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federal register

Thursday
November 29, 1984

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Oranges Regs. 605, 604 Amdt. 1, and 603 Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 605 establishes the quality of fresh California-Arizona navel oranges that may be shipped to market during the period November 30–December 6, 1984. Regulation 604, Amendment 1, increases the quantity of such oranges that may be shipped during the period November 23–29, 1984, and Regulation 603, Amendment 1, increases the quantity of such oranges that may be shipped during the period November 16–22, 1984. Such action is needed to provide for the orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: Amended Regulation 603 (§ 907.903) is effective for the period November 16–22, 1984. Amended Regulation 604 (§ 907.904) becomes effective on November 23, 1984. Regulation 605 (§907.905) becomes effective on November 30, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

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

This regulation and amendments are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the act.

These actions are consistent with the marketing policy for 1984–85. The marketing policy was recommended by the committee following discussion at a public meeting on September 25, 1984. The committee met again publicly on November 20, 1984 at Porterville, California, to consider the current and prospective conditions of supply and demand and recommended quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is strong.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

1. § 907.905 is added as follows:

§ 907.905 Navel Orange Regulation 605.

The quantities of navel oranges grown in California and Arizona which may be handled during the period November 30 through December 6, 1984, are established as follows:

(a) District 1: 1,400,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons;

2. § 907.904 Navel Orange Regulation 604 (49 FR 45415) paragraphs (a) through (d) are hereby revised to read:

§ 907.904 Navel Orange Regulation 604.

(a) District 1: 1,140,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons;

3. § 907.903 Navel Orange Regulation 603 (49 FR 45415) paragraphs (a) through (d) are hereby revised to read:

§ 907.903 Navel Orange Regulation 603.

(a) District 1: 920,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: 80,000 cartons;
(d) District 4: Unlimited cartons;

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

Dated: November 21, 1984.

Thomas R. Clark,

Acting Director, Fruit and Vegetable Division; Agricultural Marketing Service.

[FR Doc. 84–31319 Filed 11–28–84; 8:45 am]
BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule designates Detention Service Officers assigned to

Immigration Service Processing Centers as Immigration Officers. The addition of these positions to the officer ranks is necessary to carry out the duties specified at Immigration Service Processing Centers, and formalizes a procedure which will benefit the public and enhance compliance with the Act.

EFFECTIVE DATE: February 23, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

For Specific Information: G.L. Blancett, Detention and Deportation Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3662.

SUPPLEMENTARY INFORMATION: Over the past few years the Immigration and Naturalization Service has had an increase in the number of long-term detainees held at their Service Processing Centers. Under current staffing patterns, Service employees at the Service Processing Centers do not have the required time or training to provide extensive counseling to those long-term detainees, establish a one-on-one relationship conducive to the exchange of information, and respond to inquiries on the status of the administrative and judicial processes. Incumbents of this new position process newly admitted detainees and assist all detainees in adjusting to the requirements of institutional living. In addition, incumbents monitor the cases of long-term detainees and keep the detainees apprised of the status of their cases.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this order is exempt therefrom as provided by paragraph (a)(2) of section 553, which exempts matters relating to agency management of personnel.

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

This order is not a rule within the meaning of section 1(a) of E.O. 12291 because it deals with agency organization, management, or personnel.

List of Subjects in 8 CFR Part 103

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

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

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

In § 103.1, paragraph (q) is revised to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(q) *Immigration officer.* Any immigration inspector, immigration examiner, border patrol agent, aircraft pilot, airplane pilot, helicopter pilot, deportation officer, detention officer, detention service officer, detention guard, investigator, general attorney, paralegal specialist, applications adjudicator, contact representative, or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act and this chapter.

* * * * *

(Sec. 103 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103))

Dated: November 21, 1984.

Raymond M. Kisor,

Associate Commissioner, Enforcement, Immigration and Naturalization Service.

[FR Doc. 84–31325 Filed 11–28–84; 8:45 am]

BILLING CODE 4410–01–M

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8 CFR Part 238

Contracts With Transportation Lines; Addition of San Juan Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States by adding the name of San Juan Airlines, Inc.

EFFECTIVE DATE: October 11, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 533–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with San Juan Airlines, Inc. to provide for the preinspection of their passengers and crew as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilities processing passengers and crew upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds transportation lines' names to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Aliens, Common carriers, Government contracts, Inspections, Transportation lines.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 is amended by adding the name "San Juan Airlines, Inc." under "At Vancouver."

(Sec. 103 and 238 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1228))

Dated: November 23, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84–31326 Filed 11–28–84; 8:45 am]

BILLING CODE 4410–10–M

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8 CFR Part 238

Contracts With Transportation Lines; Addition of Caribbean Express, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Caribbean Express, Inc. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: September 14, 1984.

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

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an

agreement with Caribbean Express, Inc. on September 14, 1984, to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilities the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportation lines.

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

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by: Adding in alphabetical sequence, "Caribbean Express, Inc."

(Sec. 103 and 238 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1228))

Dated: November 23, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84-31313 Filed 11-28-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 84-112]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Minnesota from Class A to Class Free. This action is necessary because it has been determined that this State meets the standards for Class Free status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from the State of Minnesota.

DATES: Effective date of the interim rule is November 29, 1984. Written comments must be received on or before January 28, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucella infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or Areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine. This document changes the classification of the State of Minnesota from Class A to Class Free.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the period of 12 months preceding classification as Class Free. The Class C classification is for States or Areas with the highest rate of brucellosis, with Classes A and B in between. Restrictions on the movement of cattle are more stringent for movements from Class A States or Areas compared to movements from Free States or Areas, and are more stringent for movements from Class B States or Areas compared to movements from Class A States or Areas, and so on. The restrictions include testing for movement of certain cattle from other than Class Free States or Areas.

The basic standards for the different classifications of States or Areas concern maintenance of: (1) A State or Area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Identification (MCI) reactor prevalence rate not to exceed a stated rate (this concerns the testing of cattle at auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received under approved action plans; and (4) minimum procedural standards for administering the program.

Prior to the effective date of this document, the entire State of Minnesota was classifed as a Class A State. It had been necessary to classify this State as Class A rather than Class Free because of the herd infection rate. To attain and maintain Class Free status, a State or Area must, among other things, remain free from brucellosis in cattle for the preceding 12 month period and the adjusted MCI reactor prevalence rate for such 12 month period must not exceed one reactor per 2,000 cattle tested (0.050 percent). A review of brucellosis program records establishes that the State of Minnesota should be changed to Class Free since this State now meets the criteria for classification as Class Free.

Executive Order and Regulatory Flexibility Act

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

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

Changing the status of the State of Minnesota reduces testing requirements

on the interstate movement of certain cattle. Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Testing requirements for cattle moved interstate for immediate slaughter, or to quarantined feedlots are not affected by the changes in status. Also, cattle from Certified Brucellosis-Free Herds moving interstate are not affected by these changes in status. It has been determined that the changes in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from the State of Minnesota.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the **Federal Register.**

List of Subjects in 9 CFR Part 78

Animal diseases, Cattle, Hogs, Quarantine, Transportation, Brucellosis.

PART 78—BRUCELLOSIS.

Accordingly, 9 CFR Part 78 is amended as follows:

§ 78.20 [Amended]

1. Section 78.20(a) is amended by adding "Minnesota," immediately before "Montana".

2. In § 78.20(b), "Minnesota," is removed.

Authority: Secs. 4, 5, 6, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 23rd day of November, 1984.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 84-31316 Filed 11-28-84; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 84-084]

Importation of Horses; Affirmation of Interim Rule

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations concerning the importation of animals to require that importers of horses that are to be quarantined at privately-owned quarantine facilities must apply for and obtain import permits prior to entry of the horses into the United States. Under the regulations, it is necessary for Veterinary Services (VS) personnel to conduct examinations, collect or supervise the collection of diagnostic specimens, and supervise the isolation, quarantine, care, and handling of the horses to ensure that they meet the Department's quarantine requirements before release into the United States. The import permit requirement is necessary to provide prior notice of the arrival of the horses so that arrangements can be made for the availability of VS personnel to conduct the necessary activities. Further, the information required to be submitted in the application for the import permit is necessary to identify the horses, to allow VS to contact persons for the purpose of obtaining any necessary clarifications concerning the horses, to ensure that the privately-operated quarantine facility does not exceed its capacity, to help determine entry requirements for the horses, and to help trace the horses after quarantine.

EFFECTIVE DATE: November 29, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 844–AAA, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 contain, among other things, provisions concerning the importation of horses into the United States. In order to help prevent the introduction and dissemination of communicable diseases of horses, the regulations in § 92.3 (a) and (g) provide, with certain exceptions, that horses intended for importation into the United States are to be entered at certain ports and quarantined at United States Department of Agriculture quarantine facilities or at privately-operated quarantine facilities approved by the Deputy Administrator for Veterinary Services (VS).

An interim rule published in the **Federal Register** on July 2, 1984 (49 FR 27136–27138), amended the regulations to require that importers of horses that are to be quarantined at privately-operated quarantine facilities must apply for and obtain import permits from VS prior to entry of the horses into the United States. Prior to the interim rule of July 2, 1984, only persons importing horses from countries in which contagious equine metritis exists were subject to the import permit requirements. The interim rule was made effective upon publication. Comments were solicited for sixty days following publication of the interim rule. One comment was received, which supported the interim rule. The factual situation which was set forth in the interim rule still provides a basis for the amendments.

Executive Order 12291 and Regulatory Flexibility Act

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

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

Most importers of horses that are to be quarantined at privately-operated quarantine facilities already voluntarily

apply for and obtain import permits prior to the entry into the United States of such horses. This rule will only affect a few importers who do not now obtain such permits, and it is anticipated that the changes made by the rule will have very little economic impact on such importers of horses.

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

List of Subjects in 9 CFR Part 92

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

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMALS AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, the interim rule amending 9 CFR 92 published in the Federal Register on July 2, 1984, at 49 FR 27136–27138 is adopted as a final rule.

Authority: Sec. 2, 32 Stat. 792, as amended; secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 23rd day of November 1984.

J. K. Atwell,

Veterinary Services.

[FR Doc. 84-31317 Filed 11-28-84; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 388

[Docket No. 41153-4153]

Administrative Proceedings

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department is clarifying the regulatory grounds for issuance of orders temporarily denying export privileges (15 CFR Part 388.19).

EFFECTIVE DATE: November 29, 1984.

FOR FURTHER INFORMATION CONTACT: Pamela P. Breed, Deputy Assistant General Counsel—Enforcement and Litigation, Office of Assistant General Counsel for International Trade, U.S. Department of Commerce (202–377–5311).

SUPPLEMENTARY INFORMATION: There have been recent proposals in the Congress to amend the Export Administration Act (EAA) to provide that an order temporarily denying export privileges may be issued in any case in which it is "necessary, in the public interest, to prevent an imminent violation" of the Act or any regulation under the Act. An "imminent violation" standard could easily be interpreted in a way that would unduly constrain the use of the temporary denial order (TDO) to protect United States interests with respect to export controls. Legislative history concerning such an amendment has suggested that adoption of the "imminent violation" standard would not significantly narrow the grounds for TDOs from those available prior to amendment. The Department of Commerce believes it is therefore important to publish this interpretation of the criteria in the existing Export Administration Regulations (Regulations) for issuance of a TDO so that the usefulness of this enforcement mechanism is not reduced, either under existing regulations or under new legislation.

This interpretative rule is exempt from the notice and comment requirements of the Administrative Procedure Act and will become effective upon publication in the **Federal Register.**

The Regulatory Flexibility Act does not apply to this interpretive rule because the interpretive rule was not required to be promulgated as a proposed rule before issuance as a final rule by Section 553 of the Administrative Procedure Act or by any other law. Neither an initial nor final Regulatory Flexibility Analysis was prepared.

Because this interpretive rule concerns a foreign affairs function of the United States, it is not a rule or regulation within the meaning of Section 1(a) of Executive Order 12291 and, accordingly, is not subject to the requirements of that Order. No preliminary or final Regulatory Impact Analysis has been or will be prepared.

This interpretation does not impose a burden under the Paperwork Reduction Act of 1980.

The principal author of this interpretation is Cecil Hunt, Assistant General Counsel for International Trade, Office of the General Counsel.

List of Subjects in 15 CFR Part 388

Administrative practice and procedure, Administrative proceedings, Denial of export privileges, Exports, Temporary denial of export privileges.

PART 388—[AMENDED]

1. The authority for Part 388 is revised to read as follows:

Authority: Secs. 4, 5, 6, 7, 8, 11, 12, 15 and 21, Pub. L. 96–72, 50 U.S.C. App. 2401–2420, E.O. 12214 (45 FR 29783, May 6, 1980); 50 U.S.C. 1701–1706, E.O. 12470 (49 FR 13099, April 3, 1984); Dept. Organization Order 10–3, effective September 6, 1984, and International Trade Admin. Organization and Function Orders, 41–1 (48 FR 26854, June 10, 1983) and 41–4, effective February 9, 1984, unless otherwise noted.

2. Supplement No. 3 is added to Part 388:

Supplement 3—Grounds for Temporary Denial of Export Privileges

Interpretation

Section 388.19(a)(2) provides that the presiding official may issue an order temporarily denying export privileges (TDO) upon a showing that the order is required in the public interest to facilitate enforcement of the Act, any applicable Executive Order, or the Regulations, to avoid circumvention of administrative or judicial proceedings or to permit the completion of investigations.

These grounds should be understood, and the adequacy of the showing judged, in light of the general nature and objective of such denial orders. Whether the investigation or proceeding is under the Export Administration Act or under regulations in force under an Executive Order issued in connection with a presidentially-declared national emergency, the nature and objective of the TDO procedure is the same.

The TDO is not to be used as a punishment, but as a means for achieving important export control objectives. The authority for the TDO is not derived from the penalty provisions of the applicable statute, but is inherent in the authority to restrict exports.

The TDO can serve export control objectives in at least two ways. By denying to persons under investigation or charges the right to export, acquire abroad or deal in U.S.-controlled goods and technology, the TDO can reduce the risk that such goods and technology may be diverted to destinations or uses contrary to export control requirements. The TDO can also help to facilitate investigations by encouraging a person under investigation to cooperate in the investigation and to refrain from obstructing any administrative or judicial enforcement proceedings that may ensue. The TDO can be especially important to the achievement of export control objectives when the person under investigation or charges is located outside the United States, as the TDO can quickly put companies at home and abroad on notice to cease dealing with that person in the goods or technology covered by the order.

Although the risk of future illegal activity can justify seeking and issuing a TDO, there is no need to present evidence that a violation is "imminent", either in time or in degree of likelihood. Indeed, if a violation is "imminent" in the sense that an illegal export

is about to occur, the more effective step usually is to detain, and perhaps ultimately seize, the shipment in question. On the other hand, the need for prudent protective action in the form of a TDO can arise from the general circumstances of the case, such as evidence indicating that the violation under investigation or charges was significant and deliberate, rather than technical or negligent.

The provision in the Regulations that a TDO may be granted summarily on an *ex parte* basis is balanced by provisions under which a party can move to have the TDO vacated or modified. A hearing on such a motion can give a person subject to the TDO a chance to persuade the presiding official that the TDO is not warranted by the risk of future non-compliance with the Regulations or that the TDO is not needed to assure cooperation with the investigation and acceptance of the enforcement jurisdiction being asserted. The availability of this procedure means that the showing in support of the *ex parte* request for a TDO need not go beyond providing reasonable grounds for belief that the TDO will serve to advance one or more of the stated objectives.

Dated: November 19, 1984.

Theodore W. Wu,

Deputy Assistant Secretary for Export Enforcement, International Trade Administration.

[FR Doc. 84-30813 Filed 11-28-84; 8:45 am]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3099]

Batus Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This Order reopens the proceeding and modifies the divestiture order issued against a department store operator on December 6, 1982, 47 FR 31392, which required the company to divest department stores sufficient to reduce its floor space by 200,000 square feet and its sales volume by $20 million, as measured by 1981 sales. To date, the operator has received Commission approval for divestitures totalling 492,000 square feet and $17.9 million in 1981 sales, and has petitioned for modification of the Order stating that any further divestiture would "account for substantially more than $20 million in 1981 sales." Following an examination of the record and the company's plan of divestiture, the Commission concluded that the company had made a good faith compliance effort and that divestiture of a much larger store to satisfy the remaining $2.1 million sales volume requirement was not in the public interest. Therefore, Paragraph II of the original order has been modified by substituting for the phrase in the first sentence reading "in an amount not less than $20 million as measured by fiscal 1981 sales" the phrase "in an amount not less than $17.9 million as measured by fiscal 1981 sales."

DATES: Consent Order issued on December 6, 1982; Modifying Order issued November 13, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/L-301-18, Selig S. Merber, Washington, D.C. 20580 (202) 634-4642.

SUPPLEMENTARY INFORMATION: In the Matter of Batus, Inc., a corporation. Codification appearing at 47 FR 31392 remains unchanged.

List of Subjects in 16 CFR Part 13

Department stores, Trade practices.

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

Order Reopening Proceeding and Modifying Order

Commissioners: James C. Miller III, Chairman, Patricia P. Bailey, George W. Douglas, Terry Calvani. In the Matter of BATUS, Inc., a corporation; Docket No. C-3099.

By petition filed July 17, 1984, respondent BATUS Incorporated ("Batus") requests, pursuant, to section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b)), that Paragraph II of the Commission's Order issued in this matter on December 6, 1982, be modified so that Batus will not be required to make further divestitures to reach the $20 million sales volume standard set out in Paragraph II of the order. Pursuant to § 2.51 of the Commission's Rules of Practice and Procedure, the petition was placed on the public record for thirty days. No comments were received.

The order required Batus to divest department stores in the Milwaukee, Wisconsin SMSA sufficient to reduce its floor space by 200,000 square feet and its sales volume by $20 million, as measured by 1981 sales. To date Batus has received Commission approval for divestitures totalling 492,000 square feet and $17.9 million in 1981 sales.

The Commission has reviewed Batus' plan of compliance with the divestiture requirements of the order, including its selection of stores, and the efforts undertaken to fulfill its obligations and believes Batus has made a good faith effort to accomplish full compliance with the order. The record also demonstrates that sale of an additional store having a 1981 sales volume in the range of $2.1 million to a viable competitor is unlikely. Given Batus' good faith compliance effort and the degree of divestiture already obtained, we believe that it is not in the public interest to require a divestiture of a much larger store to satisfy the remaining $2.1 million sales volume requirement. Therefore, we find that modification of certain language in Paragraph II of the order is in the public interest.

Accordingly, it is ordered, that the proceeding be, and it hereby is, reopened for the purpose of modifying the Order entered therein;

It is further ordered, that Paragraph II is amended by substituting in lieu of the phrase at the end of the first sentence which reads:

"in an amount not less than $20 million as measured by fiscal 1981 sales."

the phrase,

"in an amount not less than $17.9 million as measured by fiscal 1981 sales."

Issued: November 13, 1984.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 84-31259 Filed 11-28-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 270, 271, 272, 273, and 274

[Docket No. RM84-14-000; Order No. 406]

Deregulation and Other Pricing Changes on January 1, 1985, Under the Natural Gas Policy Act

Issued: November 16, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: On January 1, 1985, the Natural Gas Policy Act of 1978 (NGPA) will deregulate the prices for substantial amounts of interstate and intrastate gas. The Federal Energy Regulatory Commission (Commission) is amending its regulations to prepare for price deregulation under section 121 of the NGPA for certain types of natural gas subject to sections 102, 103, 105, and 106, and is publishing new maximum lawful prices under sections 103(b) and 105(b)(3).

EFFECTIVE DATE: January 1, 1985.

FOR FURTHER INFORMATION CONTACT:

Peter J. Roidakis, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8511.

Elisabeth Pendley, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8511.

SUPPLEMENTARY INFORMATION:

Before the Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A.G. Sousa, Oliver G. Richard III, and Charles G. Stalon.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is issuing a final rule implementing section 121 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (1982). On January 1, 1985, NGPA section 121 will deregulate the prices for substantial amounts of interstate and intrastate gas.

In general, this final rule states: (1) That jurisdictional agency determinations are still necessary for section 102 and section 103 gas after January 1, 1985; (2) that first sellers may make interim collections at the agreed to deregulated price; (3) that gas which qualifies for both a regulated and a deregulated category will be deregulated; (4) that contract prices for intrastate contracts above $1.00 per MMBtu by virtue of a definite price clause will be deregulated.

II. Background

At the time Congress was considering the NGPA, oil prices were rising and increasing demand and declining supplies of natural gas created severe shortages in many parts of the nation. Political concern about these market distortions, as well as concern about the nation's energy dependence, led Congress to enact legislation revamping the natural gas pricing structure that had existed under the Natural Gas Act (NGA), 15 U.S.C. section 717–717w (1982), and eventually to phase in market forces as a substitute for that structure for a substantial amount of our nation's gas supplies. Thus, in 1978, Congress deregulated some gas shortly after the enactment of the NGPA, provided for deregulation of prices for other categories of gas over the next decade, and retained regulatory and pricing controls on other gas wells until these wells are depleted.

Title I of the NGPA created several categories of natural gas, the first sale of which is subject to maximum lawful prices (ceiling prices). Those categories are based on a variety of factors, such as the date the well was drilled, whether the gas was sold under intrastate contracts or committed or dedicated to interstate commerce (dedicated gas), and the need for incentives to produce gas that is otherwise difficult or uneconomical to produce. In contrast, the price of certain natural gas produced from completion locations deeper than 15,000 feet, geopressured brine, coal seams, or Devonian shale was deregulated in 1979, shortly after enactment of the NGPA. Moreover, under section 121, the price for section 102(c) and some section 103 gas and certain intrastate gas will be deregulated on January 1, 1985, while additional section 103 gas will be deregulated on July 1, 1987. In addition to price deregulation, Congress also mandated higher ceiling prices on January 1, 1985, for certain categories of gas under sections 103 and 105. Since the enactment of the NGPA, many changes have occurred in the natural gas markets. One development, unforeseen by the drafters of the NGPA, is the current supply surplus of natural gas, however temporary or long-lived it may prove to be. This oversupply factor is an important consideration in understanding the controversy surrounding "dually qualified" wells, as discussed below.

In general, this rulemaking concerns categories of natural gas that will be price deregulated under section 121. On January 1, 1985, section 121(a) eliminates price controls from "new natural gas" defined in section 102(c)[1] and certain gas produced from "new, onshore production wells" under section 103.[2] Except for gas that is subject to section 121(e), section 121 also deregulates the price of intrastate gas that is categorized as section 105 or 106(b) gas, if the price paid for the last deliveries of such natural gas occurring on December 31, 1984 (or the price that would have been paid if no deliveries occurred on that date), is higher than $1.00 per MMBtu.[3]

The Commission has two goals in this rulemaking. The first is to resolve those legal and policy issues that are presented by deregulation of certain categories of gas under section 121. The second task is to make technical amendments to the Commission's NGPA regulations to conform them to the pricing changes that will take effect on January 1, 1985.

On September 13, 1984, the Commission proposed to amend its regulations to prepare for price deregulation under section 121 of the NGPA for certain types of natural gas subject to sections 102, 103, 105, and 106 and to publish new maximum lawful prices under sections 103(b) and 105(b)(3).[4]

The Commission received approximately 100 substantive comments to this rulemaking—45% representing producer interests, 25% representing pipeline interests and 30% from utilities, local distribution companies, and consumer groups. Numerous personal letters from royalty owners, investors, and other individuals were received.

III. Discussion

A. Jurisdictional Agency Determinations

Section 503 establishes procedures under which well category determinations are made by State or Federal jurisdictional agencies and then reviewed by this Commission. Since enactment of the NGPA, this section and the Commission's implementing regulations have been used primarily for determining whether gas qualifies under a particular NGPA pricing category.

The Commission's proposal discussed several circumstances in which it must decide if section 503 determinations would be required after several categories of gas are deregulated after January 1, 1985. Even though section 121 deregulates the price of certain categories of gas, the NGPA requires first sellers to continue to file for determinations for certain categories of gas that will be price deregulated after the determination becomes final, where determinations previously have been required under Title I.

1. Determinations for Gas That Will Be Deregulated

For sections 102 and 103 gas deregulated by section 121 and for which a producer has not filed for or

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1 "New natural gas" under section 102(c) covers three types of gas: (1) gas produced from the Outer Continental Shelf under a lease entered into on or after April 20, 1977; (2) gas produced from an onshore well on which surface drilling began on or after February 19, 1977, or the depth was increased by 1,000 feet on or after that date, and which is at least 2.5 miles from the nearest marker well or which is 1,000 feet deeper than the deepest completion location of any marker well within 2.5 miles; and (3) gas produced from a reservoir from which natural gas was not produced in commercial quantities before April 20, 1977, subject to certain exclusions.

2 "New, onshore production wells" under section 103(c) are onshore wells on which surface drilling began on or after February 19, 1977, and from which gas is produced from a proration unit that meets certain requirements. Section 121 deregulates on January 1, 1985, the price of section 103 wells that were not committed or dedicated to interstate commerce on April 20, 1977, and that produce gas from a completion location deeper than 5,000 feet.

3 *See* section 121(e).

4 Notice of Proposed Rulemaking, 49 FR 36399 (Sept. 17, 1984) (Docket No. RM84–14–000).

obtained a determination prior to January 1, 1985, first sellers must continue to file applications for determinations with the appropriate jurisdictional agencies. The Commission proposed that the NGPA requires a determination in this instance. The vast majority of commenters supported the Commission's reading of the NGPA , but requested that the Commission simplify its section 503 filing requirements.

Under the determination process Congress established in section 503, jurisdictional agencies make certain factual findings about the well characteristics for certain categories of gas in Subtitle A of Title I of the Act. Subject to certain interim collection procedures in section 503(e), an affirmative determination by the jurisdictional agency is a condition precedent to a first seller charging and collecting a specified price. Section 503 does not distinguish between gas that is regulated or deregulated, but attaches a substantive effect to a jurisdictional agency's application of the definitions in section 102(c), 102(d), 103(c), 107(c) and 108(b). Nothing in sections 503 or 121 indicates that Congress intended this substantive effect to be changed by deregulation on January 1, 1985. Thus, the Commission believes that the NGPA requires producers to obtain well category determinations, even for gas which will be price deregulated after a final determination.

As we noted in the proposal, the Commission's approach to deregulation under section 107 followed this view. Under section 107(c)(1)–(4), Congress deregulated the price of certain types of high-cost natural gas, *i.e.*, gas produced from completions below 15,000 feet, Devonian shale, geopressured brine, and occluded natural gas produced from coal seams. Section 503(a)(1) requires that a determination be made "applying the definition of high-cost natural gas under section 107(c)." Similarly, section 107(c) requires that gas must be "determined in accordance with section 503 to be" high-cost gas. Given this NGPA mandate, the Commission required that producers obtain a determination in order for gas to be deregulated under section 107(c). This rule would adopt similar requirements for gas under sections 102(c) and 103 that will be deregulated on January 1, 1985.

With regard to commenter's suggestions that the Commission simplify its section 503 filing requirements, the Commission notes that it recently completed a rulemaking which substantially reduced the burden imposed in filing for determinations.[5]

Furthermore, because some jurisdictional agencies require certain filing requirements in addition to those required by the Commission, the Commission urges jurisdictional agencies to consider streamlining their filing requirements for section 102 and section 103 final determinations by reducing them to the minimum required by the Commission. The jurisdictional agencies must give written notice of any change in its procedures as described in § 274.105(b). Jurisdictional agencies might also consider filing an alternative plan with the Commission under § 274.207 to further decrease the burdensome filings and thereby streamline the section 102 and section 103 determination process. However, these alternative plans must satisfy the section 503 statutory requirement for substantial evidence.

2. Gas for Which Determinations Have Already Been Received

The Commission proposed that, if a producer has already obtained a determination prior to January 1, 1985, that the gas qualifies as section 102(c) or 103 gas, no additional determination that the gas is deregulated is required by the NGPA. Hence, the price for all section 102(c) or 103 gas that otherwise meets the prerequisites for deregulation is deregulated on January 1, 1985. Commenters supported this view. Under this approach, producers would determine whether the gas meets any additional criteria for deregulation under section 121 of the NGPA. The Commission expects that pipelines will monitor a producer's decision as to whether or not the gas is deregulated. The Commission intends to review these decisions with audits and investigation of complaints.

