Administration and the National Aeronautics and Space Administration promulgated the Federal Acquisition Regulation (FAR) on September 19, 1983 (see 48 FR 42102), effective April 1, 1984. The FAR is the primary regulation used by all Federal Executive agencies in their acquisition of supplies and services with appropriated funds. Each Executive agency was required to publish its own regulation, implementing and supplementing the FAR. HUD

promulgated its acquisition regulation (HUDAR) on March 1, 1984, effective April 1, 1984 (see 49 FR 7696, corrected on March 23, 1984, 49 FR 10930).

In the HUDAR, the Department codified its policies and procedures concerning contracting activities. Specific provisions applicable to this rulemaking include the designation of the Assistant Secretary for Administration as the Department's Procurement Executive and the Office of Procurement and Contracts as the responsible office for administering all Department procurement except as specified in the HUDAR.

Procurement in support of the Department's Consolidated Supply Program was specifically mentioned in the Department's acquisition regulations. HUDAR 2401.601–2, Office of Procurement and Contracts, states in part that: "The Office of Procurement and Contracts also is responsible for awarding all contracts and agreements in support of the Department's Consolidated Supply Program. Such awards will be made under the regulations found at 24 CFR Part 965, Subpart F."

Since portions of current regulations at 24 CFR 965.602(b) now are inconsistent with the HUDAR, the Department must amend its regulations. This rule conforms § 965.602(b) to the policy established in the HUDAR.

The Department has determined that this rule need not be published as a proposed rule, as generally required by the Administrative Procedure Act ((APA), 5 U.S.C. 553), since the rulemaking merely conforms one of HUD's regulations to existing practice and to other Department-wide regulations already in effect.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations. 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 and 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 was 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, at the time the HUDAR was published on March 1, 1984. A copy of this Finding of No Significant Impact has been placed in this rulemaking file and is available for public inspection during regular business hours in the Office of General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh, Street, SW., Washington, D.C. 20410.

Consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned certifies that the rule has no significant economic impact on a substantial number of small entities, because it merely reflects a change in the way the Department functions internally.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902), under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 965

Energy conservation; Government procurement; Grant programs—housing and community development; Public housing; Reporting and recordkeeping requirements; Utilities.

Accordingly, 24 CFR Part 965 is amended as follows:

PART 965—PHA-OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

§ 965.601 [Amended]

1. In § 965.601, paragraph (a), the phrase "Procurement Regulations at 41 CFR 24–1.4512(b)" is removed and the phrase "Acquisition Regulation at 48 CFR 2401.601–2" is added its place.

2. In § 965.602, paragraph (b) is revised to read as follows:

§ 965.602 Definitions.

* * * * *

(b) *CSC Contracting Officer.* The CSC Contracting Officer shall be the Director, Office of Procurement and Contracts, or designee.

* * * * *

3. In § 965.603, paragraph (b)(5) is removed and paragraph (b)(4) is revised to read as follows:

§ 965.603 Consolidated supply contracts.

* * * * *

(b) * * *

(4) Any contractor shall comply with the provisions of 48 CFR Part 22 concerning equal opportunity and affirmative action.

* * * * *

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: November 6, 1984.

Warren T. Lindquist,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 84–29618 Filed 11–9–84; 8:45 am]

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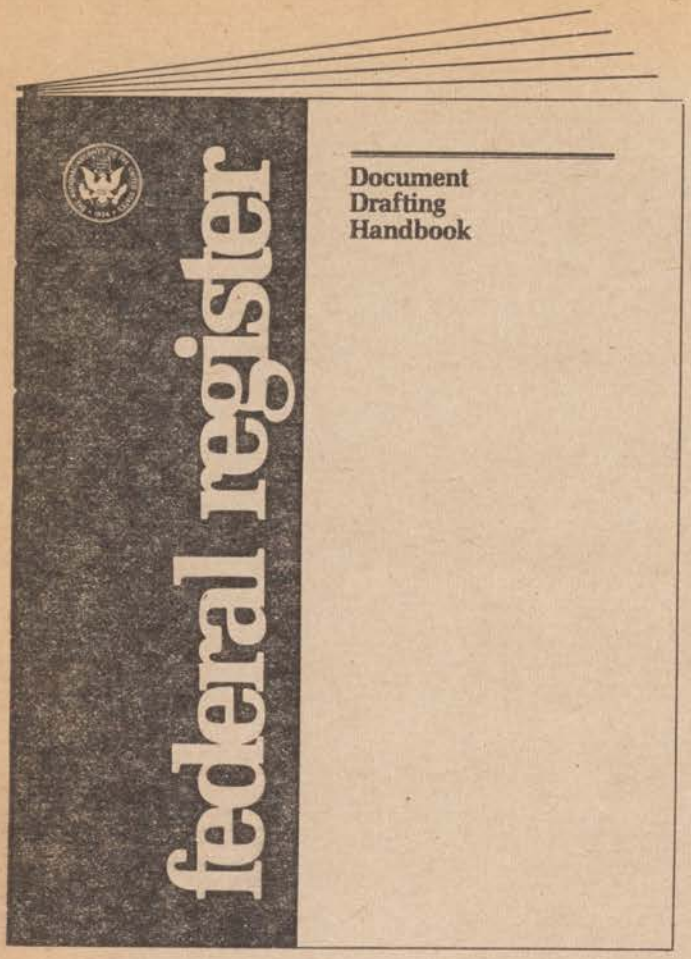
[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1984. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).



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