The Commission requested comment on whether additional filing requirements were necessary for section 103 gas that had already received a determination. Section 103 gas must meet two criteria to be deregulated. It must not have been committed or dedicated to interstate commerce on April 20, 1977,[6] and it must be produced from a completion location deeper than 5,000 feet.[7] The Commission requested comment on whether it has an obligation to review these deregulation criteria for section 103 gas before a first seller may charge and collect the deregulated price. The Commission considered requiring producers of such gas to file an affidavit, either separately or as part of a determination application, with the Commission and the purchasing pipeline that the section 103 gas meets these criteria. Alternatively, the Commission indicated that it might require a standard section 503 determination by jurisdictional agencies with review by this Commission prior to deregulation taking effect.

Commenters were overwhelmingly opposed to requiring any additional filing requirements for section 103 gas. These commenters supported the Commission's general approach of relying on pipelines to monitor these situations and to rely on audits and complaints. The Commission believes that it is not necessary to impose additional filing requirements at this time. These requirements would impose unnecessary burdens on applicants, jurisdictional agencies and this Commission in a situation where less burdensome alternatives exist for ensuring that the requirements of the NGPA will be adequately met.

Similarly, the Commission believes that post-January 1, 1985 section 103

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[5] Reduction in Filing Requirements for Well Category Applications Under Sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978, 48 FR 44508 (Sept. 29, 1983) (Order No. 336); 49 FR 566 (Jan. 5, 1984) (Order on Rehearing).

[6] For purposes of determining whether the gas was committed or dedicated to interstate commerce on April 20, 1977, the Commission intends to apply the definition in section 2(18) of the NGPA. Under the NGA, acreage subject to an interstate contract was not dedicated gas until gas actually commenced flowing in interstate commerce. Conversely, if no gas under the contract actually flowed in interstate commerce, then the gas was not dedicated gas under the NGA. Under section 2(18) of the NGPA, however, gas may be committed or dedicated to interstate commerce before flowing in interstate commerce, if, when sold, it "would be required to be sold in interstate commerce . . . under the terms of any contract, any certificate under the Natural Gas Act, or any provision of such Act." *See* generally, Conoco, Inc. v. FERC, 622 F.2d 796 (5th Cir. 1980); Tenneco Exploration Ltd. v. FERC, 649 F.2d 376 (5th Cir. 1981). Hence, gas which, if sold, would have been required to be sold in interstate commerce under the terms of any contract, Natural Gas Act (NGA) certificate, or provision of such Act would be deemed committed or dedicated to interstate commerce on April 20, 1977. With regard to infill wells, if the entire acreage comprising the proration unit is dedicated, then subsequent infill wells could not qualify for the deregulated price.

[7] For purposes of determining whether the completion location is located at a depth of more than 5,000 feet, the Commission proposed to amend § 272.104 to apply to section 103 gas. Section 272.104 currently applies to section 107(c) high-cost natural gas which must, among other things, be produced from a completion location deeper than 15,000 feet and requires that the measurement "shall be the true vertical depth from the surface location to the highest perforation point of the completion location." 18 CFR 272.104 (1983). The Commission believes it is appropriate to use the same measurement definition for section 103 gas as for section 107(c) gas, as consistent with our current practice. No comments opposing this proposal were received.

determinations must receive treatment identical to that received by pre-January 1, 1985 section 103 determinations for deregulation. Therefore, all pending and prospective section 103 applications automatically deregulate once the section 103 determination is final, provided that the dedication and depth requirements are met. Neither an additional filing requirement such as an affidavit nor a second "deregulation" determination are necessary to implement the dedication and depth requirements in section 121.

Also, the Commission expects pipelines to monitor a producer's decision as to whether a well is deregulated. The Commission will review these decisions with audits and investigation of complaints. Pipelines complained of the additional monitoring burden and the increased cost to the consumer. In order to minimize this potential burden, the Commission will require the producer to file an affidavit with the pipeline at the pipeline's request, presenting information on the dedication and depth of the well. As a result, the pipeline will not need to invest resources to obtain this information.

3. Pending Determinations

Where an application for a determination is pending before a jurisdictional agency or this Commission on January 1, 1985, and becomes final after January 1, 1985, the Commission proposed that the determination must become final before the gas qualifies for deregulation.[8] This follows from the Commission's proposal that producers should be required to obtain a determination even for gas that will be price deregulated after January 1, 1985.[9]

[8] Several commenters request clarification of whether the "effective date" of deregulation, for any well is the date on which it is determined to qualify for a deregulated category, the date for which such determination is filed or some other date. A multiplicity of dates for deregulation, depending on when the wells qualify for a deregulated category could make contract administration confusing. Just as the NGPA provided for section 107(c)(1-4) gas to be deregulated on November 1, 1979, the NGPA provides a date certain (January 1, 1985) for deregulation. Collection of the deregulated price as of that date is, we emphasize, a matter of contract, however, subject to the need for a final determination (for section 102 and 103 gas) and the related dedication and depth requirements.

[9] Although somewhat unclear, some commenters appear to ask whether a producer that is charging the higher section 102(c) incentive price for gas that has also been eligible since 1979 for a lower deregulated price under section 107(c)(1-4), will be liable to refund the difference between the section 102(c) price and the otherwise applicable contract price for deregulated gas for past periods. In this situation, no actual violation of the NGPA maximum lawful price has occurred. However, there may be questions raised as to the price paid under the contract. Such contractural disputes should be resolved by the parties in the appropriate judicial forum.

Commenters supported this approach and it is adopted for the reasons stated above.

B. Interim Collection

The Commission's regulations state two different rules governing the price a first seller may collect while an application for a determination of the applicable category of gas is pending before the jurisdictional agency or this Commission. The first rule applies to gas that is subject to a ceiling price and for which a determination is required under the NGPA. In that situation, the Commission's current regulations allow producers, subject to contractual authorization, to collect the highest ceiling price for which they applied. 18 CFR 273.202(a)(1) and 273.203(a)(1) (1983). The second rule applies to gas that is deregulated under section 107(c)(1)-(4) and for which a determination is required. In that situation, the Commission's regulations allow a producer, subject to contractual authorization, to collect only up to the section 102 price, not a possibly higher deregulated price, while a determination is pending before a jurisdictional agency or this Commission. 18 CFR 273.202(a)(2) and 273.203(a)(2) (1983).

The Commission proposed several changes to its interim collection regulations in light of deregulation on January 1, 1985. First, the interim collection provisions of the regulations would be amended to apply not only to section 107(c)(1)-(4) gas, but also to sections 102(c) and 103 deregulated gas. Secondly, the Commission proposed to eliminate the section 102 price cap on interim collections and permit a producer to collect the price agreed upon by the parties while an application for a determination for such gas is pending before a jurisdictional agency or this Commission. This rule would apply both for applications pending on January 1, 1985, and for those filed after January 1, 1985. The deregulated price would be the price that the producer and purchaser agree should be collected during the interim period, and thereafter, once the well finally qualifies for a deregulated category.

A relatively small number of commenters addressed this proposal. Commenters suggested that although producers file for the correct NGPA category 96% of the time, this still means an *incorrect* filing rate of 4%, which, in absolute dollar amount, can be substantial. Based on this observation, these commenters request that the section 102 price ceiling continue to be used as a price cap for interim collections either on public policy grounds that the "refund remedy" for incorrect category filings is not, as a practical matter, an adequate remedy, or on the theory that, if regulatory restraints are further lifted, as proposed, the error rate may far exceed the 4% error rate now prevailing. One commenter requested that the escrow and refund protections of interim collection (18 CFR 273.302 and 18 CFR 154.102 (c) and (d), respectively), remain intact to protect pipelines and downstream customers from overcollection.

The rule adopted by the Commission extends interim collection procedures to sections 102(c) and 103 gas and removes the current price limitation in favor of whatever price the parties agree to. The Commission still believes that the new rule will not necessitate more refunds than under current regulations. If it is finally determined that the gas does not qualify under a deregulated section, however, the producer will be required to refund the difference between the price collected and the otherwise applicable ceiling price, with interest. 18 CFR 154.102 (c) and (d) (1983). The Commission believes this refund remedy is adequate. As requested, all other aspects of the Commission's current interim collection regulations will remain in effect for such gas, such as the surety bond or escrow options.

One commenter made the point that the proposed rule sets the interim rate at the "contract rate" rather than limiting it to the section 102 ceiling rate. Other commenters asked that the Commission clarify whether the "contract rate" was intended to be the new interim rate, or whether a separate "agreed upon" interim rate was intended. The Commission emphasizes that it intends that, in the final rule, an agreed-upon rate will govern interim collections. However, if the parties are entitled to renegotiate the price upon deregulation, they need do so only once. The agreed-upon interim deregulated price may continue to serve as the deregulated price, once the gas is ultimately determined to be deregulated.

C. Dual Qualification Gas

Some gas qualifies for two NGPA categories: one regulated under a maximum lawful price and one which will be deregulated on January 1, 1985. Examples of this dually qualified gas are new tight formation gas (section 107(c)(5)) which also qualifies as section 102 or section 103 gas in order to receive the incentive price and some stripper

well gas (section 108) which also qualifies as section 102 or section 103 or section 105 deregulated gas. Many contracts contain two clauses—one which sets the price if gas is regulated and one which is implemented if gas is deregulated. Producers would prefer to collect under the regulated category if the regulated price is higher than the deregulated price. Pipeline purchasers, on the other hand, want to renegotiate the gas price to arrive at a deregulated price which they believe will be lower than the regulated rate. By choosing to remain regulated, the producer may avoid renegotiation and the potential lowering of its contract price under current market conditions. And, in turn, the pipeline may be thwarted in renegotiating a new contract price.

The Commission proposed that gas that qualified for both a regulated and a deregulated category will be considered deregulated and the price would be collected under the clause of the contract governing deregulated gas. The Commission believed that Congress intended all price controls for gas specified in section 121 to terminate on January 1, 1985, whether or not the gas continued to qualify for a regulated price. This interpretation, the Commission noted, was consistent with the overall scheme envisioned by Congress when it enacted the NGPA—to provide incentive prices to encourage exploration and development of new reserves in the short-term, and to gradually substitute market forces for regulated prices by phasing in deregulation in 1985 and 1987.

Numerous comments were filed on this significant deregulation issue. Unlike comments filed by producers in previous years,[10] producer and royalty interest owner comments argued that the producer could choose to remain regulated under section 101(b)(5) and the NGPA does not require that this gas be deregulated. Many producers argue that they will be forced to shut in wells if these wells are deregulated because the prices will be uneconomic after renegotiation with pipelines. They argue that this would cause them severe economic hardship and would deprive the nation of needed gas reserves. Producers also argue that they would not have invested in tight formation wells (section 107(c)(5)) if they had known that this gas would be deregulated on January 1, 1985.

Comments from pipelines, gas associations, utilities and consumer groups supported the Commission's proposal, arguing that dually-qualified gas deregulated on January 1, 1985.

At the time the NGPA was crafted, it was assumed that the deregulated price would be equal to or exceed the otherwise applicable regulated maximum lawful prices. However, this probably will not be the case on January 1, 1985. Market prices are currently lower than the section 102 and section 103 ceiling prices. Admittedly, Congress may not have anticipated such a situation. It did, however, enact the NGPA in the belief that the marketplace could ascertain the value of a commodity in relation to supply and demand and allocate gas resources better than the regulated environment. Deregulation will accelerate the market trend to competitive affordable gas prices.

1. Section 121 Mandates Deregulation

The Commission believes that the position it took in its proposal is legally correct. Gas that is dually qualified must be considered deregulated under the NGPA. The Commission believes that it is implementing Congress' intention to phase in deregulation of natural gas. Section 121 states that all maximum lawful prices for certain categories of natural gas, namely gas under sections 102(c) and 103(c), "shall * * * cease to apply effective January 1, 1985 * * *." Therefore, gas that qualifies both under section 107(c)(5) or 108 *and* sections 102 or 103 will be deregulated, provided that section 103 gas meets the dedication and depth requirements. Deregulation appears to be mandatory. Producers cannot opt out of the statutory scheme on January 1, 1985, merely because market conditions are unfavorable. The Commission finds more persuasive the comments filed by producers on this issue in previous proceedings, where they too perceived a statutory mandate to deregulate.[11]

To ignore this fact invalidates the Congressional intent evident in the NGPA scheme of phased decontrol. The NGPA was created to phase from regulated ceiling prices in the short term to market clearing prices in the long term. Producers complain because market prices are currently lower than regulated prices. Under deregulation, the ability to negotiate a contract above the old regulated ceiling price is always possible.

With a different future market in mind, Congress allowed dual determinations to expedite the determination process and to prepare for the deregulation process. Quoting from the *Congressional Record*, October 14, 1978, H 13115–17:

> Another way in which dual determination requests could be appropriate would be in cases in which one determination would yield a short term benefit, while another a long term advantage. Such could be the case where a new well produces new gas and also qualifies as a stripper well. A single proceeding to determine qualification for both designations would permit the producer to obtain stripper well pricing under section 108 prior to January 1, 1985 and deregulation as new gas thereafter. In the long run a single state proceeding might present less administrative burdens than a subsequent proceeding in which a classification not previously requested is sought.

It is our statutory obligation to interpret and implement the NGPA. It is our belief that the statutory intent to deregulate takes precedence over the statute's increased supply objective. Thus when the deregulation date of January 1, 1985 is reached, section 121—being the last provision in point of arrangement (Subsection B), and detailing deregulation specifically—is the controlling section.[12] The maximum lawful ceiling prices for section 107(c)(5) and section 108 gas which also qualifies as section 102 or section 103 deregulated gas no longer exist. The statutory language mandates deregulation of gas qualifying for a regulated and deregulated category on January 1, 1985. It is this statutorily-mandated

[10] Contrary to producers' current pro-regulation stance, they formerly argued for decontrol of tight formation gas on January 1, 1985, if such wells qualify. Numerous comments were filed by producers in Docket No. RM79–76, Interim Rule Covering High-Cost Natural Gas Produced from Tight Formations, 45 FR 13414 (February 28, 1980). The following comment is typical of those presented by producers: "If a well qualifying as a 'tight' formation well also qualifies under section 102, then gas produced from that well will be price deregulated as of January 1, 1985. Similarly, if the Commission maintains its present requirement that any 'tight' formation well must also be a section 103 well, then gas from any such well *must* be price deregulated as of January 1, 1985, or July 1, 1987, depending on the depth of the well. Quite simply, the NGPA vests no discretion in the Commission in this regard. Thus, the fact that a well qualifies as a "tight" formation well under any regulation ultimately issued has absolutely no impact upon the question of whether the gas produced from such well will otherwise be price deregulated pursuant to the provisions of Section 121 if it also qualifies under a deregulated category." Pennzoil Co. *et al.*, October 30, 1979, comments at 14, Docket No. RM79–76.

[11] See, n.10, *supra*.

[12] Basic rules of general statutory construction and interpretation state that (1) when a conflict in a statute exists, the last provision in point of arrangement [within the statute] must control; Lodge 1858, Am. Fed. of Gov't Emp. v. Webb, 580 F.2d 496 (D.C. Cir. 1978); (2) [s]pecific terms will prevail over the general [terms] in the same or another statute which otherwise might be controlling; Lodge 1858, supra, *quoting* Ginsberg & Sons v. Popkin, 285 U.S. 204; (3) all sections must be reconciled so as to produce a symmetrical whole. Federal Power Comm. v. Panhandle Eastern Pipeline Co., 337 U.S. 498 (1949).

deregulation that may trigger the parties' contractual agreements, with subsequent economic consequences.[13]

2. The Effect of Section 101(b)5

The Commission believes that section 101(b)(5) is helpful, but not dispositive of the dual qualification issue. Section 101(b)(5) states:

> If any natural gas qualifies under more than one provision of this title providing for any maximum lawful price or for any exemption from such a price with respect to any first sale of such natural gas, the provision which could result in the highest price shall be applicable.

The Commission's proposal in this docket requested "comments on whether conflicts between regulated and deregulated gas prices are governed by this section * * *."

As early as 1979, in comments filed under Docket No. RM79–76, the producers interpreted the language to "compel" deregulation.[14] Producers now contend that section 101(b)(5) only refers to the ability of first sellers to collect the higher regulated prices. However, other commenters argued that the words "the provision which *could* result in the highest price shall be applicable" mean that, if gas is eligible for both regulated and deregulated prices, there always exists at least the potential for the parties to negotiate a contract above the old regulated ceiling price. We agree.

Gas which qualifies for two different ceiling prices, or for a ceiling price and a deregulated price, would qualifiy for the highest applicable price. In this case, the deregulated price, which always *could* result in a price *higher* than a regulated price, prevails. Although we do not find section 101(b)(5) compelling on this issue, it clearly provides for automatic eligibility for the deregulated price, subject to the agreement of the parties. Much has been said about section 101(b)(5). This statutory section must be understood in the context of the contractural agreements that exist between the parties. However "could" is interpreted, it may never operate to nullify the effectiveness of a contractual pricing right that is triggered by statutory deregulation.

3. Producers Claim of Reliance On the Incentive Prices

Some producers claim reliance on the incentive price in section 107(c)(5) and in section 108, and state that the Commission can not arbitrarily deny their ability to collect the incentive price. The Commission believes that this reliance is misplaced. It should have been clearly understood that the incentive price was to be statutorily removed by section 121 for section 102(c) and qualifying section 103 gas.

The Commission response to comments filed by producers in Docket No. RM79–76 put the producers on notice since February, 1980, when the interim rule on tight formations was issued, that tight formation section 107(c)(5) gas would deregulate if the gas also qualified as section 102(c) or section 103 gas. In the 1980 interim rule discussion on deregulation, the following was stated:

> The Commission was interested in soliciting comments as to whether section 101(b)(5) of the NGPA requires the eventual deregulation of tight formation gas which also qualifies as section 103 gas the price for which is deregulated in 1985 or 1987 * * *. Those that responded to this request argued that section 101(b)(5) compels deregulation of tight formation gas when that gas is finally determined to qualify under a deregulated category. The Commission agrees and notes with regard to the change in the interim rule that this argument applies equally to new tight formation gas which qualifies under section 102(c).[15]

In light of the above discussion, the Commission believes that the producers' claim of reliance is unsubstantiated.

4. Economic Dislocation

The Commission is not insensitive to the economic dislocation which will be caused by deregulation of gas categories that are dually qualified. However, the mandate of the NGPA is clear. Gas which qualifies for a regulated and deregulated price, deregulates.

The Commission recognizes that deregulation will have an effect on the typical gas sales contract. First, the maximum lawful prices are *ceiling* prices only; contract prices may be lower than the ceiling price. Second, these regulated ceiling rates do not set the *floor* for deregulated prices. Third, many gas sales contracts contain a clause which requires the parties to renegotiate the sales contract if deregulation occurs. These deregulation clauses would allow market forces to reshape the contractual price terms upon deregulation.[16]

Once deregulation of section 102(c) and qualifying section 103 gas occurs, the contract between the parties must control. Many contract deregulation clauses appear to allow no choice—renegotiation will begin if deregulation occurs. This process is triggered by the *contract* and the NGPA's scheme of deregulation, not by this Commission's policy preferences. The Commission's implementation of the statute is not "forcing" renegotiation: rather, the renegotiation process occurs as a result of the deregulation language in the statute and the parties' own contracts. The Commission's authority to interpret contracts is limited by the decision in *Pennzoil Co.* v. *FERC.*[17] Indeed, section 101(b)(9) sets forth the effect of the contract, regardless of the statutorily imposed maximum lawful ceiling prices or exemptions from ceiling prices, *i.e.*, deregulated prices. In fact, the contract terms prevail. The statute in section 101(b)(9) states that such ceiling prices "shall not supersede or nullify the effectiveness of the price established under such contract."

Thus, any economic harm to producers flows from the NGPA and their contracts. This harm does not flow from this Commission's exercise of discretion in administratively deregulating gas. The Commission has no such authority. In this instance, our mandate is to determine Congress' intent with regard to the dual qualification problem.

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[13] Some producers raised an issue concerning the tax credit election available for tight formation wells under the Crude Oil Windfall Profits Tax Act, sections 231 (a) and (b). These provisions have been cited in support of the proposition that tight formation gas was intended by Congress to be forever regulated, even if dually-classified as section 102(c) or deregulated section 103 gas. An examination of the restrictions applicable to the use of this tax credit belies this interpretation, however.

Congress provided thus:

> (B) Special rules for gas from tight formations—The term "gas produced from a tight formation" shall only include—
>
> (i) Gas the price of which is regulated by the United States, and
>
> (ii) Gas for which the maximum lawful price applicable under the Natural Gas Policy Act of 1978 is at least 150 percent of the then applicable price under section 103 of such Act.

26 U.S.C. 29[c][2][B] [formerly 26 U.S.C. 44[D][c][2][B].]

It is plain that the tax credit option was intended by Congress to be available only so long as the price of the gas "is regulated" (section (B)(i), above). Thus, Congress provided for removal of the tax credit when tight formation gas became deregulated, either as a result of dual classification, or otherwise.

[14] *See* n. 10, *supra.*

[15] *See* Interim Rule Covering High-Cost Natural Gas from Tight Formations, 45 FR 13414 (Feb. 28, 1980).

[16] *See*, DOE—EIA, Structure and Trends in Natural Gas Wellhead Contracts, November, 1983.

[17] 645 F.2d 360 (5th Cir. 1981), *cert. denied*, 454 U.S. 1142 (1982). "* * * FERC can no longer interpret or apply § 154.93 to these contracts. Whether such a contract authorizes escalation to NGPA prices is for state or federal courts to decide, unless the NGPA vested in FERC independent authority to interpret contracts concerning gas not within FERC's jurisdiction."

5. Gas Qualifying as Section 107 Tight Formation Gas

In order to qualify as new tight-formation gas under section 107(c)(5), a producer must file the same information, in addition to other information, that would be filed to qualify as a section 102 or 103 determination. 18 CFR 274.205(e)(1)(i) (A) or (B) and 271.703(b)(2)(a) (1983). Thus, a determination that gas qualifies as new tight-formation gas is implicitly a determination that the gas meets the qualifications for either section 102(c) or 103. Accordingly, for new tight formation gas for which a producer has received a final determination prior to January 1, 1985, the Commission proposed that such gas would be deregulated under section 121 if the application contained the data and met the requirements for section 102(c) or 103 gas.

Producers argue that tight formation gas is section 107(c)(5) gas, not section 102 or section 103 gas. The Commission does not agree. Such gas is obviously qualified for both categories. Meeting the statutory criteria of section 102 or section 103 is a prerequisite to qualification as new tight formation gas under section 107(c)(5). The Commission thus believes that determinations that gas qualifies under section 107(c)(5) new tight-formation gas should also be considered section 102 or 103 determinations, regardless of whether that was explicit at the time that the determination was made.[18]

D. Deregulation of Intrastate Gas

Section 121(a)(3) deregulates the price of intrastate contracts where the price paid on December 31, 1984, is higher than $1.00 per MMBtu. Section 121(e), however, imposes a new ceiling price[19] on existing or successor contracts but not rollover contracts,[20] otherwise deregulated by section 121(a)(3), if the price is established under an indefinite price escalator clause.

This complicated scheme of deregulation raised several issues on which the Commission made proposals, several on how to decide whether gas was priced over $1.00, and several relating to indefinite price escalator clauses.

1. Determining Whether the $1.00 Threshold Is Met

Sections 121 and 105 of the NGPA provide generally that intrastate gas, the price of which is greater than $1.00 per MMBtu on December 31, 1984, is deregulated, provided that the price has not been "established under" an indefinite price escalator clause (as defined in section 105). If the price is greater than $1.00 per MMBtu but is established under an indefinite price escalator, section 105(b)(3) of the NGPA imposes a price limit equivalent to the section 102 ceiling price with a slightly lower adjustment factor, in addition to inflation. In a sense, section 121 deregulates the whole universe of section 105 gas on January 1, 1985, and section 105(b)(3), at the same moment, re-regulates any such gas that was over $1.00 per MMBtu in price on the last day of this year pursuant to an indefinite price escalator (except for gas sold under "rollover" contracts).

The notice of proposed rulemaking (NOPR) stated that the section 121(e) and 105(b)(3)(A) limitation applied only to a situation where operation of an indefinite price escalator was necessary in order to exceed the $1.00 threshold. In a situation where an intrastate contract contained both a fixed price term and an indefinite price term, and both were over $1.00 per MMBtu on January 1, 1985, the NOPR proposed that the section 105(b)(3)(A) limitation would *not* apply, even if the price on December 31, 1984 was determined pursuant to the indefinite price clause.[21]

Some commenters objected to this interpretation. On the other hand, many commenters supported the position put forth in the NOPR. After careful consideration of the comments on this subject, the Commission has determined to affirm the initial position and rationale on this issue set forth in the NOPR. There is a general lack of discussion in the legislative history on this precise point. However, the language of the statute, and the legislative history that does exist, appears to favor, on balance, the position enunciated in the NOPR. Accordingly, § 271.506(a) is being adopted as proposed.

2. Percentage of Proceeds Sales

A second situation in which it is unclear how to determine if the $1.00 threshold was met arose when the price paid under an intrastate contract is based on a percentage of the proceeds from a subsequent first sale (percentage sale). Determining whether the percentage sale price is above $1.00 per MMBtu on December 31, 1984, obviously presents the problem of determining a specific price paid on December 31, 1984. If conceived of as a daily price, a percentage sale price can fluctuate on a daily basis. For example, under a percentage sale, the price of gas, if reported on a daily basis, may be above $1.00 on December 28, below $1.00 on January 1, 1985, and above $1.00 again on January 3, 1985.

The Commission faced a similar problem in Order No. 68,[22] in which the Commission had to determine whether a percentage sale exceeded the section 105 and 106(b) ceiling price. The Commission noted that "the pricing mechanisms under sections 105 and 106(b) appear to assume a specific price stipulated by the terms of the contract." That order resolved this dilemma by reference to the subsequent resale between the percentage sale buyer and subsequent purchaser (resale contract). If the resale contract was within the ceiling price authorized by the NGPA, then the Commission assumed that the price paid under the percentage sale was within the ceiling price of the NGPA. The Commission noted that this was "the only practical course."

For purposes of determining whether section 105 gas subject to percentage sales contracts is priced above $1.00 per MMBtu and thereby deregulated, the Commission proposed to follow the same rule established in Order No. 68. As proposed in § 271.506(c), if a resale contract that follows a prior percentage sale is above $1.00 per MMBtu, the Commission would deem the percentage sale deregulated by operation of section 121. Conversely, if the price paid under the resale contract is below $1.00 per MMBtu on December 31, 1984, then the Commission will deem the percentage sale not deregulated by operation of section 121.

All but one commenter on this issue supported the Commission's proposal. Most stated that this approach offered the benefit of administrative simplicity and convenience for all concerned. The objecting commenter (a State agency) stated that it did not believe "sufficient

[18] Gas covered by § 271.703(b)(3), recompletion tight formation gas, does not necessarily qualify under either section 102 or section 103. However, if a recompletion tight formation well, in addition to receiving a section 107(c)(5) determination, also has received either a section 102(c) or the appropriate section 103 determination, it would deregulate on January 1, 1985.

[19] The new ceiling price is established by section 105(b)(3)(B).

[20] Various commenters argued that rollover contracts were never "reregulated" by section 121(e), contrary to inferences drawn from the Commissions proposal. The Commission did not intend to imply that rollovers would be reregulated and therefore agrees with these commenters.

[21] Pursuant to 18 CFR 271.704(a)(3), any amount paid solely by reason of the maximum lawful price provided for production enhancement work shall be disregarded for purposes of applying section 121(a)(3) of the NGPA. This provision still applies.

[22] Rules Generally Applicable to Regulated Sales of Natural Gas and Ceiling Prices, 45 FR 5678 (Jan. 24, 1980) (Order No. 68).

protection" would be afforded by this approach, although it seemed to agree that any impact in the current market appeared "to lack harmful effect."

The Commission recognized that under this proposal, there may be certain instances where the price paid under the resale contract is over $1.00 per MMBtu and the percentage given to the seller is less than $1.00 per MMBtu, and thus is not technically eligible for price decontrol. The Commission believes that this problem is *de minimis*. Under section 105, the ceiling price for a percentage resale that remains regulated is the section 102 price ($3.845—December 1984). The Commission believes that, given the current surplus market, there will be few instances in which the price collected for a percentage sale of deregulated gas would exceed or equal the section 102 price. Thus, it makes little practical difference whether the Commission considers these percentage sales regulated or deregulated sales. Also, a decision to deregulate the percentage sale contract will have no rate impact on consumers since the resale contract already qualified for a deregulated price.

The Commission, therefore, will resolve the percentage sale problem as was done in Order No. 68, and proposed in the NOPR.

3. Indefinite Price Escalator Clause Issues

The NGPA at section 105(b)(3)(B) defines the term "indefinite price escalator clause" to include any provision of any contract—

(i) Which provides for the establishment or adjustment of the price for natural gas delivered under such contract by reference to other prices for natural gas, for crude oil, or for refined petroleum products; or

(ii) Which allows for the establishment or adjustment of the price of natural gas delivered under such contract by negotiation between the parties.

15 U.S.C. 3315(b)[3](B) [1982].

The Commission expects there may be some instances where the parties disagree as to whether a specific clause is an indefinite price escalator clause under this definition.

In the preamble to Order No. 23[23] the Commission gave several examples of clauses in intrastate contracts that fall within the section 105(b)(3)(B) definition of indefinite price escalator clauses—most-favored-nations clauses, price-reference clauses, certain redetermination clauses, FPC clauses, area rate clauses, and other such clauses.[24] The Commission proposed that these clauses are within the definition of indefinite price escalator clauses in section 105(b)(3)(B) and should be used in applying that definition to interstate contracts.

Commenters generally agreed that these types of clauses generally met the section 105(b)(3)(B) definition of indefinite price escalator clause. Commenters argued, however, that although the Commission may define the parameters of what an "indefinite price escalator clause" is for section 105 purposes, it may not address other related questions that are essentially contractual. Such questions are to be left to the State or Federal courts. *See Pennzoil Co.* v. *FERC*, 645 F.2d 360, 382 (5th Cir. 1981).

The Commission here reaffirms its position that the types of clauses found in Order No. 23 to be indefinite price escalator clauses are also indefinite price escalator clauses under section 105(b)(3)(B) and should be so construed in applying the definition to intrastate contracts.

4. Forum for Resolving Disputes Over Indefinite Price Escalations

Disputes over the application of section 105 of the NGPA to particular contractual agreements are necessarily a hybrid. On the one hand, they present statutory interpretation questions derived from the federal statute. On the other hand, they present questions that are more fundamentally contractual in nature, which are more within the purview of state or federal courts, and not this agency. The line of demarcation separating the former type of questions relating to the specialized statute, and the latter type of questions that are more contractual, is not always clear-cut.

Given that these disputes involve conflict over a term defined in a federal statute and the implementation of the deregulation scheme of section 121, the Commission is convinced that it could exercise exclusive jurisdiction over these disputes if it deemed it necessary. Recognizing, however, that these disputes involve serious questions of contract interpretation between parties residing in the same state, the Commission believes its federal obligation is met by giving the guidance above as to what clauses in intrastate contracts are indefinite price escalator clauses and then allowing further disputes over these clauses to be decided in any appropriate judicial forum.

The notice proposed in § 271.506(a) that the Commission would have exclusive jurisdiction and that a petition for declaratory order "shall" be filed in instances where there is a conflict as to whether a contract clause meets the definition of indefinite price escalator in section 105(b)(3)(B). Many commenters objected to the mandatory nature of this regulation. Commenters were concerned that the potential for contract-by-contract Federal involvement in intrastate contract disputes might ensue, that staff resources might be diverted from the Commission's primary statutory responsibilities into a plethora of contractual issues, and that the jurisdiction of more appropriate forums would be intruded upon. We agree.

Upon consideration, we have determined to delete any references to this Commission's exclusive jurisdiction and the use of a declaratory order. The Commission has already given guidance as to the types of clauses that fall within the section 105(b)(3)(B) definition. The commenters have convinced us that these disputes are better resolved by judicial forum that is more typically the forum for contract disputes. This decision is further supported by the fact that, by definition, these are contracts involving producers, pipelines, and consumers in the same state. Thus we believe that either state or federal courts should exercise exclusive jurisdiction over these contract disputes.

E. Miscellaneous Issues

The Commission encouraged comments on additional issues in the NOPR and commenters raised many points, several of which require clarification and, in some instances, conforming amendments to the regulations in light of the changes that will be made by the NGPA on January 1, 1985.

1. Section 103, Impact of New Price Ceiling

The ceiling price of tight formation gas, as well as the price of certain production enhancement gas, is keyed to the price of gas under section 103 of the NGPA. The tight formation ceiling price, for example, is 200 percent of the section 103 price, and the formula for determining the price of qualified production enhancement gas at § 271.704(c)(1)(v) also employs a ceiling

[23] Final Regulations Amending and Clarifying Regulations Under the Natural Gas Act and the Natural Gas Policy Act, 44 FR 16895, 16898 (Mar. 20, 1979) (Order No. 23).

[24] In Order No. 23, the Commission was concerned with the issue of whether various contractual clauses in interstate contracts provided contractual authority to collect NGPA maximum lawful prices. Here, however, the Commission is concerned not so much with interpreting the intent of parties to contracts but with whether certain pricing clauses fall within the definition of "indefinite price escalator clause."

calculation based on 200 percent of the section 103 price.

On January 1, 1985, the NGPA provides for a new ceiling price for section 103 gas from wells 5,000 feet or less in depth (for gas which was not committed or dedicated to interstate commerce on April 20, 1977), which is *midway* between the section 102 ceiling price and the "old" section 103 ceiling price. As a consequence, the question arose as to whether to base the tight formation and production enhancement prices on the "new" higher section 103 price after 1984, or to continue using the "old" section 103 price as the price ceiling. Inasmuch as the production enhancement and tight formation prices were established with the intent of using the "old" section 103 price as the reference point, the "old" section 103 price shall continue to be used for this purpose after January 1, 1985. Conforming amendments to the pricing table in the regulations are being made to show both the "old" and "new" section 103 ceiling prices.

2. Section 110 Add-Ons

There was some comment that the Commission should clarify its regulations to indicate that the allowances under section 110 of the NGPA are not available for gas that is deregulated under the NGPA. The Commission believes that the allowances in § 271.1104 for production-related costs should cease to apply to gas that is deregulated on January 1, 1985. Because the price for deregulated gas will be determined by market forces, presumably any production-related costs will be considered in the price ultimately agreed to. Thus, there is no need for a ceiling on the amount a seller can collect for production-related costs for deregulated gas. The Commission believes that this approach is consistent with a decision by Congress to subject a substantial amount of interstate and intrastate gas to market forces after January 1, 1985. It makes little economic sense to keep one component of the price of gas subject to a ceiling while deregulating another component since a seller could legitimately increase the nonregulated component to compensate for cost limitations on the regulated component.

3. Measurement of 5,000 feet and "Committed or Dedicated" Status for Section 103 Purposes

A clarification was requested by some commenters concerning the allocation of production of section 103 gas some of which may be above, and some below 5,000 feet, and some of which may have been committed or dedicated to interstate commerce on April 20, 1977, while some of which was not. One commenter suggested gas production must be allocated between the regulated and deregulated categories. The Commission generally concurs with this approach. Similarly, where a well is perforated both above and below 5,000 feet, allocation of production would be appropriate if such perforations are in different completion locations. In the case of open hole completions, it also may be appropriate to allocate production to different completion locations.

4. 18 CFR 270.207 and 272.105

On April 22, 1980, the Commission issued a final rule defining and deregulating certain high-cost gas under NGPA sections 107(c) (1)–(4). (Docket No. RM79–44, Order No. 78, 45 FR 18092). One of the Commission's concerns therein was that situations could arise where prices paid for deregulated gas may be paid as consideration for the sale of gas still subject to price regulation, and thus possibly circumventing the applicable maximum lawful prices. To prevent this, §§ 270.207 and 272.105 were promulgated. These regulations prohibit any part of the price paid for deregulated high-cost gas from being used as consideration for regulated gas, and require separate billing for deregulated high-cost gas. Several commenters requested that these sections be amended to include gas that will be deregulated on January 1, 1985. We agree that the price paid for deregulated gas should not reflect an add-on to avoid the ceiling price for other gas sales that remain regulated.

5. Emergency Contract Carriage

A number of commenters suggested that if a seller's first sale volumes are "marketed-out" by a purchaser as a result of deregulation on January 1, 1985, then an emergency contract carriage arrangement would give the seller needed assistance to enable the seller to find alternate markets for its gas. Another commenter noted that the Commission may not have the authority to accomplish all that has been suggested on this issue. Another commenter asked that the Commission set in motion immediately a rulemaking to establish a contract carriage system.

The Commission has already allowed competitive pressures to operate more freely in the gas marketing network by means of a number of special marketing programs, which are being monitored closely. Whether it is more appropriate to explore contract carriage possibilities in the context of those programs, or elsewhere, is a matter requiring careful assessment to avoid precipitate action and the imposition of any further regulatory distortion in the natural gas markets.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires certain statements, descriptions, and analyses of rules that will have a "significant economic impact on a substantial number of small entities." [25] The Commission is not required to make such an analysis if it certifies that a rule will not have a "significant economic impact on a substantial number of small entities." [26]

There are approximately 10,000 natural gas producers in the United States, many of which would be classified as small entities under the appropriate RFA definition.[27] In the proposed rule, the Commission noted that the rule might affect most of these entities by amending the filing requirements that must be followed for gas that will be deregulated on January 1, 1985. The Commission stated that, while these changes would be important in implementing deregulation under the Natural Gas Policy Act, the Commission did not believe that the burden imposed by these regulations would be significant. The Commission believed that for the most part, these regulations would merely make legal decisions and technical corrections necessary to implement the statute. In those few instances where the Commission proposed to amend its regulations based on policy, the Commission believed that the economic impact, if any, would not be "significant." Accordingly, the Commission certified the proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities.

Six commenters challenged this certification. These commenters focused on the Commission's proposed interpretation requiring gas to be deregulated if it qualified for both a regulated and a deregulated category of gas. They argue that they and other small entities would suffer severe economic impacts if the Commission required that they collect a deregulated price for certain section 107 tight formation gas and section 108 stripper well gas that also qualified for a

[25] 5 U.S.C. 603(a) (1982).

[26] *Id.* at section 605(b).

[27] *Id.* at section 601(3) *citing to* section 3 of the Small Business Act, 15 U.S.C. 632 (1982). Section 3 of the Small Business Act defines small business concern as a business which is independently owned and operated and which is not dominant in its field of operation.

deregulated category (e.g., section 102(c) or section 103(c)). They argue that, given the current surplus market, they would receive a much lower price for this gas if it were considered deregulated.

The Commission believes the certification in the proposed rule was proper. The Commission's proposed rule drew a distinction between rules adopted for policy reasons and rules that embodied legal requirements of the NGPA. The Commission believes that the NGPA itself requires the deregulation of gas qualifying for both a regulated and a deregulated category; this is not a policy decision over which the Commission can be influenced by the economic impact on small businesses.

The Commission believes this distinction is supported by the RFA and its legislative history. Section 2 of the RFA, stating the purposes of the Act, encourages the consideration of "alternative regulatory approaches which do not conflict with the stated objectives of applicable statutes * * *." [28] Additionally, the Act states that the requirements of the RFA to do a regulatory flexibility analysis "[does] not alter in any manner standards otherwise applicable by law to agency action." [29] Similarly, the Senate Report states that "agencies [should] give explicit consideration to a range of alternatives that would substantially reduce the economic impact of the rule * * * while meeting the goals and purposes of the governing statute." [30] Numerous statements made by Congressmen and Senators at the time of passage of the RFA support the distinction between legal requirements mandated by statute and those adopted as a matter of policy.[31]

As noted above, the Commission believes that Congress intended that gas that qualifies for a deregulated category would be priced according to market forces. While some small producers may suffer severe economic impacts, the Commission believes these impacts are caused by Congress' scheme of deregulation, not by any discretionary policy adopted by this Commission. Accordingly, the Commission continues to believe that it correctly certified that this rule will not have a significant economic impact on a substantial number of small entities.

[28] Pub. L. No. 96-354, 94 Stat. 1164 at section 2(a)(7).

[29] 5 U.S.C. 606 (1982).

[30] S. Rep. No. 878, 1980 U.S. Code Cong. & Ad. News 2788.

[31] *See also* 126 Cong. Rec. H 8463 (daily ed. Sept. 8, 1980) (Statement of Congressman McDade); 126 Cong. Rec. H 8468 (daily ed. Sept. 8, 1980) (Statement of Congressman Andy Ireland) ("Statutory mandates must never be compromised . . . ."); 126 Cong. Reg. H 8472 (daily ed. Sept. 8, 1980) (Statement of Congressman Butler); 126 Cong. Rec. S 10937-38 (daily ed. August 6, 1980) (Statement of Senator Culver) (extensive analysis on "Preserving Statutory Objectives.").

V. Effective Date

This rule will become effective on January 1, 1985, to correspond with the date of decontrol under the NGPA.

List of Subjects in 18 CFR Parts 270 through 274

Natural gas, Incentive prices.

In consideration of the foregoing, the Commission amends Parts 270 through 274, Subchapter H, Chapter 1, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 270—[AMENDED]

1. The authority citation for Part 270 is revised to read as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432.

§ 270.101 [Amended]

2. Section 270.101(a) is amended by removing the words "high-cost" and inserting, in their place, the word "natural."

3. Section 270.101(c)(2) is revised to read as follows:

§ 270.101 Application of ceiling prices to first sales of natural gas.

* * * * *

(c) * * *

(2) The price of gas is deregulated only if such gas is deregulated natural gas as defined in § 272.103(a).

* * * * *

§ 270.102 [Amended]

4. Section 270.102(b)(14) is amended by removing the word "high-cost" and inserting, in its place, the word "natural."

§ 270.207 [Amended]

5. Section 270.207 is amended by removing the word "high-cost" and inserting, in its place, the word "natural" in the title and three times in the text.

6. A new § 270.208 is added to read as follows:

§ 270.208 Applicability of section 121.

First sales of natural gas that is deregulated natural gas as defined in § 272.103(a) is price deregulated and not subject to the maximum lawful prices of the NGPA, regardless of whether the gas also meets the criteria for some other category of gas subject to a maximum lawful price under Subtitle A of Title I of the NGPA.

PART 271—[AMENDED]

7. The authority citation for Part 271 reads as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432.

* * * * *

8. The table following § 271.101 is amended by adding a sentence at the end of footnote 1, adding footnote 4 and 5, revising designation C-103, and adding new designations C-103(b)(2) and E-105(b)(3) in the columns reading "Subpart of Part 271—NGPA Section," to read as follows:

§ 271.101 Ceiling prices for certain categories of natural gas.

* * * * *

TABLE I.—NATURAL GAS CEILING PRICES (OTHER THAN NGPA SECTIONS 104 AND 106(a))

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in:
B	102	New natural gas, certain OCS gas[4].	
C	103(b)(1)	New, onshore production wells[5].	
C	103(b)(2)	New, onshore production wells[5].	
E	105(b)(3)	Existing intrastate contracts.	
F			
G			
H			
I			

[1] * * *. Commencing January 1, 1985, the price of some intrastate rollover gas is deregulated. (See Part 272 of the Commission's Regulations.)

* * * * * * * *

[4] Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) is deregulated. (See Part 272 of the Commission's Regulations.)

[5] Commencing January 1, 1985, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 is deregulated. (See Part 272 of the Commission's regulations.)

9. Section 271.201(a) is revised to read as follows:

§ 271.201 Applicability.

This subpart implements section 102 of the NGPA and applies to the first sale of:

(a) New natural gas which is not deregulated natural gas (see § 272.103(a)); or

* * * * *

10. Section 271.301 is revised to read as follows:

§ 271.301 Applicability.

This subpart implements section 103 of the NGPA and applies to the first sale of natural gas produced from a new, onshore production well, if such gas is

not deregulated natural gas (see § 272.103(a)).

11. Section 271.501 is amended by revising the first sentence to read as follows:

§ 271.501 Applicability.

This subpart implements section 105 of the NGPA and applies to the first sale of natural gas under an existing intrastate contract or under a successor to an intrastate contract, if such natural gas is not deregulated natural gas (see § 272.103(a)). * * *

§ 271.502 [Amended].

12. Section 271.502(a) is amended by removing from the title the words "November 9, 1978, contract price at or below $2.06 per MMBtu."

13. Section 271.502(b) introductory text and (b)(1) are revised to read as follows:

§ 271.502 Maximum lawful prices.

* * * * *

(b) In the case of any first sale of natural gas to which this subpart applies, and for which the price paid exceeds $1.00 per MMBtu on December 31, 1984 (or would exceed $1.00 per MMBtu if sold on such date) solely by operation of an indefinite price escalator clause, the maximum lawful price for natural gas delivered in any month shall be the higher of:

(1) The maximum lawful price per MMBTu for such month specified for Subpart E of Part 271 in Table I of § 271.101(a)

* * * * *

14. A new § 271.506 is added to read as follows:

§ 271.506 Rules related to deregulation of intrastate gas.

(a) *Contracts over $1.00 by virtue of a definite price clause.* The price of natural gas subject to this subpart is deregulated if the price paid under a clause other than an indefinite price escalator clause is higher than $1.00 per MMBtu for the last deliveries of such gas occurring on December 31, 1984, or, if no deliveries occurred on such date, the price that would have been paid had deliveries occurred on such date.

(b) *Percentage-of-proceeds sales.* The price of natural gas sold under a percentage-of-proceeds contract subject to this subpart is deregulated if the price paid on the resale contract is deregulated under Part 272. (§ 270.202(b) states other rules for percentage-of-proceeds sales.)

15. Section 271.601 is revised to read as follows:

§ 271.601 Applicability.

This subpart implements section 106(b) of the NGPA and applies to the first sale of natural gas under an intrastate rollover contract, if such natural gas is not deregulated natural gas (see § 272.103(a)).

16. Section 271.703(a)(2) is revised to read as follows:

§ 271.703 Tight Formations.

(a) * * *

(2) 200 percent of the maximum lawful price specified for subpart C—NGPA Section 103(b)(1) of Part 271 in Table I of § 271.101(a).

* * * * *

§ 271.704 [Amended]

17. Section 271.704(c)(1)(v) is amended by removing the words "Subpart C" and inserting, in its place, the words "Subpart C—NGPA section 103(b)(1)."

PART 272—[AMENDED]

18. The authority citation for Part 272 reads as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432.

§§ 272.101 and 272.102 [Amended]

19. Section 272.101 and 272.102 are amended by removing the word "high-cost" and inserting, in their place, the word "natural."

20. In § 272.103, paragraph (a) is revised to read as follows:

§ 272.103 Definitions.

(a) "Deregulated natural gas" means:

(1) Natural gas for which a jurisdictional agency determination has become final under Parts 274 and 275 that the gas qualifies as:

(i) Deep, high-cost natural gas;

(ii) Gas produced from geopressured brine;

(iii) Occluded natural gas produced from coal seams; or

(iv) Gas produced from Devonian shale.

(2) Natural gas for which a jurisdictional agency determination becomes final under Parts 274 and 275 and which is sold in a first sale on or after January 1, 1985, and such gas qualifies as:

(i) New natural gas as defined in § 271.203;

(ii) Natural gas produced from any new, onshore production well if such gas as defined in § 271.303:

(A) Was not committed or dedicated to interstate commerce (as defined in NGPA section 2(18)) on April 20, 1977; and

(B) Is produced from a completion location which is located at a depth of more than 5,000 feet.

(3) Natural gas sold under an existing intrastate contract, any successor to an existing contract or any rollover contract, if:

(i) Such natural gas was not committed or dedicated to interstate commerce on November 8, 1978; and

(ii) In the case of any existing or successor contract, the price paid under a clause other than an indefinite price escalator clause for the last deliveries of such natural gas occuring on December 31, 1984, or, if no deliveries occurred on such date, the price that would have been paid had deliveries occurred on such date is higher than $1.00 per MMBtu, and

(iii) In the case of any rollover contract, the price paid on December 31, 1984, or if no deliveries occurred on such date, the price that would have been paid had deliveries occurred on such date is higher than $1.00 per MMBtu.

* * * * *

21. Section 272.104 is revised to read as follows:

§ 272.104 Special rules for measuring the depth of deregulated natural gas.

For purposes of determining the depth of a completion location under §§ 272.103(a)(2)(ii)(B) and 272.103(b), measurement shall be true vertical depth from the surface location to the highest perforation point in the completion location.

§ 272.105 [Amended]

22. Section 272.105 is amended by removing the words "high cost" where they occur and inserting, in their place, the word "natural."

PART 273—[AMENDED]

23. The authority citation for Part 273 is revised to read as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432.

24. Section 273.202(a)(2) is revised to read as follows:

§ 273.202 Collection pending jurisdictional agency determination of eligibility.

(a) * * *

(2) If an application has been filed with the jurisdictional agency for a determination of eligibility under Part 272 (relating to deregulated natural gas), the deregulated price may be charged pending the jurisdictional agency determination.

* * * * *

25. Section 273.203(a)(2) is revised to read as follows:

§ 273.203 Collection pending review of jurisdictional agency determination.

(a) * * *

(2) If a jurisdictional agency has determined in accordance with Part 274 that natural gas qualifies under Part 272 (relating to deregulated natural gas), the seller may charge and collect the deregulated price during the period described in paragraph (b) of this section.

* * * * *

26. In § 273.204, a new paragraph (a)(1)(iv) is added to read as follows:

§ 273.204 Retroactive collection after final determination.

(a) * * *

(1) * * *

(iv) in the case of new natural gas (as defined in § 271.203) and natural gas produced from a new, onshore production well (as defined in § 271.303) which also satisfies the criteria of § 272.103(a)(3), if the application for determination was filed on or before January 1, 1985, then for first sales of such natural gas delivered on or after January 1, 1985, the seller may retroactively collect the amount by which the deregulated price exceeds the price collected during such period.

* * * * *

§ 273.204 [Amended]

27. Section 273.204(a)(2) is amended by removing the words "Part 272" and inserting, in their place, the words "§ 272.103(a)(1)."

PART 274—[AMENDED]

28. The authority citation for Part 274 is revised to read as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301–34342; Department of Energy Organization Act, 42 U.S.C. 7101–7352.

29. Section 274.101 is amended by revising the introductory language to read as follows:

§ 274.101 Applicability.

This part applies to determinations of jurisdictional agencies (as defined in § 274.501) made under § 272.103(a)(1) and the following subparts of Part 271:

§ 274.104 [Amended]

30. Section 274.104(a) is revised by removing the words "for a maximum lawful price."

[FR Doc. 84–30763 Filed 11–28–84; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 6

[T.D. 84–236]

Customs Regulations Amendment Relating to Reporting Requirements for Certain Commercial Aircraft

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to extend to certain commercial aircraft, the reporting requirements currently applicable to private aircraft arriving from areas south of the U.S. Current regulations provide specifics regarding the requirements for reporting arrival, and include a list of designated airports at various border and coastline points at which designated aircraft must land. This amendment expands coverage of existing requirements to include certain commercial aircraft.

The amendment is necessary because of the severity of the drug abuse problem, the major increase in illegal drug importations, and the need for action to expand the effectiveness of drug smuggling enforcement. Customs has found that because commercial aircraft are exempt from current reporting requirements, aircraft operators are able to claim to be on a commercial flight and thus bypass the necessity to report and land. This amendment remedies that situation.

EFFECTIVE DATE: December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Duane Oveson, Office of Inspection and Control, Customs Headquarters, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5607).

SUPPLEMENTARY INFORMATION:

Background

The National Narcotics Intelligence Consumers Committee has documented that the supply of illegal drugs to the U.S. market and the subsequent extent of drug abuse has reached monumental proportions. Illegal drugs generated an estimated $80 billion in retail sales in 1980, a 23 percent increase from 1979. The severity of the drug abuse problem, the preponderance of drug users, and the major increases in volumes of illegal drug importations in the U.S. are indicated by the significant increase in drug-related deaths, medical care, arrests, and seizures.

The smuggler organizations has solidified a dominant position in the U.S. through the penetration of strategic points in the economy. Countries to the south of the U.S. are major sources of illegal drugs destined for the U.S. Smuggling by air is the preferred mode of transportation for low-volume, high cost narcotics. A Stanford Research Institute Study indicates the magnitude of the air smuggling threat at approximately 6,700 flights, annually. Although recent air interdiction activities in the southeastern U.S. have resulted in many arrests and seizures, an end to the present situation of drug abuse in the U.S. is not in sight.

To address this national problem, it is necessary to take action to expand the effectiveness of smuggling enforcement. In 1975, the Customs Regulations were amended by adding a new § 6.14 (19 CFR 6.14), to provide for a notice of intended arrival for private aircraft arriving in the U.S. via the U.S./Mexican border. Section 6.14 further provided that these private aircraft must land at any one or 14 designated airports along the U.S./Mexican border.

Because of the magnitude of the drug problem, and in direct response to Executive and Congressional directives, by an interim regulation published as T.D. 82–52 in the **Federal Register** on March 24, 1982 (47 FR 12620), the notice requirements were extended to private aircraft arriving in the U.S. via the Gulf of Mexico, Pacific and Atlantic Coasts. These interim regulations were adopted as a final rule by publication of T.D. 83–192 in the **Federal Register** on September 15, 1983 (48 FR 41381).

Because the existing regulations only apply to private aircraft, and commercial aircraft are exempt from the reporting requirements, aircraft operators are able to capitalize on this technicality to legally bypass the reporting requirements by claiming to be on a commercial flight. To prevent aircraft operators from avoiding the reporting and landing requirements, and thus possibly engaging in drug smuggling, it is now believed that these requirements should be made applicable to certain commercial aircraft in addition to all private aircraft.

Accordingly, on July 31, 1984, Customs published a notice in the **Federal Register** (49 FR 30527), proposing to amend §6.14(e), Customs Regulations (19 CFR 6.14(e)), by extending the current reporting requirements to certain commercial aircraft. This was accomplished by expanding the definition of "private aircraft." The expanded definition makes the reporting requirements applicable to a greater number of aircraft then did the previous definition.

Interested parties had until October 1, 1984, to submit comments on the proposal. After analysis of the comments received and further consideration of the matter, the amendment is being adopted, as proposed, with certain non-substantive changes. The amendment as proposed was based upon the definition of commercial aircraft appearing in the regulations of the Department of Transportation (DOT), (14 CFR Part 121). These regulations have been amended. The amendment, as published in this document, reflects the present DOT regulations set forth in 14 CFR Part 298, but makes no substantive changes from our earlier proposal.

Discussion of Comments

Three commenters expressed concern over anticipated increases in expenses for certain commercial operators as a result of the amendment.

Considering the high smuggling risk found to exist in certain commercial air operations, the present practice could be said to be discriminatory to non-commercial operators and owners. Any added costs will become part of normal commercial operating expenses. Relief from the requirements is available in extreme cases under existing overflight exemption procedures (see 19 CFR 6.14(f)).

One commenter was concerned about the impact of the regulations on international commuter flights.

Such carriers must satisfy certain criteria in order to be certified as commuter flights, including the publication of a flight schedule, which exempts them from the special landing and reporting requirements.

One commenter submitted an alternative definition of private aircraft.

Customs has determined that the definition cannot be adopted because it exempts the very segment of the aviation community that the regulations are intended to include (non-scheduled commercial operations).

One commenter suggested that the expansion of the definition of private aircraft to include certain commercial aircraft would cause confusion among Customs inspection personnel. It was suggested that the expanded requirements be implemented separately, and not included in the definition of private aircraft. It also was suggested that the special U.S./Mexican border requirements be made applicable to all aircraft operations, with specific exemptions stated separately.

By amending the definition of private aircraft, Customs is able to achieve the desired result with an amendment to a single paragraph of the regulations. The suggested alternative would require much more comprehensive amendments. Further, the amendment applies special requirements to all aircraft operations, with certain identified exceptions, as suggested by the commenter.

The remaining two commenters suggested that all unscheduled commercial aircraft be included in the requirements, regardless of payload or passenger capacity. We believe the stated limits are practical and desirable in light of staffing levels, inspection facility limitations, and smuggling threat estimates.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act (Pub. L. 96-353, 5 U.S.C. 301 et seq.), it is hereby certified that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Paperwork Reduction Act

The collection of information requirements contained in this document were submitted to the Office of Management and Budget pursuant to section 3504(h) of the Paperwork Reduction Act of 1980. These requirements were approved by OMB (control number 1515-0098).

Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 6

Air carriers, Air transportation, Aircraft, Airports.

Amendments to the Regulations

Part 6, Customs Regulations (19 CFR Part 6), is amended in the following manner:

PART 6—AIR COMMERCE REGULATIONS

Section 6.14(e) is revised to read as follows:

§ 6.14 Private aircraft arriving from areas south of the United States.

* * * * *

(e) *Private aircraft defined.* For the purpose of this section, "private aircraft" means all aircraft except public aircraft an those aircraft operated, on a regularly published schedule, pursuant to a certificate of public convenience and necessity or foreign aircraft permit issued by the Civil Aeronautics Board, or its successor, the Department of Transportation, authorizing interstate, overseas air transportation, and those aircraft with a seating capacity of more than 30 passengers or a maximum payload capacity of more than 7,500 pounds which are engaged in air transportation for compensation or hire on demand. (See 49 U.S.C. 1372 and 14 CFR Part 298).

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended (19 U.S.C. 66, 1624; 49 U.S.C. 1509))

William von Raab,

Commissioner of Customs.

Approved: November 9, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-31279 Filed 11-28-84; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 152

[T.D. 84-235]

Customs Regulations Amendment Relating to Valuation of Imported Merchandise

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by excluding from the price paid or payable for imported merchandise, the costs for foreign inland freight and other services incident to the international shipment of merchandise which occur after the goods have been sold for export to the United States and are placed with a carrier for through shipment. Evidence of sale for export and placement for through shipment shall be established by means of a through bill of lading to be presented to the district director of Customs. This change is necessary to conform the Customs Regulations to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, which requires the inclusion in, or the exclusion from, the Customs value of the cost of transport of the imported goods to the port or place of importation.

DATES: Effective November 29, 1984. The amendment will be applicable to all entries of merchandise for which liquidation was not final on November 29, 1984.

FOR FURTHER INFORMATION CONTACT: Bruce N. Shulman Value and Special Classification Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–2938).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 96–39, the Trade Agreements Act of 1979, incorporated into U.S. law the trade agreements negotiated by the United States in the Tokyo Round of Multilateral Trade Negotiations. Title II of this act, "Customs Valuation," implemented the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (the "Valuation Agreement"). Title II made significant changes in the laws administered by Customs relating to the valuation of imported merchandise by amending section 402, Tariff Act of 1930, as amended (the "Act") (19 U.S.C. 1401a). The Customs Regulations issued to administer the new statutory valuation scheme are contained in Subpart E, Part 152, §§ 152.100–152.108 (19 CFR 152.100–152.108).

Present section 402 of the Act provides five bases for determining value, presented in order of precedence of application. The first and primary basis of value is transaction value. Only if transaction value cannot be determined, or cannot be used, may another basis of value be used. The transaction value of imported merchandise, essentially, is the "price actually paid or payable" for the merchandise when sold for exportation to the United States. The term "price actually paid or payable is defined in the Act as the total payment (whether direct or indirect, and *exclusive* of any costs, charges, or expenses incurred for transportation, insurance, and related services *incident to the international shipment of the merchandise* from the country of exportation to the place of importation in the United States) made, or to be made, for imported merchandise by the buyer to, or for the benefit of, the seller (section 402(b)(4)(A)) (emphasis supplied). It is clear, then, that any costs for insurance, freight, *etc.*, involved in the international movement of merchandise are to be excluded from the dutiable value of imported merchandise appraised using the transaction value basis. However, in many cases, another significant cost to an importer is the expense related to foreign inland freight charges, especially where the seller quotes prices on a C.I.F. (delivered) method.

Note.—Costs incurred in the transportation of imported merchandise in the U.S., if identified separately, also are excluded from the transaction value.

Customs current interpretation of the Act in regard to foreign inland freight, as stated in section 152.103(a)(5), is to include that cost in the transaction value if it is indeed reflected in the price actually paid or payable to the seller, *e.g.*, in a C.I.F. price quotation. On the other hand, if the price actually paid or payable to the seller does not include the cost of foreign inland freight, *e.g.*, in an ex-factory price quotation, that cost will not be added to the price if paid to a freight forwarder unrelated to the seller.

Under the above interpretation, no adjustment for foreign inland freight may be made when, as is often the case, the merchandise is purchased from a foreign seller on a C.I.F. basis.

Customs has now reconsidered its previous interpretation of the Act with respect to foreign inland freight and related charges. We have decided to amend the Customs Regulations, to exclude from the price actually paid or payable for imported merchandise, the costs of all foreign inland freight and other services incident to the shipment of this merchandise to the United States provided that: (1) These costs occur after goods have been sold for export to the United States; and (2) the goods have been placed with a carrier for through shipment to the United States. These costs are now to be considered incident to the international shipment of the merchandise within the meaning of section 152.102(f), Customs Regulations (19 CFR 152.102(f)), and are therefore excludable from the price paid or payable for the merchandise.

This new policy is in accord with Article 8.2(a) of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (the Valuation Code) which was implemented in the United States by the Trade Agreements Act of 1979. Article 8.2(a) of this act provides:

> In forming its legislation, each Party shall provide for the inclusion in or the exclusion from the Customs value, in whole or in part, of the following: (a) The cost of transport of the imported goods to the port or place of importation . . .

Customs is therefore amending § 152.103(a)(5) to exclude from the dutiable value of imported merchandise as "international freight," certain costs paid to a seller that are now dutiable as foreign inland freight. A notice of proposed rulemaking on this subject was published in the **Federal Register** on June 17, 1983 (48 FR 27778), inviting public comments. Most of the 37 comments received in response to the notice favored the new policy. However, many commenters pointed out ambiguities and problems with the proposal and recommended changes. These specific comments and our responses are set forth below.

Discussion of Comments

Comment: The proposed regulation discriminates between contiguous and noncontiguous countries and violates the United States obligations under the GATT Valuation Agreement of the most-favored-nation status accorded to various noncontiguous countries.

Response: This comment was apparently prompted by language in the **Federal Register** notice from which one could conclude that the proposed amendment was designed to benefit only contiguous countries. Because it is our intention, as stated above, to apply the regulations to *all* foreign inland freight, and therefore permit both contiguous and noncontiguous countries to benefit from the change, we have removed any language suggesting the contrary from this document.

Comment: The proposal provides for the exclusion, from the price paid or payable, or all documented foreign inland freight costs which occur subsequent to the placing of the imported merchandise on the exporting carrier. Since the phrase "exporting carrier" is not defined, it is unclear whether the phrase was meant to cover particular types of conveyances, multicarrier shipments, intermodal shipments (combinations of different modes of transportation, *e.g.*, ship, rail, truck, used for one shipment), and shipments of merchandise through reload centers (freight consolidation locations for freight destined for exportation to the United States).

Response: Customs agrees with this comment. Instead of defining the phrase "exporting carrier," however, any reference to it has been deleted. That phrase is too susceptible to being limited to carriers which physically transport foreign merchandise over the U.S. border. To avoid any confusion, it has been determined that in order for foreign inland freight to be deemed incident to the international shipment of merchandise, instead of requiring that freight costs occur subsequent to the placing of imported merchandise on the exporting carrier, the freight costs and other services incident to the shipment of the merchandise must occur after the

goods have been sold for export to the United States and are placed with a carrier for through shipment to the United States. This will cover shipments by more than one mode of transportation, by multiple freight companies, or through reload centers, as long as the merchandise has been sold for export to the United States and placed with a carrier for through shipment to the United States, as evidenced by the presentation to Customs of a through bill of lading. The through bill of lading is necessary to permit Customs officers to verify objectively that the above conditions have been satisfied.

Comment: The proposed amendment does not provide for shipments of goods which are not exported by common carrier, *e.g.,* shipments carried in an exporter's own conveyance, which would not be covered by a through bill of lading and therefore could not qualify for the exclusion of freight costs from the transaction value.

Response: Customs agrees. Accordingly, § 152.103(a)(5), has been revised to include situations where it is clearly impossible to ship merchandise on a through bill of lading. In this case, other documentation satisfactory to the district director, showing a sale for export to the United States and placement for through shipment to the United States, will be acceptable in lieu of a through bill of lading.

Comment: The phrase "if paid to an unrelated seller," which appears in the proposed amendment, should be deleted.

Response: This phrase appears not only in the proposal, but also in current § 152.103(a)(5). It was intended to put related parties on notice that freight payments made by a buyer to its related shipper would be subject to verification in order to ensure that the costs had not been overstated.

Since in many cases, related parties engage in arm's-length transactions, Customs sees no reason to continue to require that the foreign inland freight charge be paid to an unrelated seller in order to qualify for exclusion from the transaction value. Therefore, the phrase "unrelated seller" has been deleted from this amendment. However, a paragraph has been included which reaffirms Customs authority to make appropriate additions to the dutiable value of merchandise in instances where verification of the foreign inland freight charge or other charges for services incident to the international shipment of the merchandise reveals that they have been overstated.

Comment: Other costs which are incident to the international shipment of merchandise, such as warehousing, lighterage, and insurance, should be included within the scope of the regulation.

Response: Customs agrees and has revised § 152.103(a)(5) to provide for the exclusion from transaction value of other inland charges (besides freight charges) incident to the international shipment of merchandise to the United States so long as these charges occur after goods have been sold for export to the United States and are placed with a carrier for through shipment to the United States. We have also changed the heading of § 152.103(a)(5) from "Foreign inland freight" to "Foreign inland freight and other inland charges incident to the international shipment of merchandise."

Comment: The regulations should be effective with respect to entries which have not been liquidated as of the date of implementation of the regulatory changes.

Response: We agree with this comment and have made the changes applicable to all entries of merchandise for which liquidation was not final on the date this document is published in the **Federal Register.**

After careful analysis of the comments received, and further review of the matter, it has been determined to adopt the proposal with the changes discussed above.

Executive Order 12291

This amendment does not meet the criteria for a "major rule" as defined by section 1(b) of E.O. 12291. Accordingly, no regulatory impacts analysis has been prepared.

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 amendment because it will not have a significant economic impact upon a substantial number of small entities.

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

Drafting Information

The principal author of this document was Susan Terranova, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Lists of Subjects in 19 CFR Part 152

Customs inspection and duties, imports, valuation.

Amendment to the Regulations

Part 152, Customs Regulations (19 CFR Part 152), is amended as set forth below.

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

Section 152.103(a)(5) is revised to read as follows:

§ 152.103 Transaction value.

(a) Price actually paid or payable—

* * * * *

(5) *Foreign inland freight and other inland charges incident to the international shipment of merchandise.*

(i) *Ex-factory sales.* If the price actually paid or payable by the buyer to the seller for the imported merchandise does not include a charge for foreign inland freight and other charges for services incident to the international shipment of merchandise (an ex-factory price), those charges will not be added to the price.

(ii) *Sales other than ex-factory.* As a general rule, in those situations where the price actually paid or payable for imported merchandise includes a charge for foreign inland freight, whether or not itemized separately on the invoices or other commercial documents, that charge will be part of the transaction value to the extent included in the price. However, charges for foreign inland freight and other services incident to the shipment of the merchandise to the United States may be considered incident to the international shipment of that merchandise within the meaning of § 152.102(f) if they are identified separately and they occur after the merchandise has been sold for export to the United States and placed with a carrier for through shipment to the United States.

(iii) *Evidence of sale for export and placement for through shipment.* A sale for export and placement for through shipment to the United States under subsection (ii) of this section shall be established by means of a through bill of lading to be presented to the district director. Only in those situations where it clearly would be impossible to ship merchandise on a through bill of lading (*e.g.,* shipments via the seller's own conveyance) will other documentation satisfactory to the district director showing a sale for export to the United States and placement for through shipment to the United States be accepted in lieu of a through bill of lading.

(iv) *Erroneous and false information.* This regulation shall not be construed as prohibiting Customs from making appropriate additions to the dutiable

value of merchandise in instances where verification reveals that foreign inland freight charges or other charges for services incident to the international shipment of merchandise have been overstated.

(R.S. 251, as amended, section 624, 46 Stat. 759, section 201, 93 Stat. 194 (19 U.S.C. 66, 1401a, 1624))

William von Raab,

Commissioner of Customs.

Approved: July 23, 1984.

John M. Walker Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-31295 Filed 11-28-84; 8:45 am]

BILLING CODE 4820-02-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF-191; Ref: Notice No. 487]

Sales of Firearms and Ammunition by Licensees at Gun Shows

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule amends the regulations to allow a licensee to engage in business at a gun show located in the same State as the address specified on the license. Most of those in favor of the proposed change, and who stated a reason for their position, felt that it was inherently unfair to restrict sales by licensees to their licensed premises, while non-licensees who are not engaged in a firearms business may sell at such gun shows. The proposed regulation would remedy this incongruity. Furthermore, under the proposal the licensee would be generally subject to the same legal requirements to which he is subject to at his business premises, including, in particular, the recordkeeping provisions.

EFFECTIVE DATE: November 29, 1984.

FOR FURTHER INFORMATION CONTACT: J. Barry Fields, Firearms and Explosives Operation Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Ave., NW., Washington, DC 20226 (202-566-7591).

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Alcohol, Tobacco and Firearms has taken a position since the enactment of the Gun Control Act of 1968 that firearms licenses are not issued to engage in the business at gun shows. This policy is reflected in Revenue Ruling 69-59 which held that the law contemplates licensing of premises where the applicant regularly intends to engage in the business to be covered by the license rather than temporary locations.

Advance Notice of Proposed Rulemaking

The Bureau published an advance notice of proposed rulemaking on April 22, 1980, (45 FR 26982) requesting comments on changing regulations in 27 CFR Part 178 to allow sales of firearms by licensees at organized gun shows located in the same State as the address specified on the license. The comment period ended June 23, 1980, with a total of 1,537 letters and four petitions with 211 signatures received. The comments in favor were 1,371 (including the four petitions) and the comments opposed were 145. There were 25 comments not relevant to the gun show proposal. About 80 percent of all comments received were from licensees or former licensees.

Notice of Proposed Rulemaking

Based upon the above, the Bureau published a notice of proposed rulemaking on September 27, 1983, (48 FR 44088), proposing to amend the regulations to allow licensees to engage in business at gun shows held within the same State as the licensed premises.

Comments

During the 120 day comment period (the original comment period of 60 days was extended 60 days by publication of Notice No. 496 on December 12, 1983, (48 FR 55298)) 1103 written comments with 1145 signatures were received. Six hundred and forty seven, approximately 56%, favored adoption of the proposal, while 475 individuals, approximately 41%, were against adoption. Twenty three individuals who commented were not responsive to the issue.

The majority of those who commented on the proposal, whether they were for or against adoption, simply stated their position without giving a reason for it.

A strong underlying reason of many of those who expressed opposition to adoption of their proposal was that the proposal would seriously jeopardize or destroy the gun show as they understood it. Many individuals see the gun show as a social event of major importance devoted to educational and historical values which would be diluted by the admission of licensees selling modern firearms. This commercialization of the gun show would, in their view, be tantamount to the destruction of the gun show.

Also expressed was the fear that the closed gun show (open to members only) will be destroyed if the regulations are changed to allow licensees to engage in business at gun shows. By removing the existing restriction concerning licensee sales at gun shows, these commenters feel that they will lose the power to control admission to their closed shows and this will in turn destroy the perceived purpose of their shows.

Because this position was voiced so strongly by so many commenters, the Bureau has not lightly dismissed it in its evaluation. We have concluded, however, that this fear of the end of the closed gun show is unfounded. While licensees will be given the opportunity to engage in business at gun shows, this would not entitle them to enter gun shows that are closed to them by the organizers of the gun show. The organization's ability to determine who may participate at a particular gun show will not be affected by the adoption of this proposal.

Some of those who objected to the adoption of the proposal felt that the licensee who came from other areas of the State would not be familiar with the requirements of the local jurisdiction in which the gun show was being held. Because of the likelihood that sales could be made in violation of local requirements, such as the payment of local license fees and local taxes, outside licensees would have an unfair advantage over local licensees who were familiar with, and abided by, local ordinances. While this is a possibility, the Bureau cannot assume that licensees would not conduct their business in compliance with applicable laws.

Some commenters objected to the adoption of the proposal on the grounds that ATF will not have the forces necessary to monitor all gun shows. We do not consider this a particularly relevant issue because the vast majority of licensed dealers have demonstrated their desire to abide by the law and regulations. We do not anticipate any impact upon ATF's resources solely because of this change in the regulations.

Most of those in favor of the proposed change, and who stated a reason for their position, felt that it was inherently unfair to restrict sales by licensees to their licensed premises, while non-licensees who are not engaged in a firearms business may sell at such gun shows. The proposed regulation would remedy this incongruity. Furthermore, under the proposal the licensee would be generally subject to the same legal requirements to which he is subject to at his business premises, including, in particular, the recordkeeping provisions.

Licensees and non-licensees alike expressed deep dissatisfaction about the

disadvantage of not being able to buy firearms at a gun show from a licensee. Non-licensees complained that they were frequently prevented from buying a displayed firearm because they would have to travel, in some cases, many miles from the gun show, to pick up the firearm of their choice at the licensee's premises. This added expense and loss of time frequently made an otherwise desirable purchase impossible.

Regulation Change

This Treasury decision changes the regulations to allow licensees to sell firearms and ammunition at gun shows under the same license issued for their permanent address. Any sales will be restricted to gun shows located in the same State as the address specified on the license. The recordkeeping requirements of existing regulations must be complied with for sales at gun shows. Further, all transactions must be entered in the licensee's required records and retained on the premises specified on the license.

A gun show is defined as an event sponsored by any national, State or local organization, or an affiliate of such organization, devoted to the collection, competitive use or other sporting use of firearms, or an organization or association that sponsors events devoted to the collection, competitive use or other sporting use of firearms in the community. We believe this definition is sufficiently broad to include gun shows currently being held.

Drafting Information

The principal author of this document is J. Barry Fields, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 178

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

Executive Order 12291

It has been determined that this final rule 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 geographical 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.

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 final rule, because it will not have a significant economic impact on a substantial number of small entities. The rule is intended to allow licensed dealers to sell firearms and ammunition at gun shows as is now done by non-licensees. The rule will not impose, or otherwise cause, a significant 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 this final rule will not have a significant economic impact nor compliance burden on a substantial number of small entities.

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 practice because no requirement to collect information is proposed.

Authority and Issuance

Accordingly, under the authority in 18 U.S.C. 926 (82 Stat. 1226), 27 CFR Part 178 is amended as follows:

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Paragraph 1. The table of sections in 27 CFR Part 178, Subpart F, is amended to add a new § 178.100 and the existing § 178.100 is redesignated as § 178.101 to read as follows:

Subpart F—Conduct of Business

Sec.

* * * * *

178.100 Conduct of Business away from licensed premises

178.101 Record of transactions.

* * * * *

Par. 2. Section 178.41(b) is amended to provide for an exception for conducting business at gun shows. Paragraph (b) is revised to read as follows:

§ 178.41 General.

* * * * *

(b) Each person intending to engage in business as a firearms or ammunition importer, manufacturer, or dealer shall file an application, with the required fee (see § 178.42), with the District Director for the internal revenue district in which the premises are to be located, and, pursuant to § 178.47, receive the license required for such business from the Regional Director (Compliance). Except as provided in § 178.50, a license must be obtained for each business and each place at which the applicant is to do business. Such license shall, subject to the provisions of the Act and other applicable provisions of law, entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce and to engage in the business specified by the license, at the location described on the license, and for the period stated on the license: *Provided,* That it shall not be necessary for a licensed importer or a licensed manufacturer to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in the same type of firearms or ammunition authorized by his license to be imported or manufactured: *Provided further,* That payment of the license fee as an importer or manufacturer of, or a dealer in, destructive devices or ammunition for destructive devices includes the privilege of importing, manufacturing or dealing in, as the case may be, firearms other than destructive devices and ammunition for other than destructive devices by such a licensee at his licensed premises.

* * * * *

Par. 3. Section 178.50 is amended to allow sales of firearms and ammunition by licensees at gun shows. Section 178.50 is revised to read as follows:

§ 178.50 Locations covered by license.

The license covers the class of business or the activity specified in the license at the address specified therein. A separate license must be obtained for each location at which a firearms or ammunition business or activity requiring a license under this part is conducted except:

(a) No license is required to cover a separate warehouse used by the licensee solely for storage of firearms or ammunition if the records required by this part are maintained at the licensed premises served by such warehouse;

(b) A licensed collector may acquire curios and relics at any location, and dispose of curios or relics to any licensee or to other persons who are residents of the State where the collector's license is held and the disposition is made; or

(c) A licensee may conduct business at a gun show pursuant to the provision of § 178.100.

Par. 4. A new § 178.100 is added to specifically allow sales of firearms and ammunition at gun shows and existing § 178.100 is redesignated as § 178.101. As added, § 178.100 reads as follows:

§ 178.100 Conduct of business away from licensed premises.

(a) A licensee may conduct business temporarily at a gun show if the gun show is located in the same State specified on the license. The premises of the gun show at which the licensee conducts business shall be considered part of his licensed premises. Accordingly, no separate fee or license is required for the gun show locations. However, licensees shall comply with the provisions of § 178.91 relating to posting of licenses (or a copy thereof) while conducting business at the gun show.

(b) A gun show is an event sponsored by any national, State, or local organization, or affiliate of such organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors events devoted to the collection, competitive use or other sporting use of firearms in the community.

(c) Licensees conducting business at gun shows shall maintain firearms and ammunition records in the form and manner prescribed by Subpart H of this part. In addition, records of receipt and disposition of firearms transactions conducted at gun shows shall include the location of the sale or other disposition and be entered in the required records of the licensee and retained on the premises specified on the license.

Par. 5. Section 178.121 is amended by adding a new paragraph (d) to provide a cross-reference to the recordkeeping requirements for sales by licensees at gunshow. As added, § 178.121(d) reads as follows:

Subpart H—Records

§ 178.121 General.

* * * * *

(d) For recordkeeping requirements for sales by licensees at gun shows see § 178.100(c).

Signed: October 19, 1984.

Stephen E. Higgins,

Director.

Approved: November 5, 1984.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 84-30897 Filed 11-28-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Bureau of Land Management

30 CFR Part 253

43 CFR Part 6220

Protection and Management of Viable Coral Communities; Transfer of Regulations

AGENCIES: Minerals Management Service, and Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This document transfers regulations concerning protection and management of viable coral communities previously administered by the Bureau of Land Management (BLM) at 43 CFR Subpart 6220, redesignates them Minerals Management Service (MMS) regulations at 30 CFR Part 253, and removes the newly redesignated 30 CFR Part 253.

This action is being taken in response to a court decision which determined that those regulations were beyond the authority of the Department of the Interior (DOI) under the Outer Continental Shelf Lands Act (Act.)

EFFECTIVE DATE: December 31, 1984.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; 12203 Sunrise Valley Drive; Minerals Management Service; Reston, Virginia 22091; telephone (703) 860-7916.

SUPPLEMENTARY INFORMATION: On May 10, 1982, the Secretary of the Interior issued Amendment No. 1 to Secretarial Order No. 3071, consolidating all DOI Outer Continental Shelf (OCS) related functions in MMS. This Final Rule transfers regulations concerning protection and management of viable coral communities previously promulgated by BLM at 43 CFR Subpart 6220 and redesignates them at 30 CFR Part 253.

The regulations concerning the protection and management of coral were promulgated under the authority of section 5 of the Act. The U.S. Court of Appeals for the Fifth Circuit has determined that the Act did not provide the DOI with authority to promulgate conservation measures in areas not related to mineral leases. *United States v. Alexander*, 602 F.2d 1228 (1979). Since the regulations concerning the protection and management of viable coral communities were found to be beyond the authority of the DOI under the Act, this document removes the regulations which were newly redesignated at 30 CFR Part 253.

Publication of this rule as a proposed rule is unnecessary since one change is solely a redesignation and the other change is a removal of a rule which cannot be enforced. This change must be accomplished regardless of public comment.

The DOI has determined that the redesignation and the removal are not major rules under Executive Order 12291. Since the U.S. Court of Appeals has rendered the rules unenforceable, the removal will have no economic effect on the industry. The DOI certifies that this rule will not have any significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This is because there has been no enforcement of these regulations for the past 5 years. For the same reasons, this rule is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or others, or significant adverse effects.

Paperwork Reduction Act

The redesignation and removal of the regulations will not effect any information collection requiring approval under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Author

This document was prepared by John V. Mirabella, Offshore Rules and Operations Division, Minerals Management Service.

List of Subjects in 30 CFR Part 253 and 43 CFR Part 6220

Continental shelf, Marine resources, Penalties, Surety bonds, Wildlife.

(43 U.S.C. 1334)

Dated: November 9, 1984.

Garrey E. Carruthers,

Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, Subpart 6224 of Title 43 of the Code of Federal Regulations is redesignated and amended as follows:

43 CFR Subpart 6224 [Redesignated as 30 CFR Part 253]

1. Title 43 Subpart 6224 of the Code of Federal Regulations is redesignated as Title 30 Part 253, and the section numbers are redesignated as follows:

Old 43 CFR Subpart 6224	New 30 CFR Part 253
6224.0-1	253.1
6224.0-3	253.2
6224.0-5	253.3
6224.1	253.4
6224.1-1	253.5
6224.1-2	253.6
6224.1-3	253.7
6224.1-4	253.8
6224.1-5	253.9
6224.1-6	253.10
6224.2	253.11
6224.3	253.12
6224.4	253.13
6224.5	253.14

PART 253—[REMOVED]

2. Newly redesignated Part 253 of Title 30 of the Code of Federal Regulations is removed.

[FR Doc. 84-31196 Filed 11-28-84; 8:45 am]
BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 84-15]

Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of New Jersey Department of Transportation, the Coast Guard is changing the regulations governing the Route 35 Bridge across the New Jersey Intracoastal Waterway (Manasquan River) between Brielle and Point Pleasant Beach, NJ. This change will permit limited openings of the draw on weekends and holidays from Memorial Day through Labor Day from 10 a.m. to 8 p.m. This change is being made because peak vehicular traffic generally coincides with peak bridge openings for vessels. This action will accommodate the needs of vehicular traffic and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations effective on January 14, 1985.

FOR FURTHER INFORMATION CONTACT: Williams C. Heming, Bridge Administrator, Third Coast Guard District (212) 668-7994.

SUPPLEMENTARY INFORMATION: On June 22, 1984, the Coast Guard published a proposed rule (49 FR 25642) concerning this amendment. The Commander, Third Coast Guard District also published the proposal as a Public Notice dated July 6, 1984. In each notice interested persons were given until August 6, 1984 to submit comments.

On April 24, 1984, the Coast Guard published a final rule (49 FR 17450) that reorganized the regulations for drawbridges (Part 117 of Title 33, Code of Federal Regulations) to consolidate common requirements and to organize bridge regulations into a more usable format. This final rule follows the revised numbering and format.

Drafting Information

The drafters of these regulations are Ernest J. Feemster, project manager, and Mary Ann Arisman, project attorney.

Discussion of Comments

Four responses were received on the proposed rule for this action. One respondent had no objections, two generally favored the proposal, and one objected feeling that the proposed rule would create hazards for the mariner. One person favoring the regulations suggested that scheduled openings begin at 6 a.m. instead of 10 a.m.

Temporary regulations were issued by the Commander Third Coast Guard District to assess the need for a change to the existing regulations and comments were solicited on the temporary regulations. These temporary regulations were in effect at the Route 35 Bridge from August 5, 1983 through September 15, 1983 and from Memorial Day through Labor Day 1984, and 31 responses (20 to 1983; 10 to 1984; 1 to 1984 extension) were received. Some respondents commented on more than one occasion to public notice for temporary regulations and the proposed rule. The temporary regulations issued in 1983 provided for hourly and half-hourly openings every day of the week between 10 a.m. and 8 p.m. while those issued in 1984 provided for openings only on weekends and holidays.

Two agencies had no objection to the temporary regulations. Nineteen respondents on temporary regulations favored weekday scheduled openings, lengthening of the effective hours or making regulations effective year-round. However, review of bridge opening logs and 1982-83 showed that this would not significantly reduce openings of the draw.

A local public official in three submittals forwarded the Coast Guard petitions with a total of over 1500 names of persons favoring one opening per hour during the respective period. The suggestion was rejected, through, because it would place an unnecessary burden on the mariner and could potentially contribute to hazardous vessel conditions at the bridge.

Eight objections were received on temporary regulations indicating that various, potentially hazardous situations could occur. This included hazards due to several vessels congregating while awaiting a bridge opening. This concern is recognized, however, mariners who frequent the waterway would generally schedule their transits to minimize their delay. Additionally, while the temporary regulations were in effect, no boating mishaps were reported as a result of vessel congestion or other reasons. One respondent also reported that the movable railroad bridge located 400 yards downstream would contribute to vessel congregation. However, since the railroad bridge remains in the open position except for train passage, instances of the railroad bridge contributing to vessel congestion should be minimal. Five of the eight objectors were also concerned with interaction between scheduled openings and passage through the Route 88 Bridge since such passages by low-powered sailboats must be done during slack water periods. It was suggested that unlimited openings be provided for (in the regulations) from one hour before to one hour after predicted slack water. However, a new Route 88 bridge is presently under construction and when it is completed, this concern will be eliminated. One objector also suggested openings at twenty minute intervals. This suggestion was rejected when weighed against the volume of vehicular traffic over the bridge.

The Coast Guard after investigation, evaluation, and consideration of comments on temporary and proposed regulations, has decided to issue final regulations identical to those in the proposed rule.

Economic Assessment and Certification

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

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Since the bridge has a 30-foot clearance at Mean High Water in the closed position, commercial vessels should not be unduly impacted by these regulations. This is substantiated by 1982-83 bridge

opening logs which show that the overwhelming majority of openings are made for recreational sailboats. The impact on these vessels will be minimal since the scheduled openings will accommodate their needs. No other company, organization, person, or other entity has been identified as being unduly impacted by these regulations. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended by redesignating the existing § 117.733 (b) through (h) as § 117.733 (c) through (i), respectively, and adding a new § 117.733(b) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.733 New Jersey Intracoastal Waterway.

* * * * *

(b) The draw of the Route 35 bridge, mile 1.1 (Manasquan River) at Brielle shall open on signal; except that, from Memorial Day through Labor Day on Saturday, Sundays, and federal holidays from 10 a.m. to 8 p.m., the draw need only open on the hour and half hour. The draw shall open at all times as soon as possible for passage of a public vessel of the United States, or for a vessel in distress.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(2); 33 CFR 1.05-1(g)(3))

Dated: November 9, 1984.

P.A. Yost,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 84-31293 Filed 11-28-84; 8:45 am]

BILLING CODE 4910-14-M

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls; Revision

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: This regulation revises the St. Lawrence Seaway Tariff of Tolls which the Saint Lawrence Seaway Development Corporation publishes and administers jointly with the St. Lawrence Authority of Canada for the use of the St. Lawrence Seaway. The effect of this revision is not to raise the level of tolls but to allow greater flexibility in the application of operational surcharges. A notice of the proposed revision was published in the **Federal Register** (49 FR 29971) on July 25, 1984.

EFFECTIVE DATE: November 29, 1984.

FOR FURTHER INFORMATION CONTACT: Frederick A. Bush, Chief Counsel, 400 7th Street, SW., 5424, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: During the 1978 navigation season, closing procedures were developed by the Corporation in conjunction with the Authority and representatives of the affected segments of the shipping industry. The implementation of these procedures was necessary in order to provide for the orderly exit of vessels from the St. Lawrence Seaway at the close of the navigation season. An integral part of these closing procedures was the establishment of operational surcharges, and on October 17, 1980, the St. Lawrence Seaway Tariff of Tolls was amended to provide for the assessment of such surcharges.

As a result of discussions with users of the St. Lawrence Seaway, the Administrator of the Saint Lawrence Seaway Development Corporation and the President of the St. Lawrence Seaway Authority of Canada agreed, on July 9, 1984, to recommend to their respective governments that Section 6 (presently codified as 33 CFR 402.7) of the existing St. Lawrence Seaway Tariff of Tolls be amended. As provided for by the amendment, the second sentence of § 402.7 would be revised by striking all the words after the word "dollars" and adding the words "an amount not exceeding the operational surcharge set forth below:". This revision would allow for the assessment of an operational surcharge in any amount as long as the amount does not exceed the applicable operational surcharge and thereby provide for greater flexibility in the application of the operational surcharges. This flexibility will make possible the better implementation of the purpose for which the closing procedures were established. On November 16, 1984 the Government of the United States and Canada exchanged diplomatic notes formalizing the amendment to the Tariff of Tolls. This revision involves a foreign affairs function of the United States; therefore Executive Order 12291 does not apply to this rulemaking. The Saint Lawrence Seaway Development Corporation certifies that for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), since the impact of this revision is expected to be minimal, it will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Tariff of Tolls relates to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators, and therefore any resulting costs will be borne primarily by foreign vessels.

Furthermore, the Corporation has determined that this rulemaking is not a major Federal action affecting the quality of the human environment under the National Environmental Policy Act, and therefore an environmental impact statement is not required.

PART 402—[AMENDED]

In consideration of the foregoing, the introductory text of § 402.7(a) of Part 402 of Chapter IV of Title 33, Code of Federal Regulations is revised as follows:

§ 402.7 Post-clearance date operational surcharges.

(a) If the Authority and the Corporation so determine, they may establish a clearance date for the transit of the Montreal-Lake Ontario section. Each vessel which does not comply with the conditions announced by the Authority and the Corporation in establishing the clearance date may be required to pay in dollars an amount not exceeding the operational surcharge set forth below:

* * * * *

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended)

Issued at Washington, D.C. on November 20, 1984.

Saint Lawrence Seaway Development Corporation.

James L. Emery,

Administrator.

[FR Doc. 84-31277 Filed 11-28-84; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

Land Uses; Special Uses

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends 36 CFR 251.54 to require only consultation with the Secretary of Energy on applications

for permits for electric power transmission lines of 66 kilovolts or higher. In addition, this rule eliminates the regulations at § 251.56(f)(3) requiring permit applicants to agree to stipulations and terms allowing the surplus capacity of the transmission facility to be used by Federal power marketing authorities. These requirements are no longer necessary since the enactment of the Public Utility Regulatory Policies Act of 1978 (92 Stat. 3117).

The rule eliminates burdensome and outdated procedures and conforms the Forest Service electric power transmission facility permitting procedures to those used the U.S. Fish and Wildlife Service (F&WLS) and Bureau of Land Management (BLM) of the Deparment of the Interior.

EFFECTIVE DATE: December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Paul M. Stockinger, Lands Staff, Room 1010, 1621 North Kent Street, Rosslyn, Virginia (703) 235–2410.

SUPPLEMENTARY INFORMATION: Current Forest Service regulations require that applicants for special use permits for electric transmission lines of 66 kilovolts or higher agree to wheeling stipulations. Wheeling is the transmission of power from one generating facility across the lines of another utility to reach a specific destination. These particular wheeling stipulations have allowed Federal power marketing authorities to use the surplus capacity of a permittee's line to transmit Federal power (Surplus capacity is defined as the amount of electric load a line may safely carry over its current level of operation.)

The Department of the Interior (USDI) was the first Federal land managing agency to require wheeling stipulations in power transmission line permits for facilities carrying 66 or higher kilovolts. USDI issued its first rule in 1948, removed the requirement in 1954, but reinstated the requirement in 1962, when the Bureau of Land Management (BLM) regulations were changed to require a wheeling provision in their permits. At that time, the Forest Service also changed its special-use permit regulations to require a similar stipulation. The enactment of the Public Utility Regulatory Policies Act of 1978 (92 Stat. 3137) provides the Federal Energy Regulatory Commission with authority to impose wheeling provisons on electric utilities. Thus, the wheeling stipulation requirement in land management agency permits is no longer needed. The stipulation was removed from the Department of the Interior regulations in 1982 for the BLM by final rulemaking published March 23, 1982 (43 CFR Part 2800) and in 1983 for the U.S. Fish and Wildlife Service by final rulemaking published July 11, 1983 (50 CFR Part 29).

On May 28, 1984, the Forest Service published a Notice of Proposed Rulemaking in the **Federal Register** at 49 FR 21083–21084 proposing to remove the wheeling stipulation requirement in Forest Service special-use permits and to revise the application procedure to only require consultation with the Department of Energy on the location of proposed electric power transmission lines of 66 kilovolts or higher. At the present time the regulation requires review and approval by the Department of Energy for electric power transmission lines of 66 kilovolts or higher.

Summary of Public Comment With the Department of Agriculture Response

A total of 22 comments were received regarding the proposed rulemaking. Private utilities and groups and one publicly-owned utility favored removal of the wheeling stipulations. A number of these entities also felt that consultation with the Department of Energy was unnecessary. Public power marketing organizations and agencies did not want the wheeling stipulations removed.

The arguments raised for and against the rulemaking fit into three basic categories: (1) Concurrence with the proposal; (2) concurrence, but in addition, the removal of the requirement to consult with the Secretary of Energy; and (3) opposition to any change in the wheeling provisions.

The comments and USDA response to them follow:

1. Consultation is duplicative.

The respondents feel that consultation with the Department of Energy is duplicative of information provided by the regional power pooling councils. These councils are made up of power marketing agencies and member companies. They provide their members information on existing and planned transmission lines. It is true that the regional power pooling councils make available information on existing or proposed transmission lines. However, there is no requirement that they coordinate with the applicant. In fact, quite often an applicant, although a member of this group or one of the public power companies, is unaware of long-range corridor planning efforts. Forest Service consultation with the Department of Energy is a tool used to verify that a proposed line is actually needed to provide service and is located in a corridor that would be usable for future expansion.

2. Consultation creates delays and added expense.

We feel that the consultation process is a necessary part of the overall planning and environmental analysis task. It is not to be interpreted as an absolute review and compliance process, but as an advice and notification mechanism. We believe that any delays and expense will be minor. Because the Forest Service would only require consultation instead of review and approval, the Department of Energy could not hold an application for extended periods of time.

3. Consultation is inconsistent with the USDI. Similar regulations are not presently found in USDI agencies' regulations.

One reason for eliminating the bulk of the wheeling requirements was to provide for some degree of consistency. However, the Forest Service does not fully operate under the same authorities as the USDI agencies. For example, the Multiple Use, Sustained Yield Act of 1960 (16 U.S.C. 528(note), 528–531) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(note), 1600–1614) are peculiar to the Department of Agriculture. They establish the basis for developing forest plans which, in turn, designate areas of the National Forest System to, among other things, powerline corridors. Part of this planning effort involves consultation with other agencies. We feel that consultation with the Department of Energy is beneficial and important to the land designation processes.

4. Consultation would involve the Forest Service in disputes between private companies and the federal power marketing agencies that are unrelated to the management of the National Forests.

The sole purpose of the consultation process is to insure that only necessary transmission line corridors cross National Forest System lands. For example, if Department of Energy studies indicate a future need for a major corridor to serve a particular area, we would urge the applicant to construct the requested line within this corridor whenever possible. The Forest Service would be involved with disputes only to the extent of asking an applicant to show why a powerline is needed in the location requested.

5. Wheeling stipulations are needed to provide access to powerlines.

We have no quarrel over the fact that sharing of powerline capacity provides more efficient service with fewer impacts on the land. However, the requirement to impose stipulations

should not involve the Forest Service. This is the province of the Department of Energy and its power marketing agencies. Many of the respondents have pointed out that the requirement to accept wheeling stipulations gives the power marketing agencies an unfair leverage in negotiating. The Public Utility Regulatory Policies Act of 1978 (92 Stat. 3117) provides a method for power marketing agencies to petition the Federal Energy Regulatory Commission (FERC) for an order to provide wheeling. We believe this to be more equitable than the present requirements.

6. The legislative intent of the Federal Land Policy and Management Act endorses and supports the existing policy of wheeling.

At the time of passage of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, as amended), there was no expressed statutory authority requiring a power company to accept any type of wheeling arrangement. The House Interior and Insular Affairs Committee report accompanying that act noted that the Committee had rejected suggestions to modify the existing policy on wheeling. The respondents argue that the rejection constitutes a specific Congressional endorsement and support for retaining wheeling stipulations. We do not interpret the Committee's rejection of modifying wheeling policy in this Federal lands act as an endorsement or a statement of Congressional intent. We feel the legislative intent of Congress is more properly reflected in the subsequent passage of the Public Utility Regulatory Policies Act which sets forth a procedure for wheeling that is equitable to all parties. The retention of wheeling stipulations in Forest Service regulations would circumvent this later intent.

7. The proposal would completely reverse current policy and constitute an abandonment of the land management responsibilities of the Forest Service.

Wheeling stipulations themselves are not needed to carry out land management policies. They are strictly a means of regulatory energy, which is more properly administered under the Public Utility Regulatory Policies Act.

8. The requirements of the Public Utility Regulatory Policies Act were intended to supplement, not replace existing law; they do not address the statutory responsibility of the land managing agencies; and they are not as strong as the existing regulatory requirements of the Forest Service.

Forest Service authorities are not replaced, limited, or impaired by this regulatory change. The Forest Service has sufficient other authorities to carry out the mandate of land management. The enactment of the Public Utility Regulatory Policies Act provides an alternate method of accomplishing wheeling and places responsibility where it belongs, with the Department of Energy, not the Forest Service. We continue to feel that the regulation is unnecessary with the passage of the Public Utility Regulatory Policies Act. The regulatory change properly shifts energy management to the Department of Energy and retains sufficient authority for the Forest Service to manage National Forest System lands.

Decision

Having considered the comments received, USDA believes that the rule should be promulgated as proposed.

Impacts

This rule has been reviewed under USDA procedures and Executive Order 12291 and it has been determined that this revised regulation is not a major rule. The revised regulation is not expected to increase costs to consumers served by power marketing agencies. The revision should decrease costs to the applicants and the Forest Service by (1) reducing the reporting burden on the applicants; (2) reducing the administrative workload on the Forest Service in processing applications; and (3) reducing delays since the Department of Energy (DOE) referral process would be modified from DOE review and approval of applications to only consultation with DOE. The change will not increase costs to States or local governments.

In addition, the Assistant Secretary of Agriculture for National Resources and Environment has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) and therefore does not require a regulatory flexibility analysis.

This rule does not contain information collection requirements subject to Office of Management and Budget review under 5 CFR Part 1320.

List of Subjects in 36 CFR Part 251

Electric power, Mineral resources, National forests rights-of-way, water.

Therefore, for the reasons set forth above, Part 251 of Title 36 of the Code of Federal Regulations is hereby amended as set forth below:

PART 251—[AMENDED]

1. In § 251.54, Special use applications, revise paragraph (g)(2) to read as follows:

§ 251.54 Special use applications.

* * * * *

(g) *Special application procedures.*

* * *

(1) * * *

(2) *Electric power transmission lines 66 KV or over.* Each application for authority to construct and maintain a facility for the generation of electric power and energy or for the transmission or distribution of electric power and energy of 66 kilovolts or highr under this section shall be referred to the Secretary of Energy for consultation.

* * * * *

§ 251.56 [Amended]

2. In § 251.56, Terms and conditions, remove paragraph (f)(3) in its entirety.

(Sec. 1, 30 Stat. 35; as amended, 62 Stat. 100, sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472)) 90 Stat. 2776 (43 U.S.C. 1761–1771)

[FR Doc. 84-31318 Filed 11-28-84; 8:45 am]

BILLING CODE 3410-11-M

POSTAL SERVICE

39 CFR Part 265

Fee Waiver Policy for Providing Customer Addresses to Government Agency Requesters

AGENCY: Postal Service.

ACTION: Notice of postponement of effective date for fee payment.

SUMMARY: This is a notice postponing indefinitely the effective date of that part of a final rule published in the **Federal Register** on May 21, 1984, that would have required the Postal Service to begin on January 1, 1985 charging a $1.00 fee when it provides information about a postal customer's address to Federal, State, or local Government agency requesters. Other parts of the final rule, with certain minor modifications, continue in effect.

EFFECTIVE DATE: Payment of the fee required by 39 CFR 265.8(d)(4) is postponed until further notice; effective date for use of the standard request format required by 39 CFR 265.6(d)(7) is changed to January 1, 1985.

FOR FURTHER INFORMATION CONTACT: John Gunnels, Records Office, U.S. Postal Service (202) 245-4797.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 21, 1984 (49 FR 21322), the Postal Service issued a final rule stating that, effective January 1, 1985, the Postal Service would begin charging a $1 fee when it provides information about a postal customer's address to Federal, State, or local

Government agency requesters. However, the effective date for payment of the fee now is being postponed until further notice. As a result of this action, the Postal Service will continue its present policy of providing address information to Government agency requesters at no charge at the very least through the end of Fiscal Year 1985.

The final rule also required Government agency requesters to begin using a standard request format when submitting their requests to post offices. This requirement remains in effect. However, agencies should delete the statement regarding payment of the fee when submitting their requests.

Although the final rule called for Government agencies to convert to the standard format by August 1, 1984, several agencies encountered delays in printing and distributing copies of the request format to their units. As a temporary measure, the Postal Service directed postmasters to continue to accept requests in other formats to afford agencies additional time to distribute the new format. The allowance of additional time in this regard extends to January 1, 1985, when Government agencies will be required, in accordance with the final rule, to use the standard request format when requesting address information about postal customers.

Accordingly, the effective date of 39 CFR 265.8(d)(4) is postponed indefinitely, and the effective date of 39 CFR 265.6(d)(7) is changed from August 1, 1984 to January 1, 1985.

List of Subjects in 39 CFR Part 265

Release of information, Postal Service.

(39 U.S.C. 401; 5 U.S.C. 552)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-31260 Filed 11-28-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[OW-S-FRL-2710-5]

Ohio Department of Natural Resources and Ohio Environmental Protection Agency; Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The State of Ohio has submitted an application under Section 1422 of the Safe Drinking Water Act for the Approval of an Underground Injection Control (UIC) program governing Classes I, III, IV, and V injection wells. After careful review of the application, the Agency has determined that the State's injection well program for these classes of injection wells meets the requirements of Section 1422 of the Act and, therefore, approves it.

EFFECTIVE DATE: This approval shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on December 13, 1984. This approval shall become effective on January 14, 1985.

FOR FURTHER INFORMATION CONTACT: John Taylor, Environmental Protection Agency, Region V, 230 South Dearborn Street Chicago, Illinois 60604. PH: (312) 886-1490 or FTS 886-1490.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which, in his judgment, a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The State of Ohio was listed as needing a UIC program on September 25, 1978 (43 FR 6560). The State submitted an application under Section 1422 on August 6, 1984, for a UIC program to regulate Class I, III, IV, and V injection wells to be administered by the Ohio Department of Natural Resources (ODNR) and the Ohio Environmental Protection Agency (OEPA).

On September 5, 1984, EPA published notice of receipt of the application, requested public comments, and offered a public hearing on the UIC program submitted by the ODNR and the OEPA. A public hearing was held on March 28, in Columbus, Ohio, on the draft application. A public hearing was offered, and comments were requested on the final application. No hearing requests nor comments were received.

After careful review of the application, I have determined that the portion of the Ohio UIC program submitted by the ODNR and the OEPA applicable on all State lands other than Indian Lands meets the requirements established by the Federal regulations pursuant to Section 1422 of the SDWA and, hereby, approve it. The effect of this approval is to establish this program as the applicable underground injection control program under the SDWA for non-Indian lands in the State of Ohio.

This approval will be codified in 40 CFR Section 147.1801. State statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators are incorporated by reference. These provisions incorporated by reference, as well as all permit conditions or permit denials issued pursuant to such provisions, are enforceable by EPA pursuant to Section 1423 of the SDWA.

This program replaces the existing EPA-administered program. EPA promulgated the EPA-administered program, published November 15, 1984 (49 FR 45292), in order to comply with the requirement of the SDWA to promulgate a Federally-administered program if a State-administered program cannot be approved within a certain time. Now that EPA has determined that the State-administered program meets all applicable Federal requirements, the Agency is withdrawing the EPA-administered program and establishing the State-administered program as the applicable UIC program in the State, because of the preference in the SDWA for State administration of UIC programs.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 147, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 147

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water Supply, Incorporation by reference.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1422 of the Safe Drinking Water Act of the application by the Ohio Department of Natural Resources and the Ohio Environmental Protection Agency will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Authority: Safe Drinking Water Act, 42 U.S.C. 300h.

Dated: November 15, 1984.

William D. Ruckelshaus,

Administrator.

As set forth in the preamble, Part 147 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

Subpart KK—Ohio

1. Section 147.1801 is revised to read as follows:

§ 147.1801 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Ohio, other than those on Indian lands, is the program administered by the Ohio Department of Natural Resources and the Ohio Environmental Protection Agency, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on November 29, 1984; the effective date of this program is January 14, 1985. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Ohio. This incorporation by reference was approved by the Director of the **Federal Register** effective January 14, 1985.

(1) Ohio Revised Code Annotated, §§ 1509.01, 1509.03, 1509.221 (Supp. 1983);

(2) Rules of the Division of Oil and Gas, Ohio Administrative Code, §§ 1501:9–7–01 through 7–14 (1984);

(3) Ohio Revised Code Annotated, §§ 6111.04, 6111.043, 6111.044 (Supp. 1983);

(4) Rules of the Ohio Environmental Protection Agency, Ohio Administrative Code, §§ 3745–34–01 through 34–41; 3745–9–01 through 9–11 (Director Ohio EPA Order, June 18, 1984).

(b) *Other Laws.* The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:

(1) Ohio Revised Code, Chapter 119 (1978 Replacement Part);

(2) Ohio Code Supplement, §§ 6111.041, 6111.042, 6111.045 (Supp. 1982).

(c) (1) The Memorandum of Agreement between EPA Region V and the Ohio Department of Natural Resources, signed by the EPA Regional Administrator on March 30, 1984;

(2) Memorandum of Agreement between the Ohio Department of Natural Resources and the Ohio Environmental Protection Agency, Related to the Underground Injection Control Program for the State of Ohio, signed August 1, 1984.

(d) *Statement of Legal Authority.* Statement from Attorney General of the State of Ohio, by Senior Assistant Attorney General, "Underground Injection Control Program—Attorney General's Statement," July 25, 1984.

(e) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

[FR Doc. 84–30559 Filed 11–28–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6634]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program; Missouri, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287–0876, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal

Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subject in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Missouri:				
Crawford	Unincorporated areas	290795A	Oct. 23, 1984—Emerg.	Apr. 19, 1983.
Indiana:				
Union	do	180411	Oct. 24, 1984—Emerg.	Mar. 4, 1977.
Tennessee:				
Campbell	LaFollette, city of	475435B	Apr. 2, 1971—Emerg. Dec. 17, 1971—Reg. Sept. 5, 1984—Susp. Oct. 23, 1984 Rein.	Dec. 23, 1971. July 1, 1974 and Nov. 12, 1976.
Georgia:				
Union	Unincorporated areas	130254	Oct. 26, 1984—Emerg.	Do.
Illinois:				
Kankakee	Sun River Terrace, village of	171015	do	Do.
Oklahoma:				
Logan	Unincorporated areas	400096A	do	Dec. 27, 1974 and Aug. 2, 1977.
Tennessee:				
Obion	Rives, city of	470235	do	Jan. 3, 1975.
Texas:				
Goliad	Goliad, city of	480828	do	July 16, 1976.
Kansas:				
Miami	Osawatomie, city of	200223	June 13, 1974—Emerg. Sept. 19, 1984—Reg. Sept. 19, 1984—Susp. Oct. 26, 1984—Rein.	Jan. 23, 1974 and Apr. 2, 1976.
Florida:				
Jackson	Malone, town of	120623—New	Oct. 30, 1984—Emerg.	Do.
New Hampshire:				
Strafford	Middleton, town of	330222A	do	Jan. 31, 1975 and Jan. 10, 1978
Region I				
Connecticut:				
Windham	Canterbury, town of	090183A	October 16, 1984, suspension withdrawn	Jan. 10, 1975.
Maine:				
Cumberland	Falmouth, town of	0230045B	do	Mar. 29, 1974 and Aug. 6, 1976.
Massachusetts:				
Suffolk	Revere, city of	250228B	do	June 28, 1974 and Feb. 18, 1977
Region II				
New Jersey:				
Middlesex	Helmetta, bourough of	340262B	do	June 28, 1974 and Feb. 27, 1976.
Sussex	Sparta, township of	340535B	do	Dec. 20, 1974 and June 11, 1976.
Bergen	Teaneck, township of	340075B	do	June 14, 1974 and Oct. 3, 1975.
New York:				
Chemung	Elmira, town of	360151B	do	Aug. 31, 1973 and June 25, 1976.
Columbia	Gallatin, town of	361316B	do	Oct. 25, 1974 and July 30, 1976.
Orange	Montgomery, town of	360623B	do	Mar. 22, 1974 and Aug. 20, 1976.
Do.	Montgomery, village of	360624B	do	Mar. 15, 1974 and Dec. 12, 1975.
Region V				
Illinois:				
Cook and Lake	Barrington, village of	170057C	do	Mar. 22, 1974, Sept. 24, 1976 and Mar. 12, 1982.
Michigan:				
Livingston	Green Oak, township of	260440B	do	Mar. 27, 1977.
Minnesota:				
Nicollet	Unincorporated areas	270625B	do	Aug. 26, 1977.
Wisconsin:				
Green	Browntown, village of	550161B	do	Jan. 9, 1974 and June 4, 1976.
Waukesha	Oconomowoc Lake, village of	550582B	do	Feb 2, 1979
Region VI				
Texas:				
Bexar	Unincorporated areas	480035B	do	Jan. 31, 1978
Region VII				
Missouri:				
Franklin	Unincorporated areas	298493B	do	Jan. 17, 1978.
Maryland:				
Calvert	Unincorporated areas	240011B	July 5, 1973—Emerg. Sept. 28, 1984—Reg. Sept. 28, 1984—Susp. Nov. 9, 1984—Rein.	Oct. 18, 1974 and July 15, 1977.
California:				
San Bernardino	Rancho Cucamonga, city of	060671A	Aug. 7, 1978—Emerg. Sept. 5, 1984—Reg. Sept. 5, 1984—Susp. Nov. 12, 1984—Rein.	Sept. 5, 1984.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Pennsylvania:				
Fulton	Belfast, township of	421659A	Nov. 15, 1984—Emerg	Dec. 20, 1974 and July 11, 1980.
Texas:				
Hill	Malone, city of	480861	do	July, 9, 1976.
Idaho:				
Boundary	Unincorporated areas	160207B	Nov. 13, 1984—Emerg. Nov. 13, 1984—Reg.	Aug. 2, 1977 and Aug. 2, 1982.
Florida:				
Lake	Lady Lake, town of	120613A	Nov. 14, 1984—Emerg. Nov. 14, 1984—Reg.	Aug. 15, 1984.
	Region I			
Connecticut:				
Windham	Danielson, borough of	090169A	Nov. 1, 1984, Suspension withdrawn	Jan. 24, 1975.
Do.	Thompson, town of	090117B	do	May 17, 1974 and July 26, 1977.
Do.	Woodstock, town of	090120B	do	Sept. 20, 1974 and Mar. 11, 1977.
Rhode Island:				
Providence	Cranston, city of	445396B	do	Aug. 28, 1971, July 1, 1974 and May 21, 1976.
Washington	Narragansett, town of	445402C	do	Dec. 7, 1971, July 1, 1974 and Dec. 3, 1976.
	Region II			
New Jersey:				
Bergen	Garfield, town of	340037B	do	June 29, 1973 and Apr. 15, 1980.
New York:				
Ulster	Olive, town of	360860B	do	June 7, 1974 and July 30, 1976.
	Region III			
Maryland:				
Calvert	Chesapeake Beach, town of	240100B	do	Oct. 18, 1974 and Feb. 18, 1977.
	Region V			
Indiana:				
Adams	Geneva, town of	180002C	do	Nov. 23, 1973, June 11, 1976 and Jan. 12, 1979.
	Region VI			
Texas:				
Brazoria	Brookside Village, city of	480067B	do	June 28, 1974 and June 18, 1976.
	Region VIII			
Colorado:				
Lincoln	Limon, town of	080109B	do	June 28, 1974 and Jan. 16, 1976.
Idaho:				
Twin Falls	Twin Falls, city of	160120B	do	June 7, 1974 and Feb. 27, 1976.

Code for reading 4th column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension, Rein.—Reinstatement.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: November 20, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84–31255 Filed 11–28–84; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 64

[Docket No. FEMA 6635]

Suspension of Community Eligibility Under the National Flood Insurance Program; Connecticut, et al.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration (202) 287–0876, 500 C Street, Southwest, FEMA, Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so

that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub.L. 93–234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Region I					
Connecticut: Fairfield	Westport, town of	090019B	Oct. 8, 1970, Emerg.; July 2, 1980, Reg.; Dec. 4, 1984, Susp.	July 19, 1980 and Dec. 4, 1984	Dec. 4, 1984.
Massachusetts: Berkshire.	Sandisfield, town of	250039B	June 11, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	June 28, 1974 and Dec. 24, 1976	Do.
Region II					
New Jersey: Bergen	Lodi, borough of	340047C	Apr. 21, 1975, Emerg.; Feb. 15, 1978, Reg.; Dec. 4, 1984, Susp.	July 27, 1973, Apr. 30, 1976 and Feb. 15, 1978.	Do.
Mercer	Princeton, township of	340252B	Sept. 15, 1972, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	June 15, 1973 and May 28, 1976	Do.
New York: Chemung	Elmira, city of	360150B	Jan. 26, 1973, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Aug. 31, 1973 and Mar. 19, 1976	Do.
Region III					
Pennsylvania: Chester	Charlestown, township of	421475B	Nov. 24, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Oct. 18, 1974 and May 14, 1976	Do.
West Virginia: Mingo	Unincorporated areas	540133C	June 9, 1975, Emerg.; Dec. 2, 1980, Reg.; Dec. 4, 1984, Susp.	Dec. 20, 1974, Aug 5, 1977 and Dec. 2, 1980.	Do.
Region IV					
Georgia: Stephens	Toccoa, city of	130231B	June 20, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	June 28, 1974 and Oct. 24, 1975	Do.
North Carolina: Swain	Bryson City, city of	370228B	Mar. 25, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	June 14, 1974 and Oct. 1, 1976	Do.
Avery	Newland, town of	370012B	Sept. 17, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	June 14, 1974 and Oct. 1, 1976	Do.
South Carolina: Beaufort	Unincorporated areas	450025C	Oct. 9, 1970, Emerg.; Sept. 30, 1977, Reg.; Dec. 4, 1984, Susp.	Sept. 30, 1977	Do.
Region V					
Illinois: Ogle	Byron, city of	170526B	July 21, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	May 10, 1974 and June 18, 1976	Do.
Moultrie	Dalton City, village of	170522B	May 27, 1975, Emerg.; June 30, 1976, Reg.; Dec. 4, 1984, Susp.	May 3, 1974 and July 30, 1976	Do.
Macon	Unincorporated areas	170928B	Sept. 14, 1979, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Sept. 8, 1978	Do.
Michigan: Oakland	Holly, village of	260587A	Nov. 4, 1981, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Oct. 3, 1975	Do.
Ottawa	Hudsonville, city of	260493A	Mar. 31, 1982, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Sept. 5, 1975	Do.
Ohio: Hancock	Findlay, city of	390244B	Jan. 15, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Jan. 23, 1974 and May 21, 1976	Do.
Wisconsin: Washington	Hartford, city of	550473B	Apr. 17, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Jan. 9, 1974 and May 14, 1976	Do.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Region VI					
Texas:					
Jefferson	Beaumont, city of	485457B	June 19, 1970, Emerg.; Oct. 30, 1970, Reg.; Dec. 4, 1984, Susp.	Sept. 2, 1970, July 1, 1974 and Nov. 14, 1975.	Do.
Fort Bend	Rosenberg, city of	480232B	July 21, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	June 28, 1974 and Aug. 22, 1975	Do.
Region VII					
Missouri: Cooper	Wooldridge, village of	290112A	Mar. 22, 1976, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Apr. 25, 1975	Do.
Region IX					
Arizona: Graham	Unincorporated areas	040032B	Nov. 19, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	Jan. 17, 1975 and Nov. 29, 1977	Do.
Region X					
Idaho: Lemhi	Salmon, city of	160093A	Oct. 28, 1975, Emerg.; Dec. 4, 1984, Reg.; Dec. 4, 1984, Susp.	June 25, 1976	Do.

[1] Date certain Federal Assistance no longer available in Special Flood Hazard Areas.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: November 20, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-31251 Filed 11-28-84; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 82-122; FCC 84-523]

Interconnection Arrangements Between and Among the Domestic and International Record Carriers

AGENCY: Federal Communications Commission.

ACTION: Report and Order rescinding existing interconnection arrangements.

SUMMARY: This Report and Order rescinds existing interconnection arrangements prescribed by the FCC pursuant to the Record Carrier Competition Act of 1981 to permit the implementation of an intercarrier agreement. Because of the agreement, the existing interconnection arrangements are no longer valid.

FOR FURTHER INFORMATION CONTACT: Margot F. Bester, International Policy Division, Federal Communications Commission, Washington, D.C. 20554 (202) 632-4047.

Report and Order

In the matter of international arrangements between and among the domestic and international record carriers, (CC Docket No. 82-122).

Adopted: November 8, 1984.

Released: November 15, 1984.

By the Commission.

I. Introduction

1. The Record Carrier Competition Act of 1981 (RCCA)[1] governs certain aspects of the provision of record communications services within the United States and between the United States and foreign points.[2] The major provisions of the RCCA govern the manner by which carriers interconnect their facilities and allocate revenues for the provision of record communications services. The majority of these provisions sunset on December 29, 1984.

2. On March 7, 1984, the United States Court of Appeals for the District of Columbia circuit rendered a decision [3] concerning our implementation of the RCCA. The Court reversed and remanded for further proceedings two aspects of our Interim Order.[4] On August 6, 1984 we issued a Further Notice of Proposed Rulemaking [5] to treat those issues remanded to us by the Court of Appeals. We reached tentative conclusions as to these issues and requested comment on our tentative conclusions.

3. In response to our Further Notice, the carriers filed an executed "Memorandum of Agreement" on September 27, 1984.[6] This negotiated agreement establishes terms and conditions regarding physical interconnection, billing, collecting and tariffing for telex services. The agreement formalizes the parties' respective obligations and undertakings in this regard. In addition, the carriers filed a "Supplemental Petition for Acceptance of Intercarrier Agreement." In this petition, the carriers request that we amend, revoke or waive our existing prescriptions so that the agreement may become operative prior to the statute's sunset date and continue until June 30, 1986. We note that the agreement by its terms became effective upon execution but that it contained a provision requiring Commission action on our existing prescription within forty-five days as a further condition.

4. In this Report and Order, we will summarize the statute, our Interim Order, other significant Commission

[1] 47 U.S.C. 222 (1981). Section 222 of the Act was rewritten by the RCCA.

[2] We have adopted a series of orders to implement the RCCA. The primary decision which implemented the RCCA was Interconnection Arrangements Between and Among the Domestic and International Record Carriers (Interim Order); 89 FCC 2d 928 (1982), *on reconsideration*, 93 FCC 2d 845 (1983), *rev'd in part sub nom.* Western Union v. FCC, No. 82-1502 (D.C. Cir. March 7, 1984).

[3] Western Union Telegraph Company v. Federal Communications Commission *et. al.*, No. 82-1502 (D.C. Cir. March 7, 1984).

[4] As will be discussed in detail below, the Court reversed and remanded that part of our Interim Order designating the international carrier as the originating carrier on outbound calls from the United States and requiring the pro rata distribution of revenues received for a portion of inbound calls.

[5] Interconnection Arrangements (Further Notice of Proposed Rulemaking FCC 84-380 (released August 6, 1984).

[6] An executed copy of this Agreement was filed on September 12, 1984, the date comments to our Further Notice were due.

orders, the Court's decision, our Further Notice and the intercarrier agreement. We will then set out our rationale for rescinding our existing prescriptions pre-sunset and permitting the implementation of this intercarrier agreement as proposed by the carriers. The intercarrier agreement is attached as Appendix A.

II. Background

5. The Statute: The RCCA, the majority of which sunsets pursuant to Section 222(e) on December 29, 1984, lifted the statutory bar on Western Union's provision of international services and permitted its re-entry into the international market.[7] It also facilitated the expansion of the international record carriers (IRCs) into the domestic market.[8] In addition to encouraging the development of competition in the record communications services market, the RCCA requires carriers to interconnect their facilities upon terms and conditions which are just, fair, and reasonable.[9] The RCCA also requires the pro rata allocation of international inbound record service transmission,[10] interconnection between a carrier's domestic and international segments which is equal in type and quality and available at the same rates and upon the same terms and conditions as that furnished to an interconnecting carrier,[11] the establishment of a nondiscriminatory formula for the equitable allocation of revenues derived from interconnected transmission,[12] and the establishment by each carrier of the total price charged to the public for any service originated by that carrier.[13] To implement these requirements, Section 222(c)(3)(A) required the Commission to convene, monitor and preside over interconnection negotiations between and among the domestic and international record carriers.[14] The RCCA also required the Commission to prescribe interconnection arrangements if the carrier negotiations failed to produce an agreement.[15]

6. The Interim Order: The carriers were not able to reach an agreement on the terms and conditions for interconnection within the forty-five and ninety day limits provided by the RCCA. Accordingly, the Commission, pursuant to the RCCA's mandate, conducted a rulemaking proceeding on an expedited basis and issued an Interim Order establishing the necessary technical and financial arrangements for the provision of interconnected telex and TWX services. Arrrangements were prescribed for purely domestic transmissions as well as for interconnected international inbound and outbound telex calls. In the Interim Order we designated the international carrier as the originating carrier for international outbound calls responsible for billing, tariffing and collection. We made no changes in the interconnection arrangements for international inbound transmissions and designated the carrier on whose network a purely a domestic call was initiated as the originating carrier for billing, collecting and tariffing purposes. We prescribed revenue allocation formulas for international inbound traffic (the pro rata formula) and international outbound traffic (transiting arrangements). We also created a holding factor to compensate domestic carriers for holding and set up a time when international minutes are used to determine billable domestic minutes.[16] Further, we prescribed a 15% discount from the terminating carrier's intra-network tariffed charge for inteconnected transmissions.

7. Subsequent Orders: Pursuant to our Interim Order, record carriers providing international and domestic service filed revisions to their tariffs purporting to establish the interconnection arrangements which we had prescribed. We found that these filings did not conform to our requirements as specified in the Interim Order and we rejected them.[17] We also took the unusual step of prescribing the specific tariff language needed to implement our Interim Order. In addition, we identified several technical matters which warranted further discussions among the carriers, the most important being the handling of store-and-forward transmissions and telex/TWX conversions. The carrier negotiations on these technical matters were not successful and we subsequently resolved these issues in our *Store-and-Forward-Decision*.[18] We have also released a number of additional orders relating to promotional telex rates, the distribution formula for unrouted outbound telegram traffic, telex traffic originated via teletext and private lines and the billing of overseas telex calls from ship customers of INMARSAT services.[19]

8. Court Decision: The following four aspects of our Interim Order were at issue in the case before the court: (a) whether the Commission erred in prescribing a 15% interim discount from a terminating carrier's publicly tariffed intra-network rate for an interconnected transmission; (b) whether the domestic or international carrier should be deemed the originating carrier with the right to tariff, bill and collect; (c) whether the formula prescribed by the Commission for allocating revenues received for international outbound calls (transiting arrangements) is reasonable; and (d) whether the Commission had the authority to require that revenues received for international inbound calls, rather than traffic, be distributed pursuant to a pro rata formula between interconnecting carriers.[20]

9. On review, the D.C. circuit held that our decision to prescribe on an interim basis a 15% discount for interconnected transmissions from a terminating carrier's publicly tariffed intra-network rate was not reviewable. The court also affirmed our revenue allocation formula for the outbound transmissions of one carrier employing the facilities of another carrier on a transiting basis. However, the court reversed and remanded that part of our Interim Order designating the international carrier as

[7] Section 222(d).

[8] Id. After 1963 and prior to the passage of the RCCA, the provision of record communications services was bifurcated. Western Union dominated the domestic side but was prohibited under the old Section 222 from engaging in the direct provision of international record communications services. The international record carriers were authorized to provide service to overseas points through a limited number of gateway cities.

[9] Section 222(c)(1)(A)(i).

[10] Section 222(c)(1)(A)(ii).

[11] Section 222(c)(1)(B).

[12] Section 222(c)(2).

[13] Id.

[14] The Western Union Telegraph Company and Graphnet, Inc. participated in the interconnection negotiations as domestic record carriers. ITT World Communications Inc., RCA Global Communications, Inc., Western Union International, Inc., FTC Communications, Inc., TRT Telecommunications Corporation, International Relay, Inc., and CCI participated as primary existing international record carriers.

[15] Section 222(c)(3)(B).

[16] In our Interim Order, we prescribed a 1.3 holding factor. Western Union raised this holding factor to 1.408 to compensate for an imbalance in billing minutes.

[17] *See* Interconnection Arrangements, (Rejection Order), FCC 82-264 (released June 11, 1982).

[18] *See* Interconnection Arrangements, 93 FCC 2d 156 (1983). In the Store-and-Forward Decision order we addressed the treatment of store-and-forward interconnections and interconnection to forms of store-and-forward service where the output messages are not in the same form as the input messages. We concluded that many, but not all, of these store-and-forward offerings were enhanced services.

[19] *See* Western Union International, *et al.* Transmittal No. 1628, released April 3, 1983; Western Union Telegraph Co., Transmittal No. 8026, released May 10, 1983; Western Union Telegraph Co., Transmittal No. 7992, released March 21, 1983; Communications Satellite Corporation, Transmittal No. 1037, released March 4, 1983.

[20] The pro rata, transiting, and originating/terminating holdings of the court interpreted sections of the RCCA which sunset on December 29, 1984.

the originating carrier on calls outbound from the United States and requiring the pro rata distribution of revenues received for a portion of inbound calls.

10. As to the originating carrier for outbound calls, the court stated in its holding that both the language and the legislative history of the statute indicated that the domestic carrier on whose network the call originates is the originating carrier and has the responsibility to tariff, collect and bill for the entire call. As to pro rata, the court stated that Congress' intent in enacting that provision was to require carriers to physically distribute a portion of international inbound traffic. The court saw nothing in the statute giving us authority to transform this traffic (service) distribution requirement into a revenue distribution scheme. The court concluded if Congress' prescribed scheme to distribute traffic pro rata was unworkable, as we had determined, then the Commission must return to Congress and seek appropriate legislation.[21]

11. Further Notice of Proposed Rulemaking: In order to implement the court's holding on the originating/terminating issue, we recognize that it would be necessary for the record carriers to make operational, billing and tariff changes. To begin this process, we directed Western Union and all other originating carriers to submit information and an interconnection plan to demonstrate their technical ability to perform these functions. Public meetings were held under our aegis to discuss these proposals and establish a tariffing, billing and collection arrangement consistent with the court's decision. The carriers reached agreement on some aspects of a tariffing, billing and collection arrangement but were unable to reach agreement on others.

12. Since the carriers could not reach agreement on all the issues presented by the court, we issued a Further Notice of Proposed Rulemaking to treat the court's remand. We reached tentative conclusions with respect to pro rata distribution of revenues for international inbound calls, transiting arrangements for international outbound calls [22] and originating/terminating carrier.[23] Our tentative conclusions reflected the positions of the participants to the negotiations where an agreement had been reached.

13. Comments to our Further Notice were due on September 12, 1984. On that date, the carriers filed an unexecuted copy of a "Memorandum of Agreement." An executed copy of this agreement with an accompanying "Supplemental Petition for Acceptance of Intercarrier Agreement" was filed on September 27, 1984.[24]

14. The Agreement: The intercarrier agreement addresses two basic issues: (1) Billing, collecting and tariffing arrangements for realtime outbound interconnected telex calls (originating/terminating issue) and (2) continuation of physical interconnection arrangements.

15. With respect to billing arrangements for an international outbound call, the agreement provides that the party providing the domestic segment service may bill for the domestic segment and that the international carrier may bill for the international segment. However, the agreement initially provides that the international carrier will bill on behalf of the domestic carrier as it does today using international minutes as the basis for its charges to users.[25] If the domestic carrier later decides to bill and collect for its own services, it must give the international billing party 90 days notice to accommodate data processing and invoice processing charges. Thus, for at least the short term, the party providing the international service segment will continue to be the billing carrier and remain responsible for billing and collecting the domestic segment and the international segment charges.

16. With respect to the physical interconnection arrangements, the parties agree that they will not seek certification from us for any discontinuance of existing physical interconnection arrangements for domestic or international telex (including TWX) prior to July 1, 1986. The parties also agree that the terms and conditions (other than terms and conditions respecting rates, charges, or other compensation arrangements) governing physical interconnection of their respective domestic and/or international telex services (both realtime and store-and-forward) will continue to be reflected in tariffs filed with us and that any changes in these tariffs will be accomplished with other parties being given at least 90 days notice.

17. The parties also agreed either not to make changes until July 1, 1986 or to provide for a longer period of notice in some instances, and in other instances for close cooperation with other parties for the implementation of changes for the following specifically identified interconnection parameters: (1) Grade of service; (2) interconnection trunks; (3) network configurations; (4) signalization changes; and (5) routing modifications.

18. The parties state their intention, in the supplemental petition filed with the agreement, that any carrier certificated by us to provide domestic or overseas telex or TWX services would be able to become a party to this agreement. The parties also indicate that network access codes, what we interpret to be the 107X arrangements, would be made available to new carriers.

19. With respect to transiting arrangements, the parties note that such arrangements are currently provided pursuant to their interconnection tariffs. The agreement contemplates the maintenance of such tariffed arrangements subject to the option of any party to amend such arrangements on 90 days notice to other parties.

20. The parties also agree to withdraw support for a petition for rulemaking filed by RCA Global Communications to extend under Section 201(a) of the Communications Act of 1934, as amended, certain features of the interconnection arrangements we prescribed in our Interim Order.

21. Finally, the parties make clear that nothing in this agreement is intended to address the appropriate division of charges between interconnected carriers for interconnected domestic, inbound international or outbound international telex traffic and that nothing in this agreement is to have any bearing on the resolution of any controversy involving such division of charges. The parties reserve all rights to support or oppose any and all positions which may be

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[21] In view of its reversal of pro rata distribution formula for inbound calls, the court stated that we may want to modify our transiting formula.

[22] As for pro rata: we tentatively concluded that a pro rata distribution of traffic as found in Section 222(c)(1)(A)(ii) could not be implemented prior to the section's sunset. We also tentatively concluded that the transiting arrangements prescribed in our Interim Order should remain intact.

[23] We reached tentative conclusions regarding the following originating/terminating sub-issues: (1) format of the domestic carrier's bill; (2) treatment of bad debts; (3) continuation of the international carriers Early Payment Credit (EPC) programs; (4) protection of proprietary data against improper disclosure and use by competitors; (5) format of the magnetic tape to be provided to the domestic carrier by the international carrier; (6) treatment of non-billable calls; (7) date of settlements; (8) disavowed calls; (9) date of implementation; and (10) the carrier to bear the expenses incurred in altering current billing arrangements.

[24] The following carriers are signatories to the agreement. Consortium Communications International, Inc.; FTC Communications Inc.; Graphnet, Inc.; ITT World Communications Inc.; International Relay, Inc.; RCA Global Communications Inc.; TRT Telecommunications Corporation; The Western Union Telegraph Company; and Western Union International, Inc.

[25] Each party handling a call originating on a domestic network which is routed by a calling subscriber to an overseas point via another party's international network will separately tariff its individual segment charge applicable to such a call.

offered or argued respecting any such controversy.[26]

III. *Discussion*

22. In order to permit the implementation of the intercarrier agreement, we will rescind our existing prescriptions prior to the sunset date. Since the interconnection arrangements specified in our *Interim Order* and *Store-and-Forward Order* were prescribed by us, we may amend these arrangements at any time when the circumstances warrant.[27] We also clarify that our prescriptions for record carrier interconnection arrangements would have terminated on the sunset date.[28] The carriers' agreement may extend beyond the sunset date without any further action by us. We believe that the conditions are now right to amend these prescriptions.

23. We believe that the intercarrier agreement filed by the carriers governs the terms and conditions of interconnection arrangements in a manner consistent with the RCCA. In enacting the RCCA, Congress intended that carriers negotiate their own interconnection agreement for the provision of through services. For example, Sections 222(c)(3) (A) and (B) provide a mechanism for carriers to negotiate their own interconnection arrangements. Section 222(c)(3)(C) provides a mechanism for additional carriers to elect to be subject to the terms of the previously established agreement. The Commission was to prescribe interim arrangements only if the carriers were unable to negotiate their own interconnection agreement. While the time originally established for entering into an agreement has passed, we believe that the carriers should be given the opportunity to implement this agreement. We note that if service is not provided under the terms of this agreement consistent with the public interest, we have continuing jurisdiction under Sections 201 and 203 as well as under those Sections of the RCCA which do not sunset to revisit this matter and prescribe any necessary arrangements.

24. We rescind our existing prescriptions so that the agreement may be implemented pre-sunset. The terms and conditions of the agreement regarding the treatment of international outbound traffic appear to be consistent with the Act, the RCCA and the decision of the court. The agreement governs the terms and conditions of interconnection in a matter consistent with Sections 201 and 222 for the provision of a through service: interconnection of facilities with all other record carriers, interconnection between a carrier's domestic and international segments which is equal in type and quality as that furnished to an interconnecting carrier, retention of transiting tariffs, and provision of access codes. Consistent with the court's decision, the domestic carrier may perform billing, collecting and tariffing functions. The court's decision gave the domestic carrier the responsibility to tariff, collect and bill for the entire call and the domestic carrier, by this agreement, has delegated this responsibility to the international carrier.

25. In our Interim Order, we prescribed a holding factor to compensate domestic carriers in instances where international minutes were used as the basis for billing calculations. At that time, we prescribed a figure based on our estimates of network operations. However, carriers now have had approximately two years of operational experience and should be in a position to implement a more accurate holding factor. If international minutes continue to be used to calculate billable domestic minutes and if a domestic carrier desires to be compensated on the basis of a holding factor, then we shall require such a domestic carrier to file a tariff revision indicating what holding factor it proposes to employ and providing support for this factor in accordance with our rules.

26. In our *Store-and-Forward Decision* we indicated that store-and-forward technology could be utilized to provide both basic and enhanced services. In addition to recognizing that some basic store-and-forward services were within the ambit of the RCCA, we also concluded that certain enhanced store-and-forward offerings which were "traditional" record communication services should be treated under the RCCA as a limited exception to our *Computer II* decision. We concluded that these enhanced store-and-forward services should be tariffed until the RCCA's sunset date, and that interconnection should be established to traditional record communication services regardless if they were basic or enhanced. We affirm those conclusions here: enhanced service offerings should be detariffed, but interconnection to the traditional record services under non-sunsetting provisions of the RCCA should remain intact. This appears to be consistent with the terms of the carrier's agreement.

27. With respect to the post-sunset period, the intercarrier agreement appears to be consistent with the statutory intent and with those provisions of the RCCA which do not sunset on December 29, 1984. Furthermore, our *Interim Order* and subsequent orders make clear that the interconnection arrangements prescribed by us were temporary and were to terminate at the sunset date.[29] There is no reason why the carrier's agreement cannot continue according to its terms past the sunset date.

28. Accordingly, it is ordered, that our existing prescriptions in Docket 82–122 are rescinded so that the agreement may be implemented prior to December 29, 1984.

29. It is further ordered, that if any carrier wishes to retain a holding factor for billing purposes it must file a tariff revision in accordance with our rules supporting such a factor on January 4, 1985 effective February 1, 1985.

30. It is further ordered, that carriers shall file tariff revisions relating to the offering of enhanced store-and-forward services consistent with this order on February 1, 1985 effective on 35 days notice.

31. It is further ordered, that pursuant to Section 4(i), 4(j), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 403(1970), that the inquiry into the above-captioned matter initiated on August 6, 1984 is terminated.

32. It is further ordered, that the Petition for Rulemaking filed by RCA Global Communications is dismissed.

33. It is further ordered, that this order be printed in the **Federal Register.**

34. Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354) it is certified, that Sections 603 and 604 of that Act do not apply because this Report and Order will not have a substantial economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b) (1980 Supp.) The primary economic impact of this order will be upon carriers, not users.

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[26] This issue is being dealt with in Phase II of Docket 78–97.

[27] *See*, e.g. In the Matter of Recording Devices in Connection with Telephone Services, 95 FCC 2d 848 (1983); In the Matter of Applications of GTE Satellite Corporation, 94 FCC 2d 1184 (1983).

[28] We have released orders which reach conclusions pursuant to sections of the RCCA which do not sunset and sections of the Communications Act other than Section 222. Although we have rescinded our prescriptions, we do not wish to revisit issues on which we have already spoken and which are based on non-sunsetting provisions. That is, although we are rescinding our prescription, the statutory interpretations that we have made for non-sunsetting provisions remain intact.

[29] *See*, Interim Order, 89 FCC 2d 929 (1982).

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A

Before the Federal Communications Commission

[CC Docket No. 82-122]

Supplemental Petition for Acceptance of Intercarrier Agreement

In the matter of Interconnection Arrangements Between and Among the Domestic and International Record Carriers.

On September 12, 1984, the undersigned U.S. record carriers submitted to the Commission an agreement among themselves governing future interconnection arrangements, and requested that the Commission permit the early implementation of those arrangements. In order to submit that Agreement as the principal response of those carriers to the Commission's *Further Notice of Proposed Rulemaking* in the above-captioned matter, it was necessary to file an unexecuted copy of the Agreement to meet the Commission's filing date for such responses. The carriers represented that they would submit a fully executed copy of the Agreement to the Commission at the earliest practical date. Accordingly, they are herewith submitting that fully executed copy for filing with the Commission.

Following the initial filing of this Agreement, the carriers have been informally advised by the Commission's Staff that certain clarifications of their intentions with respect to the operation of this Agreement would be desirable as an aid to the Commission's review of the interconnection arrangements proposed therein. These carriers are therefore submitting this Supplemental Petition in an effort to address those questions.

As an initial matter, we note that the September 12 Petition respecting this Agreement sought the Commission's "approval" of the Agreement. The Staff has pointed out that the Commission ordinarily does not "approve" private agreements entered into among parties subject to its jurisdiction.

To clarify our intent in this regard, we note that certain Commission actions are necessary in order to permit the Agreement to be implemented. As reflected in Paragraph C.5. of the Agreement, an essential external condition which must be satisfied for the Agreement to become effective is an early action by the Commission to permit its implementation, in accordance with its terms. Such FCC action must include an appropriate amendment of existing prescriptions to permit revised interconnection arrangements for outbound international telex traffic to be implemented immediately and a declaration that no otherwise continuing prescription of physical interconnection arrangements would remain in effect after December 30, 1984—the latter declaration being required so as to recognize that the Agreement would reflect the sole definition of interconnection arrangements required among the Parties for the eighteen month period following the sunset of the Record Carrier Competition Act.

It was the apparent requirement for such changes in existing Commission prescriptions necessary to the implementation of this Agreement that motivated the Parties' request for approval of that Agreement. However, upon review of the original Petition, the carriers believe that this intent is reasonably clear from the overall tenor of the Petition and that a substitution of the term "acceptance" for the term "approval" (or "accept" for "approve") wherever such terms appear would more closely comport with the relief which they are seeking from the Commission. Accordingly the carriers request that the Commission treat this Supplemental Petition as so amending their original Petition.

The Staff has also inquired as to the Parties' intent with respect to interconnection arrangements for new carriers which are not parties to the Agreement. As indicated in the original Petition respecting this Agreement, the only other carrier known to the Parties to have a potential interest in the interconnection arrangements contemplated by that Agreement was involved in the discussions leading to the Agreement. However that carrier, Puerto Rico Communications Authority, declined to sign the Agreement at this time because it does not have any current international authority, and believes that its existing agreements with other carriers are adequate for its domestic interconnection arrangements. There is no question, however, but that PRCA will be able to become a party to the Agreement at a future date if it so wishes. Similarly, the Parties intend that any other carrier certificated by the Commission to provide domestic or overseas telex or TWX services would be able to become a party to the Agreement. Furthermore, the Parties intend that network access codes would be made available to new carriers, subject to technical limitations inherent in the existing switching equipment and numbering plans for each of the Parties and to such future Commission orders (if any) not inconsistent with the Agreement, respecting access codes.

In addition, the Staff has inquired as to the Parties' intent as to continued maintenance of overseas transit arrangements for other record carriers. The Parties note that such transit arrangements are currently provided pursuant to their interconnection tariffs, and that the Agreement contemplates the continued maintenance of all such tariffed arrangements, pursuant to Paragraph B.2., subject to the option of any Party to amend such tariffed arrangements on 90 days notice to other parties.[1] In the event that a change in such transit arrangements were proposed by a Party, the Commission would have an adequate opportunity to respond to such a proposal through its normal tariff review process.

For the reasons set forth hereinabove, and in the Petition accompanying the September 12, 1984 filing of this Agreement, the undersigned Parties respectfully request that the Commission accept this Agreement and permit its implementation in accordance with its terms at the earliest reasonable date.

Respectfully submitted,

Consortium Communications International, Inc.,

Robert Clifton Burns,

Its Attorney, Cohn & Marks, 1333 New Hampshire Avenue, NW., Washington, DC 20036.

FTC Communications, Inc.,

Roger P. Newell,

Its Attorney, 90 John Street, New York, NY 10038.

Graphnet, Inc.,

Stanford B. Weinstein,

Its Attorney, 1919 Pennsylvania Ave., NW., Suite 210, Washington, DC 20006.

ITT World Communications Inc.,

John A. Ligon,

Its Attorney, 100 Plaza Drive, Secaucus, New Jersey 07096, (201) 330-5769.

[1] The Staff has also noted that the 90-day notice provided for in the Agreement may exceed the notice period required under the Commission's rules for such tariff filings. While the Parties would prefer the administrative convenience of a single 90-day filing for other Parties and the Commission, they will undertake to provide the initial 90-day notice only to other parties, with a subsequent FCC filing on the date for normal notice under the Commission's rules if the Commission objects to receiving such filings at an earlier date.

International Relay, Inc.,
Steven A. Levy,
Its Attorney, Hogan & Hartson, 815 Connecticut Avenue, Washington, DC 20006.

Puerto Rico Communications Authority,
J. Steven Huffines,
Its Attorney, Puerto Rico Federal Affairs Administration, Suite 107, 1400 20th Street, NW., Washington, DC 20036.

RCA Global Communications, Inc.,
Alexander P. Humphrey,
Its Attorney, 2030 M Street, NW., Washington, DC 20036.

TRT Telecommunications Corporation,
Lloyd D. Young,
Regulatory Counsel, 1331 Pennsylvania Avenue, NW., Washington, DC 20004.

The Western Union Telegraph Company,
H. Richard Juhnke,
Its Attorney, 1828 L Street, NW., Suite 1001, Washington, DC 20036.

Western Union International, Inc.,
Robert Michelson,
Its Attorney, 1133 19th Street, NW., Washington, DC 20036.

Dated: September 7, 1984.

Memorandum of Agreement

Representatives of the undersigned U.S. Record Carriers participated in a number of meetings over the past several months concerning implementation of a recent appellate decision which construed the Record Carrier Competition Act of 1981 as providing the domestic carrier on whose network an interconnected through outbound international telex call was initiated with the rights under that statute of an "originating carrier" (*Western Union Telegraph Co.* v. *FCC*, 729 F. 2d 811, D.C. Cir., 1984), and looking toward a possible agreement as to continued physical interconnection arrangements for telex services beyond the sunset date of the Record Carrier Competition Act. Those discussions were initially conducted under the aegis of the Federal Communications Commission (FCC or Commission) staff and, after failing to conclusively resolve all relevant concerns during that phase of the discussions, continued through private negotiations among various of those carrier parties. Those parties have collectively reached an agreement which satisfactorily accommodates their various concerns as to the appellate court ruling and the continuation of physical interconnection arrangements for domestic and international telex services beyond the sunset date, and believe that such arrangements will be in the public interest. This Memorandum of Agreement is a means of formalizing the parties' respective obligations and undertakings.

The parties affirmatively state that nothing in this Agreement is intended to address the appropriate division of charges between interconnected carriers for interconnected domestic, inbound international or, except as may be inconsistent with the specific terms of Section A hereof, outbound international telex (including TWX) traffic (which "division of charges" is inclusive of any charges established by the FCC in CC Docket No. 82–122 for the "termination" of such interconnected traffic), and that nothing in this Agreement, including the Agreement in its entirety or the making of the Agreement by the parties, shall have any bearing on the resolution of any controversy involving such division of charges, including any controversy as to the scope, extent, or continuing effect, if any, beyond the sunset of the Record Carrier Competition Act of the Commission's prescription of any such division of charges. The parties reserve all rights to support or oppose any and all positions which may be offered or argued respecting any such controversy.

With the foregoing caveat, the undersigned parties agree as follows:

A. Interconnection Principles and Billing Arrangements for Real Time Outbound Interconnected International Telex Calls

1. Each party which handles a call originating on a domestic network and which is routed by the calling subscriber, on a real time basis, to an overseas point via another party's international network will separately tariff its individual segment charge applicable to such a call.

2. The end user will be billed the sum of the domestic segment charge and the international segment charge by the party providing the international segment, with such party acting on behalf of the party providing the domestic segment for the billing of that segment charge; the party providing such billing service will show on its bill the total charge to the end user (i.e., the sum of the domestic and international segment charges), and may, as well, provide a basis for the user to determine the separate segment charges.

3. A party providing domestic segment service may choose to bill that domestic segment itself, rather than having that charge billed in its behalf by the party providing the corresponding international segment service. In that event, 90 days' notice to the billing party will be required in order to accommodate data processing and invoice processing changes.

4. The parties acknowledge that, as part of the consideration for this Agreement, the billing party is waiving any right to recover compensation for the provision of billing services to another party and that no compensation for the provision of such services is provided for in the interconnection arrangements contemplated by this Agreement.

5. At all times during which a party providing a domestic segment service elects billing of that service by the party providing the corresponding international segment service, the domestic segment charge will be expressed in "international minutes".

6. In instances where a party providing a domestic segment service elects billing of that service by the party providing the corresponding international segment service, the billing party agrees to remit amounts owed to the other party within 60 days after the end of the month in which the traffic is carried. Such amounts owed to the other party shall be specified in an invoice presented by that other party to the billing party. Such invoice shall be based either on data furnished by the billing party pursuant to Paragraph 7 or, in the absence of such data, on the other party's estimate of such aggregate charges. The billing party will be liable for a late payment charge at the rate of 1.25 percent per month on any amount so invoiced by the other party which is not received by that party within the 60-day period specified above.

7. Consistent with existing practices among the parties, a party providing billing service to another party will provide that other party with a monthly report as to aggregate minutes and charges billed on its behalf.

8. Each party shall bear the burden of any revenue loss attributable to bad debts or disavowed calls for charges associated with its particular segment offering. In this connection, when a party providing domestic segment service elects billing of that service by the party providing the corresponding international segment service, the parties stipulate that 2.75 percent of the sums billed on behalf of the party providing domestic segment service shall constitute a reasonable estimate of the total revenue loss attributable to bad debts and disavowed calls associated with the domestic segment service. In the event the billing party seeks to recover more than the stipulated allowance in any particular month from the other party, it shall provide the other party with documentation

demonstrating the actual revenue losses; provided, however, that any individual bad debt (including debts attributable to bankruptcy) which exceeds $4,000 in domestic segment charges for a given month shall be recoverable by the billing party from the other party over and above its recovery of the stipulated amount, with documentation required only as to that specific customer bad debt.

9. The parties agree not to oppose a special permission application to the FCC by any other party seeking permission to file tariffs implementing the terms of Section A of this Agreement on 30 days' notice. The parties stipulate that nothing in the Communications Act of 1934, as amended, or any FCC order thereunder, precludes the filing of any such tariff; provided, however, that the foregoing shall not preclude any party from challenging the level or structure of rates embodied in such tariff filing as being unjust, unreasonable, unjustly discriminatory, or otherwise unlawful under the Communications Act or Rules and Regulations adopted thereunder by the FCC.

B. Continuation of Physical Interconnection Arrangements

1. The parties stipulate that, under Section 214(a) of the Communications Act and the applicable Regulations thereunder, any discontinuance (other than temporary, emergency or partial discontinuance, as provided for in Section 214(a)) of existing physical interconnection arrangements for domestic or international telex (including TWX) services can be accomplished only after certification by the FCC that the present and future public convenience and necessity would be served by such a discontinuance, and they agree that no party will seek certification from the FCC for any such discontinuance prior to July 1, 1986.

2. The parties further agree that the terms and conditions (other than terms and conditions respecting rates, charges, or other compensation arrangements) governing such physical interconnection of their respective domestic and/or international telex services (both real-time and store-and-forward) will continue to be reflected in tariffs filed with the FCC, and that any changes in such terms and conditions, except as may be specifically addressed in Paragraph 3, will be accomplished only through amendments to such tariffs, with other parties being given at least 90 days' notice of any such amendment to such tariffs, and with any such notice not being given earlier than January 1, 1985; provided, however, that the parties agree to maintain, for the term of this Agreement, the existing allocation of billing responsibility for interconnections provided pursuant to the Store and Forward Order in CC Docket No. 82–122; and provided further that, should the FCC determine not to accept the continued maintenance of such interconnection terms and conditions through tariffs filed by the parties, the parties will enter into an agreement which establishes substantially the same obligations, one to another, as would have been reflected in the tariffs contemplated by this paragraph.

3. For certain specifically identified interconnection parameters, the parties agree either not to make any change through June 30, 1986, or to provide for a longer period of notice and/or close cooperation with other parties for implementation of such changes. Those specific interconnection parameters are:

a. *Grade of Service*—No change in current standard of .01 grade of service.

b. *Interconnection Trunks*—Any reduction in number of interconnection trunks shall be accomplished through mutual agreement as to the number and designation of such trunks.

c. *Network Configurations*

i. Any network reconfiguration by a party requiring changes in interconnection locations shall be without cost to other parties and shall preserve existing inter-network charging arrangements; such reconfigurations will require at least six months' notice to other parties.

ii. Any network reconfiguration which would be transparent to other parties but require testing by those other parties will require at least 90 days' prior notice of such testing requirement.

d. *Signalization Changes*—Any signalization change requested by a party on existing terminations shall be accomplished on at least 90 days' prior notice, if the new signalization is a standard CCITT Rec. U.1 Type A, Type B, or Rec. U.11 Type C/Table 1. Any signalization change which would require software changes by other parties will be subject to mutual agreement of the affected parties, including without limitation the timeframe for such changes; the parties to such agreement will make good faith efforts to implement it in accordance with its terms.

e. *Routing Modifications*—Any routing modification which would require other parties to substantially modify existing network routing (e.g., routing change from west coast to east coast) will require at least 90 days' prior notification.

Alternatively, the parties may agree that any of the changes identified above would only be made after "reasonable notice" to other parties, taking into account particular circumstances related to the specific change contemplated and general industry practice respecting changes of that sort, along with a commitment for mutal cooperation.

4. No party will voluntarily take any action requiring a change in existing access codes for access from its subscribers to the networks of other parties; in the event a party is required to make such changes in access codes by legislative, judicial, or regulatory directive, that party will make its best efforts to assure that assignment of new access codes recognizes and accommodates existing market identities of other parties.

C. General Undertakings and Reservations

1. This Agreement shall become effective upon execution and shall remain in effect through June 30, 1986, unless nullified as provided in Paragraph 5.

2. Each party to this Agreement which elects, or has elected, to include a late-payment charge in its telex interconnection tariffs on file with the FCC with respect to amounts due from other carriers for handling inbound international interconnected telex traffic and domestic interconnected telex traffic shall, within 15 days of the release of a final order of the FCC accepting this Agreement, file revisions to such tariffs to provide that such a charge may not exceed 1.25 percent per month and will apply only to amounts not received within 60 days after the end of the month in which the traffic is carried or 30 days after the date of rendition of the bill, whichever is later.

3. To the extent that section 222(c)(1)(B) of the Communications Act of 1934, as amended, may be interpreted as being inapplicable to the interconnection arrangements contemplated by Section A of this Agreement, the parties stipulate that they will continue to be bound by the "equal treatment" provisions of section 222(c)(1)(B) for such arrangements during the period covered by this Agreement.

4. The parties intend that the existing FCC prescription of physical

interconnection arrangements for record services shall not continue after December 29, 1984 and that this agreement shall govern such interconnection arrangements as provided herein. The parties agree to withdraw support (wherever given) for a petition, dated April 5, 1984, filed by RCA Global Communications, Inc. contemplating a further order by the FCC respecting interconnection arrangements among the parties, and to seek termination of any further action by the FCC in connection with that petition. The parties further agree not to seek any action of the FCC which contemplates a further prescription of existing physical interconnection arrangements that would take effect prior to the termination of this Agreement; provided, however, that the requirements of this paragraph are not intended to limit in any way a party's right to oppose an effort by another party, whether by tariff filing or otherwise, or any similar action proposed by the FCC, to substantially alter the existing division of charges for interconnected traffic, or the relationship between such division of charges and a carrier's charge to the public for totally intra-network service; provided further that parties retain their rights under section 201(a) of the Communications Act of 1934, as amended, to seek interconnection arrangements in other circumstances not covered by this Agreement; and provided further that nothing in this Agreement shall constitute a waiver of any argument that existing physical interconnection arrangements are in compliance with applicable tariffs or shall preclude any party from filing a complaint before the FCC seeking interconnection as prescribed by applicable tariffs.

5. This Agreement shall be submitted to the FCC promptly upon execution and shall become null and void in the event that the Commission has not, within 45 days after its execution:

(a) Permitted its implementation, without modification, by, *inter alia*, issuing an order amending, waiving or revoking the Commission's Interim Order and Tariff Prescription Order in CC Docket No. 82–122, and any other order deemed by the Commission to bar implementation of this Agreement, to the extent necessary to effectuate this Agreement (taking into account the parties' intent that this Agreement does not address any matters, or affect any positions, related to divisions of charges for the handling of interconnected traffic) between that time and December 29, 1984; and

(b) Declared that no otherwise continuing prescription of record carrier interconnection arrangements (other than as to divisions of charges for the handling of interconnected traffic) shall remain in effect on and after December 30, 1984—it being the intent of the parties that the arrangements established pursuant to this Agreement shall replace and supersede all previously prescribed physical interconnection arrangements (including, specifically, those contained in the Interim Order, the Tariff Prescription Order and the Store and Forward Order in CC Docket No. 82–122), and the parties having hereinabove agreed that this Agreement (as well as any Commission action with respect thereto) is in no way intended to affect the division of charges which have previously been prescribed or otherwise established for the handling of interconnected traffic, and have reserved all positions with respect to such charges.

In witness whereof the undersigned Parties have executed this Memorandum of Agreement this 25th day of September, 1984.

Consortium Communications International, Inc.,
Yaakov Elkon,
President.

FTC Communications, Inc.,
Roger P. Newell,
Vice President.

Graphnet, Inc.,
Stanford B. Weinstein,
Vice President.

ITT World Communications Inc.,
John O'Boyle,
Vice President.

International Relay, Inc.,
Steven Geiger,
President.

RCA Global Communications, Inc.,
Lawrence M. Codacovi,
Executive Vice President.

TRT Telecommunications Corporation,
Roderick A. Mette,
Vice President.

The Western Union Telegraph Company,
John W. Pope, Jr.,
Vice President.

Western Union International, Inc.
Sergio Wernikoff,
Vice President.

[FR Doc. 84–31103 Filed 11–28–84; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 41045–4145]

Regulations Governing the Taking and Importing of Marine Mammals

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

ACTION: Final rule-technical amendment.

SUMMARY: NOAA issues this technical amendment to implement the 1984 amendments to the Marine Mammal Protection Act of 1972 (MMPA). The MMPA directs the Secretary of Commerce (Secretary) to extend the general permit issued to the American Tunaboat Association, establish quotas for the eastern spinner and coastal spotted dolphins, and implement a scientific research program to monitor the status of the porpoise stocks involved in the tuna fishery. This action is intended to carry out the mandates expressed by Congress in amending the MMPA.

EFFECTIVE DATE: December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Svein Fougner (NMFS, Southwest Region), 213–548–2518; or Mr. Kenn Hollingshead (NMFS, Washington, D.C.), 202–634–7529.

SUPPLEMENTARY INFORMATION:

General Permit and Quotas

The 1984 amendments to the MMPA extend the Category 2 general permit issued on December 1, 1980, to the American Tunaboat Association, subject to a number of conditions and exceptions. First, the general permit would cease to have force and effect if it were surrendered by the permit holder or terminated by the Secretary. The second permit condition incorporates the standard in Section 101(a)(2) of the MMPA which states that the goal of the Act is to reduce the rate of incidental kill or serious injury of marine mammals to insignificant levels approaching zero, but provides that this goal is satisfied in the case of purse seine fishing for yellowfin tuna by continuation of the application of the best marine mammal safety techniques that are economically and technologically practicable.

The third condition states that the terms and conditions of the general permit will remain in force for the duration of the permit with several exceptions. The first exception allows the Secretary to make adjustments in the requirements relating to fishing gear,

fishing practices and permit administration as may be appropriate and consistent with the goals of the MMPA. However, because these changes are not specifically mandated, and because they require a change in the rules, not merely a change in the general permit, any modifications such as changing procedural regulations to guidelines are subject to formal rulemaking procedures as mandated by section 103(d) of the MMPA.

The second exception allows the terms and conditions to be amended or terminated if the decision to do so is based on the best scientific information available. In order to acquire this scientific information the Secretary is directed by these amendments to conduct a scientific research program for at least five years to assess trends in porpoise stock levels for those stocks affected by purse seining for yellowfin tuna and to develop indices of abundance for these stocks. These studies would provide a rational basis for determining if marine mammal stocks are being adversely affected by incidental take and whether the general permit should be modified accordingly.

The third exception provides for a limited quota for the incidental take of two stocks of porpoise for which no quota is provided under the current permit. It allows an annual incidental take of up to 250 coastal spotted dolphins (*Stenella attenuata*) and 2,750 eastern spinner dolphin (*Stenella longirostris*). However, as mentioned above, if the Secretary determines through the scientific research program, that a stock of porpoise is being significantly adversely affected, he could adjust the quota on that stock or institute other protective measures. The amendments also require that these new quotas are to be included within and not be in addition to the overall annual quota of 20,500 dolphins in the General Permit. The NMFS wishes to make it clear that all marine mammals taken, whether under quota or not under quota, will be counted within the aggregate quota of 20,500.

Enforcement Policy on Accidental Take

As mandated by the 1984 amendments to the MMPA, the accidental take enforcement policy (50 CFR 216.24(d)(2)(i)(C)) is modified to exclude the coastal spotted and eastern spinner dolphin stocks. As amended, the MMPA stipulates that, "No accidental taking of either species (i.e., coastal spotted dolphin and eastern spinner dolphin) is authorized at any time when an incidental taking of that species is permitted." This means that if the quota on either species is reached, the accidental take policy will not apply to cover further takings of that species.

The accidental take policy will continue to maintain its original intent which was to recognize (1) that small numbers of non-target species or stocks of porpoise may occur occasionally in larger schools of target species (i.e., those that are normally associated with tuna), and (2) the difficulty of stopping a porpoise set after it is initiated and prohibited species/stocks are discovered in the net. Although the eastern spinner stock has accounted for most of the accidental mortality, since this stock occurs in large mixed schools of targeted offshore spotted and whitebelly spinners, approximately eleven other species of porpoise for which no quotas have been issued would remain covered by the accidental take policy.

Classification

The NMFS has determined that the regulation modifications being made at 50 CFR 216.24 may have a significant impact on the human environment. However, the NMFS has also determined that the action contained herein is statutorily mandated and as such, the Secretary has no discretionary ability to consider alternatives in this matter. Therefore, no purpose would be served by preparing an environmental impact statement. (See *State of Minnesota by Alexander* v. *Block*, 660 F.2d. 1240, 1259 (8th Cir. 1981)).

The 1984 amendments of the MMPA, mandate that certain actions be in place no later than January 1, 1985. These amendments, for which the administration also has no discretionary ability to consider alternative approaches are contained in this rulemaking. Because of this lack of discretionary ability, the Agency has determined that notice and public procedures thereon are impracticable and unnecessary in this rulemaking. Furthermore, because notice and public procedures are not required, this proceeding is exempt from the requirements of the Regulatory Flexibility Act. Likewise, the procedures of E.O. 12291 are not permitted by law, and thus are inapplicable under Section 2 of that order. This final rule is being reported to the Director, Office of Management and Budget (OMB) with an explanation of why it is not possible to follow procedures of that order.

The collection of information for general permits and certificates of inclusion has been approved by OMB under OMB No. 0648–0083. This rule will not result in an increased paperwork burden as no additional recordkeeping is involved.

List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Imports, Indians, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

Dated: November 20, 1984.

Carmen J. Blondin,

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

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

For the reasons set forth in the preamble, 50 CFR Part 216 is amended as follows:

1. The authority citation for Part 216 reads as follows:

Authority: 16 U.S.C. 1361–1407.

2. Section 216.24 is amended by removing paragraph (d)(2)(i)(A)(*1*), redesignating paragraphs (d)(2)(i) (A)(*2*) and (A)(*3*) as (A)(*1*) and (A)(*2*) and revising newly redesignated paragraph (d)(2)(i)(A)(*2*), and paragraphs (d)(2)(i)(C) and (d)(2)(i)(D) to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * *

(d) * * *

(2) * * *

(i) * * *

(A) * * *

(*2*) Any other species or stock or marine mammals that does not have an allowable take as listed below or whose allowable take has been exceeded. The numbers of marine mammals that may be taken during each calendar year by U.S. vessels in the course of commercial fishing operations will be limited to:

Quotas for each calendar year		Take	Encirclement	Mortality[1]
Species/stock	Management unit			
Spotted dolphin.	(northern offshore)[3].	16,570,000	10,338,000	20,500
Do	(southern offshore).	4,605,000	2,873,000	5,697
Do	(coastal)	202,000	126,000	[5] 250
Spinner dolphin.	(eastern)	2,222,000	1,386,000	[3]2,750
Do	(northern whitebelly).	1,205,000	699,000	5,321
Do	(southern whitebelly)[4].	568,000	329,000	2,506
Common dolphin.	(northern tropical)[5].	723,000	450,000	1,890
Do	(central tropical).	2,619,000	845,000	8,112
Do	(southern tropical).	1,306,000	421,000	4,045
Striped dolphin.	(northern tropical).	28,000	21,000	429
Do	(central tropical).	118,000	89,000	1,822

Quotas for each calendar year		Take	Encirclement	Mortality[1]
Species/stock	Management unit			
Do	(southern tropical).	265,000	199,000	4,095

[1] The U.S. allowable mortality in any one year may not exceed 20,500.
[2] Fifty percent of replacement yield for the northern offshore spotted dolphin is 42,898; however, the maximum allowable mortality in any year is 20,500.
[3] Mortality level established by Pub. L. 98-364; not subject to flexible mortality schedule published in 46 FR 42068-42069 (August 19, 1981).
[4] Includes allowance for mixed species take.
[5] Includes Baja neritic dolphin stock.

* * * * *

(C) Except for the coastal spotted dolphin stock and the eastern spinner dolphin stock, if at the time the net skiff attached to the net is released from the vessel at the start of a set, and species or stocks that are prohibited from being taken are not reasonably observable, the fact that individuals of that species or stock are subsequently taken will not be cause for issuance of a notice of violation provided that all procedures required by the applicable regulations have been followed.

(D) The general permit is valid until surrendered by the permit holder or suspended or terminated by the Assistant Administrator provided the permittee and certificate holders under this part continue to use the best marine mammal safety techniques and equipment that are economically and technologically practicable. The Assistant Administrator may, upon receipt of new information which in his opinion is sufficient to require modification of the general permit or regulations, propose to modify such after consultation with the Marine Mammal Commission. These modifications must be consistent with and necessary to carry out the purposes of the Act. Any modifications proposed by the Assistant Administrator involving changes in the quotas will include the statements required by section 103(d) of the Act. Modifications will be proposed in the **Federal Register** and a public comment period will be allowed. At the request of any interested person within 15 days after publication of the proposed modification in the **Federal Register**, the Assistant Administrator may hold a public hearing to receive and evaluate evidence in those circumstances where he has determined it to be consistent with and necessary to carry out the purposes of the Act. Such request may be for a formal hearing on the record before an Administrative Law Judge. Within 10 days after receipt of the request for a public hearing, the Assistant Administrator will provide the requesting party or parties with his decision. If a request is denied, the Assistant Administrator will state the reasons for the denial. Within 10 days after receipt of a decision denying a request for a formal hearing, the requesting person may file a written notice of appeal with the Administrator. Based upon the evidence presented in the notice, the Administrator will render a decision within 20 days from receipt of the notice.

* * * * *

[FR Doc. 84-31273 Filed 11-28-84; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 231
Thursday, November 29, 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 HOME LOAN BANK BOARD

12 CFR Part 591

[No. 84-667]

Preemption of State Due-on-Sale Laws; Imposition of Prepayment Penalties

Dated: November 21, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Extension of comment period and revised proposed effective date.

SUMMARY: The Federal Home Loan Bank Board ("Board") is extending the comment period and revising the proposed effective date for a proposed amendment to its regulation prohibiting lenders from imposing prepayment penalties for or in connection with acceleration of loans on the security of borrower-occupied homes by the exercise of due-on-sales clauses.

DATES: Comments must be received by January 28, 1985.

The proposed effective date for any final rule which the Board may adopt will be 30 days after the publication of such final rule.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Joseph Longino, Attorney, Office of General Counsel, (202) 377-6446, at the above address.

SUPPLEMENTARY INFORMATION: The Board is extending the comment period on a proposed amendment to its regulation prohibiting lenders from imposing prepayment penalties for or in connection with acceleration of loans on the security of borrower-occupied homes by the exercise of due-on-sale clauses. 12 CFR 591.5(b)(2).

The proposed rule, 49 FR 32081 (Aug. 10, 1984), would increase consumer protection by providing that a prepayment penalty may not be imposed if a lender (1) exercises a due-on-sale clause by written notice, (2) commences a foreclosure proceeding to enforce a due-on-sale clause or to seek payment in full as a result of invoking such a clause, or (3) fails to consent within a reasonable time to the written request of a qualified purchaser to assume the loan in accordance with its terms, and thereafter the borrower sells or transfers his home to that purchaser and prepays the loan in full.

Because it wished to expedite the rulemaking process as a means of minimizing uncertainty in the home-lending market pending final action on the proposed rule, the Board provided for a 30-day period for comment on the proposal, requesting that comments be received by September 10, 1984. The Board has determined to extend this comment period for an additional 60 days from the date of this notice because the technical complexity of issues raised in comments received has persuaded the Board that an additional period is appropriate to permit thorough evaluation of such issues.

In its proposal, the Board notified the public that the effective date of the rule, if adopted in final form, would be August 10, 1984, which is the date of publication of the proposal. However, in light of this extension of the comment period and the further consideration of additional comments which this extension will require, the Board hereby revises the proposed effective date for any final rule which the Board may adopt to be 30 days following the publication of such final rule in the Federal Register.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-31166 Filed 11-28-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9160]

Ward Corp., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require five Rockville, Maryland builders and sellers of residential housing, together with a corporate officer, among other things, to cease failing to fully honor valid warranty claims within a reasonable period of time; representing that materials are defect-free, unless defects due to faulty material, workmanship or design are corrected or remedied within a reasonable period of time; failing to provide purchasers with building lots substantially conforming to the physical characteristics represented by the sellers; and failing to disclose prior to the signing of a sales contract, all disclaimers or limitations of the firms' responsibilities with regard to the physical condition of the lot. The text of all written warranties would have to be clearly and conspicuously displayed in sales offices and model homes and a copy of such warranties provided to prospective buyers if requested. In addition, the firms would be required to provide future purchases with an opportunity to arbitrate warranty disputes; provide arbitration to homeowners who had purchased their homes in the year preceding the effective date of the order; and, subject to conditions set forth in the order, provide repairs and/or cash payments to qualified homeowners who had purchased their homes between March 10, 1978 and a date one year prior to the effective date of the order, and who still own these homes when the consent order becomes effective.

DATE: Comments must be received on or before January 28, 1985.

ADDRESS: Comments should be directed to: FTC/Office of the Secretary, Room 136, 6th and Pa. Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Louise R. Jung, H-519, Federal Trade Commission, Washington, D.C. 20580. (202) 523-4489.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice

is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Residential housing builders and sellers, Trade practices.

In the matter of Ward Corporation, Ward Development Company, Inc., Ward Component Systems, Inc., Richlynn Development, Inc., Richlynn Land Developers, Inc., corporations, and Richard E. Ward, individually, and as an officer of said corporations (Docket No. 9160); Agreement containing consent order to cease and desist.

The Agreement herein, by and between respondents Ward Corporation, Ward Development Company, Inc., Ward Component Systems, Inc., Richlynn Development, Inc., Richlynn Land Developers, Inc., and Richard E. Ward (hereafter "respondents"), and the Federal Trade Commission, is entered into in accordance with the Commission's Rules governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondents Ward Corporation, Ward Development Company, Inc., and Ward Component Systems, Inc., are corporations organized, existing and doing business under and by virtue of the laws of the State of Maryland, with their principal place of business located at 1300 Piccard Drive, Rockville, Maryland 20850. Respondents Richlynn Development, Inc. and Richlynn Land Developers, Inc. are corporations organized, existing and doing business under and by virtue of the laws of the State of Virginia, with their principal place of business located at 1300 Piccard Drive, Rockville, Maryland 20850. Respondent Richard E. Ward is an officer of each said corporate respondent, and his principal place of business is the same as indicated herein for each said corporate respondent.

2. Respondents have been served with a complaint issued by the Federal Trade Commission charging them with violations of Section 5 of the Federal Trade Commission Act, and have filed an answer to said complaint denying said charges.

3. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of the law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement; and

(d) any claim under the Equal Access to Justice Act.

5. This Agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Agreement and so notify the respondents in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This Agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said complaint issued by the Commission.

7. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondents (1) issue its decision containing the following Order to Cease and Desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order to Cease and Desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to Order to respondents' address as stated in this Agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or in the Agreement may be used to vary or to contradict the terms of the Order.

8. Respondents have read the complaint and the Order contemplated hereby. They understand that once the Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

9. With respect to the unfair or deceptive acts or practices which are alleged in the complaint and which occurred prior to the date of service of this Order, the Commission hereby waives all claims it may have against respondents for consumer redress under section 19 of the Federal Trade Commission Act, 15 U.S.C. 57b.

Order

I

It is ordered that respondents Ward Corporation, Ward Development Company, Inc., Ward Component Systems, Inc., Richlynn Development, Inc., and Richlynn Land Developers, Inc., corporations, and respondent Richard E. Ward, individually and as an officer of the corporations, their successors and assigns, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the construction, advertising, offering for sale, or sale of any new single-family unit which is a detached structure, an attached or semi-attached townhouse unit or a twin unit (hereinafter referred to as "residential home") in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents will correct, repair or otherwise remedy any defect due to faulty materials, workmanship or design unless respondents do, in fact, correct, repair or otherwise remedy such defect within a reasonable period of time after receipt of a homeowner's valid request to do so.

2. Representing, directly or by implication, that the materials, workmanship or design is defect-free or meets or will meet a specified level of performance, unless the representation is, in fact, true or, in the event of any defect or a failure to meet the specified level of performance, respondents do, in fact, correct, repair or otherwise remedy such defect within a reasonable period

of time after receipt of a homeowner's valid request to do so.

3. Failing to honor fully every valid warranty claim within a reasonable period of time after receipt of a homeowner's request therefor; provided, however, that nothing herein shall be construed as precluding respondents from denying or contesting a warranty claim believed in reasonable good faith to be without merit or, in such cases, from invoking any other rights provided by law.

4. Failing, whenever respondents represent, directly or by implication, that the lot offered to a purchaser will have certain physical characteristics including, but not limited to, size, contours, drainage, soil preparation, and seeding, to provide the purchaser with a lot conforming substantially to such representation.

5. Failing, prior to the time a sales contract for a new residential home is signed, to disclose clearly and conspicuously in writing to the prospective purchaser all disclaimers or limitations of respondents' responsibilities with regard to the physical condition of the lot.

II

It is further ordered that respondents, in connection with the sale of any new residential home settled after the home directly or by implication, that respondents will correct or complete items listed on an "Orientation Inspection Sheet" or any similar document reflecting the results of the purchaser's presettlement inspection of the home, unless respondents:

(a) Prior to settlement, inspect the home with the purchaser and any accompanying person(s), including (if desired) an inspector chosen by the purchaser, and list every readily apparent problem or incomplete item on an Orientation Inspection Sheet or similarly designated document;

(b) Correct or complete all such listed problems or items within one hundred and twenty (120) days of the inspection, subject to *force majeure*, labor disruptions, or any other events reasonably beyond respondents' control, in which case respondents shall correct or complete such problems or items within a reasonable period of time; and

(c) Disclose to the purchaser clearly and conspicuously on a copy of the Orientation Inspection Sheet or similarly designated document provided to the purchaser that, subject to events reasonably beyond respondents' control, all listed problems or items will be corrected or completed within one hundred and twenty (120) days.

III

It is further ordered that, in connection with any offering for sale of any new residential home for which a written warranty is offered, respondents shall:

1. Clearly and conspicuously display in each sales office and in each model home:

(a) The text of the warranty.

(b) A notice, in plain and readily understood language, that copies of the warranty may be obtained free of charge upon request.

2. Provide a copy of the warranty to each prospective purchaser who requests one.

3. Furnish to each purchaser a copy of the warranty prior to or at the time of execution of the sales contract for a new home.

4. Disclose clearly and conspicuously within the warranty any limitations on, disclaimers of, or exclusions from coverage under the written warranty or any implied warranty arising under state law; provided, however, that respondents shall not make any representation, written or oral, concerning any such limitation, disclaimer or exclusion where such limitation, disclaimer or exclusion is prohibited by state or federal law.

IV

It is further ordered that, in connection with each sale of a new residential home for which a written warranty is offered, respondents shall establish and abide by an informal dispute resolution procedure as described in Appendix A. Respondents shall furnish to each purchaser of such a home a copy of Appendix A or a comparable written explanation of said informal dispute resolution procedure prior to, or at the time of, execution of the sales contract for the new home; provided, however, that nothing herein shall prohibit respondents from utilizing a form of sales contract which clearly and conspicuously discloses that the homeowner agrees to invoke the aforementioned dispute resolution procedure prior to invoking any other remedy provided by law.

V

It is further ordered that, if respondents deny any written request for warranty work under respondents' written warranty, respondents shall, within thirty (30) days after receipt of the request, provide the homeowner with a written statement of reasons for the denial, together with notice of the homeowner's right to submit any such warranty dispute to the informal dispute resolution procedure provided for in Paragraph IV of this Order.

VI

It is further ordered that, in connection with any offering for sale of a new residential home for which no written warranty is offered, respondents shall, prior to the time of execution of the sales contract, disclose clearly and conspicuously in writing to the prospective purchaser the fact that no written warranty is offered and any limitations on, disclaimers of, and exclusions from any implied warranty arising under state law; provided, however, that respondents shall not make any representation, written or oral, concerning any such limitation, disclaimer or exclusion where such limitation, disclaimer or exclusion is prohibited by state or federal law.

VII

It is further ordered that, for each homeowner who took title to a home from respondents from March 10, 1978, to one year prior to the date of service of this Order and who as of the date of service of this Order is still the owner of that home, respondents shall establish and abide by the redress procedure and dispute resolution mechanism described in Appendix B for any claim made by the homeowner under any written warranty or under any express or implied warranty arising from state law and for any claim made by the homeowner relating to the pre-settlement inspection of the home, provided that:

(1) In the case of a warranty claim, the homeowner made a claim to respondents during the first year after settlement, and there is credible written evidence in respondents' or the homeowner's possession to establish that such a claim was then made;

(2) In the case of a claim relating to the pre-settlement inspection, the homeowner or respondents had at the time listed the problem or item on the Orientation Inspection Sheet;

(3) The claim relating to a specific problem or item has a value of $500 or more, measured by the greater of the homeowner's actual out-of-pocket expenses reasonably incurred or the reasonable estimated cost of repair by a contractor. (All problems or items resulting from the same cause and involving the same component(s) or defect(s) shall be deemed to be a single problem or item for purposes of determining value. For example, a number of leaking windows in a home caused by improper installation of the

windows shall be deemed to be a single problem or item.);

(4) Respondents refused or otherwise failed adequately to satisfy the homeowner's claim; and

(5) In the case of a home in which the homeowner has modified the affected part in a manner that substantially increases the cost of repairing or correcting the alleged problem or item but the homeowner nonetheless establishes that the alleged problem or item existed prior to the modification, respondents shall not be required to bear the increase in cost of repair or correction resulting from the modification.

VIII

It is further ordered that, for each homeowner who took title to a home from respondents within one year prior to the date of service of this Order and who as of the date of service of this Order is still the owner of the home, respondents shall establish and abide by an informal dispute resolution procedure substantially similar to that described in Appendix A for any claim made by the homeowner under any written warranty or under any express or implied warranty arising from state law and for any claim made by the homeowner relating to the presettlement inspection of the home and that within sixty (60) days after this Order becomes final, respondents shall provide each such homeowner with the notice letter attached hereto as Appendix C, along with a copy of Appendix A, or a comparable written explanation of said informal dispute resolution procedure.

IX

It is further ordered that in connection with any sale of a new residential home respondents shall maintain for three years after the date of transfer of title or of delivery of the home to the purchaser, whichever is earlier, and upon reasonable notice make available to the Commission for inspection and copying all non-privileged correspondence, memoranda and other documents regarding complaints or requests for repairs made to respondents by the purchasers, including all documents relating to repairs made by respondents to the home and all documents relating to disputes handled under this informal dispute resolution procedures required by this Order.

X

It is further ordered that respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance obligations arising out of this Order.

XI

It is further ordered that respondents shall, within thirty (30) days of the date of service of this Order, distribute a copy of this Order to (a) each of respondents' operating subsidiaries and divisions, and (b) each officer and salaried employee of respondents and of said subsidiaries and divisions engaged in the construction, advertising, offering for sale, or sale of any new residential home(s).

XII

It is further ordered that within six (6) months after the date of service of this Order and within six (6) months after the completion of all respondents' obligations pursuant to paragraph VII of this Order, respondents shall file with the Commission a report, in writing, setting forth in detail the manner in which they have complied with this Order.

XIII

It is further ordered that all provisions of this Order except Subparagraphs 1, 2, 3 and 4 of Paragraph I shall be vacated ten (10) years after the date of service of this Order.

XIV

It is further ordered that no provision of this Order shall apply to any person, partnership, corporation or other entity not named herein unless respondents, individually or collectively, either have (a) a majority equity position in, (b) actual working control over, or (c) management responsibility for such person, partnership, corporation or other entity.

Appendix A

The informal dispute resolution procedure required by Paragraph IV of this Order shall be available to homeowners for an initiation fee of no more than $75.00 during the first three years after the effective date of this Order provision, no more than $100.00 during the fourth through sixth years after the effective date of this Order provision, and no more than $125.00 during the remaining years that this Order provision remains in effect. Provided, however, that in no event shall the initiation fee constitute more than half of the total cost of the procedure. Respondents shall be ordered to return or reimburse any such fee as part of the decision at the end of the procedure if the homeowner's claim is determined to be meritorious.

Upon invocation of this procedure by a homeowner, respondents shall appoint an arbitrator who is independent and knowledgeable in home construction and who has been either selected by an independent third-party organization experienced in dispute resolution or approved, in writing, by the homeowner. In ruling on claims submitted to him/her for resolution, the arbitrator shall (a) be bound by the provisions of respondents' written warranty and any express or implied warranties arising from state law and (b) use the Home Owners Warranty Program Quality Standards which are applicable to the first year of ownership of the home and any applicable provisions of the building code in the jurisdiction in which the home is located to interpret all applicable warranty provisions. He/she may also consider any applicable Orientation Inspection Sheet or similar document relating to an applicable pre-settlement inspection.

The arbitrator shall render a written decision on all claims submitted for resolution within sixty (60) days of respondents' receipt of the initiation fee, and shall promptly provide a copy of his/her decision to the homeowner and respondents. (If the homeowner is required under the sales contract to pursue this procedure prior to invoking any other legal remedy, he/she will be deemed to have fulfilled that requirement if a decision is not rendered within the required sixty-day period.) Such decisions shall be limited to determinations of the existence of defects or other problems within the scope of respondents' obligations, the nature of and time within which respondents should make required repairs or corrections, and, if the submitted claim is determined to be meritorious return or reimbursement of the homeowner's initiation fee. The arbitrator's decision on each submitted claim shall be binding on respondents but not on the homeowner.

Appendix B

The procedure for redress under Paragraph VII of the Order shall include the following:

A. Within sixty (60) days after the Order becomes final, respondents shall provide each homeowner covered by paragraph VII with the attached documents and a detailed description of the dispute resolution mechanism and its possible uses.

B. Within sixty (60) days after the mailing date of respondent's notice to

the homeowner of his/her right to file claims for redress, the homeowner shall mail his/her claim to respondents or forfeit any right to repairs or reimbursement under this Order.

C. Within sixty (60) days after receipt of any claim for redress, respondents shall respond in writing to the homeowner by either:

(1) Offering, within a stated time, to correct or repair the problem or item or to pay the homeowner an amount of money in settlement of the claim, and at the same time informing the homeowner of his/her right to accept or reject the offer, along with notice that:

(a) If a homeowner accepts the offer, he/she has the right to submit any dispute over respondent's performance under the offer to the dispute resolution mechanism; and

(b) If a homeowner rejects the offer, he/she has the right to submit the disputed claim to the dispute resolution mechanism.

(2) Denying the claim and at the same time giving the homeowner a detailed explanation of the reasons for the denial, along with notice that the homeowner has the right to submit the denied claim to the dispute resolution mechanism.

D. If a homeowner accepts the offered remedy, respondents shall perform the remedy within the time promised.

E. The dispute resolution mechanism shall:

(1) Be available to homeowners for an initiation fee of no more than $75.00. Provided, however, that in no event shall the initiation fee constitute more than half of the total cost of the procedure.

(2) Use an arbitrator who is independent and knowledgeable in home construction and who has been either selected by an independent third-party organization experienced in dispute resolution or approved, in writing, by the homeowner. In decisions relating to warranty claims, he/she shall be bound by the provisions of the written warranty and warranties implied under state law. The arbitrator shall use the Home Owners Warranty Program Quality Standards which are applicable to the first year of ownership of the home and any applicable provisions of the building code in the jurisdiction in which the home is located to interpret the warranty provisions.

(3) Render a decision in writing within sixty (60) days of respondent's receipt of the initiation fee. The arbitrator shall provide a copy of that decision to the homeowner and respondents within one week of rendering it. The arbitrator's decision shall be binding on respondents but not on the homeowner, who, at the time he/she receives a copy of the arbitrator's decision, shall be provided by the arbitrator or respondents with notice of his/her right to accept or reject the offer, along with notice that:

(a) If the homeowner accepts the decision, he/she has the right to submit any dispute over compliance with the decision to the dispute resolution mechanism; and

(b) If the homeowner rejects the decision, he/she has the right to pursue any other legal remedies available to him/her.

F. The arbitrator shall include in his/her decision an award of reimbursement of the initiation fee unless the arbitrator determines that the homeowner's claim was not substantially justified.

Attachment 1 to Appendix B

Dear Ward/Richlynn Homeowner: This letter is to notify you that you may be entitled to certain repairs made to your home free of charge. You may also be entitled to be reimbursed for money you already spent repairing your home.

Ward Development Company, Inc. ("Ward") and Richlynn Dedvelopment, Inc. ("Richlynn") recently agreed with the Federal Trade Commission to make certain home repairs without charge or to reimburse homeowners for repairs previously paid for by homeowners. If you purchased (that is took title to) a home from Ward or Richlynn from March 10, 1978, to [one year prior to date of service of the Order] and still own that home today, you may be entitled to have no-cost repairs made under the written warranty we gave you. A copy of this warranty is attached to this letter as Appendix A. You may also be entitled to have no-cost repairs made to items that were listed during the presettlement inspection you made around the time you took title to your home. In addition, you may be entitled to reimbursement for money you spent repairing your home due to Ward or Richlynn's failure to do the repairs covered by the warranty or the presettlement inspection list.

Warranty Problems

You are eligible for a repair or reimbursement under the warranty if all of the following are true:

1. During your first year of ownership, you experienced a problem that was covered by the warranty;

2. You, Ward or Richlynn have some credible written evidence that you notified Ward or Richlynn of the problem during your first year of ownership. (If you do not have a letter or any other written record that you made a complaint to Ward or Richlynn, we will check our customer files to see if we have any record of your complaint. Our files may contain a work order, for example. We will consider your claim for a warranty problem *only* if there is some credible written evidence that you notified us of the problem during your first year of ownership.)

3. Ward or Richlynn refused to repair the problem or inadequately repaired the problem; and

4. The claim has a value of $500 or more, measured by the highest of the following:

—The reasonable estimated cost of repair by a contractor; or

—The homeowner's actual out-of-pocket expenses reasonably spent to repair the problem.

Pre-Settlement Inspection Items

You are eligible for a repair or reimbursement pursuant to the pre-settlement inspection list if all of the following are true:

1. The item was listed on the Orientation Inspection Sheet;

2. Ward or Richlynn refused to repair the item or inadequately repaired the item; and

3. The claim has a value of $500 or more, measured by the highest of the following:

—The reasonable estimated cost of repair by a contractor; or

—The homeowner's actual out-of -pocket expenses reasonably spent to repair the problem.

Limitation of Repair or Reimbursement Under the Warranty or Presettlement Inspection List

Please note, however, that if you have modified the part of your home affected by the claimed problem or item in a manner that substantially increases the cost of repair or correction, you must establish that the problem or item existed prior to the modification. And, even then, we will not bear the increase in cost of repair or correction resulting from the modification. For example, if you finished your basement and thus covered up the problem, we cannot be responsible for the cost of refinishing your basement after our repair work.

What you must do

If you think you are eligible for repairs or reimbursement under the warranty or the pre-settlement inspection or both, please fill out the enclosed "Claim Form" and mail it to:

Att: (*name of Ward/Richlynn representative*)
Ward/Richlynn, 1300 Piccard Drive, Rockville, Maryland 20850.

You *must* mail this claim form by 60 days from the mailing date of this letter. If you miss the deadline, you will lose your right to repairs or reimbursement under the terms of our agreement with the Federal Trade Commission. Remember to keep a copy of your claim form and a record of the date you mail it, just in case your claim gets lost in the mail.

Ward/Richlynn will notify you within sixty (60) days of receipt of your claim form about whether we will honor your claim. If you are not satisfied with what we offer you as a repair or reimbursement, you will have the right to take the dispute to an impartial arbitrator. If Ward/Richlynn disputes any part of your claim, we will tell you why we are disputing the claim. You will also have the right to take this dispute to an impartial arbitrator. A description of the arbitration procedures is attached to this letter as Appendix B.

If you have any questions about this repair and reimbursement program, call [name of Ward/Richlynn representative] at [phone

number] between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

If you have any comments or concerns about how well Ward/Richlynn is responding to your claim, you might wish to send them to the Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, D.C. 20580. Do *not* send your claim form to that address; if you do so you might lose your right to repairs or reimbursement due to delays in Ward/Richlynn's receipt of the claim form.

Very truly yours,

Ward Development Company, Inc.

Richlynn Development, Inc.

Enclosures

Attachment 2 to Appendix B: Claim Form

This claim form must be mailed by 60 days from the mailing date of the letter of notification. If you miss this deadline, you will lose your right to repairs or reimbursement under the terms of the agreement between Ward/Richlynn and the Federal Trade Commission.

I

Name(s) of Homeowner(s) _____
Telephone (Home) _____
(Work) _____

Mailing Address

_____

(Street)

_____

(City) (State) (Zip Code)
Today's date_____

II

I(we) purchased a home from:

( ) Ward Development Company, Inc.
( ) Richlynn Development, Inc.
( ) An affiliate of Ward Development or Richlynn Development

_____

(Enter name of company)

III

The date of settlement/closing on my(our) Ward/Richlynn home was_____. (Enter date you took title)

IV

MARK ONE

( ) Yes, I(we) am(are) the current owner of this Ward/Richlynn home.
( ) No, I(we) do not currently own this Ward/Richlynn home.

Note.—To be eligible for repairs or reimbursement by Ward/Richlynn, you must be *both* the purchaser of a new home from Ward/Richlynn from March 10, 1978, to [one year prior to date of service of the Order] *and* the current owner of this Ward/Richlynn home.

V

The address of my(our) Ward/Richlynn home is

_____

(Street)

_____

(City (State) (Zip Code)

_____

(Name of Subdivision)

VI

Instructions for Warranty Claims

- Use additional sheets of paper if necessary.
- List each problem separately.
- Describe in detail the nature of the problem.
- Attach a copy (*not* originals) of any written evidence you have that you notified Ward or Richlynn of the problem during your first year of ownership.
- If you are requesting reimbursement for money you spent for repairs, attach the following: a description of the repairs which were made, a copy (*not* originals) of the cancelled check or receipt showing that you paid for repairs, and a copy (*not* originals) of any other document(s) you have that shows what repairs were made and what you paid for them.

Note.—If you do not have any written record that you made a complaint to us about a warranty problem, we will check our customer files to see if we have any written records (such as work orders) that you made a complaint to us. We will consider you claim for repair or reimbursement for a warranty problem *only* if there is some credible written evidence that you notified us about the problem in your first year of ownership. If no one has any written evidence that you made a complaint about the warranty problem, we can deny your claim for that problem.

Warranty Claims

I(we) request Ward/Richlynn to make the following repair(s) or reimburse me(us) under the warranty:

VII

Instructions for Pre-Settlement Claims

- Use additional sheets of paper if necessary.
- List each problem separately.
- Describe in detail the nature of the problem.
- Attach a copy (*not* originals) of the pre-settlement inspection list, if you have it.
- If you are requesting reimbursement for money you spent for repairs, attach the following: a description of the repairs that were made, a copy (*not* originals) of the cancelled check or receipt showing that you paid for repairs, and a copy (*not* originals) of any other document(s) you have that shows what repairs were made and what you paid for them.

Pre-Settlement Inspection Claims

I(we) request Ward/Richlynn to make the following repair(s) or reimburse me(us) pursuant to the pre-settlement inspection list:

Appendix C

Dear Ward/Richlynn Homeowner: This letter is to notify you that you may have the right to use arbitration to settle disputes with Ward/Richlynn.

Ward Development Company, Inc. ("Ward") and Richlynn Development, Inc. ("Richlynn") recently agreed with the Federal Trade Commission to set up an arbitration procedure which would be available at a reasonable cost to homeowners. If you purchased a new home from Ward or Richlynn from [364 days prior to date of service of Order] to [one day prior to date of service of Order] and still own that home today, you have the right to submit certain disputes to arbitration. Disputes that can go to arbitration include:

—Any disagreement you have with Ward/Richlynn about its performance under the one year written warranty given to you when you purchased the home. [For example, you may disagree with Ward/Richlynn's refusal to repair a problem that you believe is covered by the warranty. Or you may believe that Ward/Richlynn's attempts to repair a problem were inadequate. You can take these kinds of disputes to arbitration.]

—Any disagreements you have with Ward/Richlynn about its handling of problems and items listed during your pre-settlement inspection. [For example, you may believe that Ward/Richlynn has not corrected all of the items listed on the Orientation Inspection Sheet. Or you may dispute the adequacy of Ward/Richlynn's repairs. You can submit these disagreements to arbitration.]

You may use this arbitration procedure at any time, even after the one year warranty period is over. The expiration of the one year warranty period does *not* affect your right to arbitrate disputes that arise during the warranty period. A copy of the arbitration procedures is attached to this letter. Please read these procedures carefully.

If you have any questions about this arbitration procedure, call [name of Ward/Richlynn representative] at [phone number] between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

Very truly yours,

Ward Development Company, Inc.

Richlynn Development, Inc.

Enclosure

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Ward Corporation, Ward Development Company, Inc., Ward Component Systems, Inc., Richlynn Development, Inc., Richlynn Land Developers, Inc., and Richard E. Ward. These companies and Mr. Ward have been engaged in the construction and sale of new homes in the Washington, D.C. metropolitan area.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and must decide whether it should

withdraw from the agreement or make final the agreement's proposed consent order.

On March 10, 1982, the Commission issued a complaint alleging that respondents Richard E. Ward, Ward Corporation and the wholly-owned subsidiaries of Ward Corporation violated section 5 of the Federal Trade Commission Act by:

- Failing to perform their obligations fully pursuant to their written warranty and warranties implied under state law;
- Failing to perform their obligations fully pursuant to their representations about correction and completion of items listed during a pre-settlement inspection of the home by the purchasers; and
- Failing to finish lots as represented to purchasers.

The proposed order prohibits the companies and Richard E. Ward from engaging in the following with respect to the construction and sale of new residential homes:

- Failing to honor fully every valid warranty claim within a reasonable period of time;
- Representing that they will remedy defects due to faulty materials, workmanship or design unless, in fact, they remedy such defects within a reasonable period of time;
- Representing that the materials, workmanship or design is defect-free or meets a specified level of performance unless, in fact, they remedy such defects within a reasonable period of time;
- Failing to provide purchasers with a lot conforming to representations made about size, contours, drainage and the like; and
- Representing that they will remedy items listed during a pre-settlement inspection by purchasers unless, in fact, they remedy such items within one hundred and twenty (120) days of the inspection, subject to events reasonably beyond their control.

In addition, respondents shall be required to provide future purchasers with an opportunity to arbitrate warranty disputes. Arbitration but not direct redress shall also be available to homeowners who purchased their Ward/Richlynn homes in the year preceding the effective date of the order.

Furthermore, repairs and/or cash payments will be provided to Ward/Richlynn homeowners who purchased their homes between March 10, 1978, and a date one year prior to the effective date of the order, and who still own these homes when the consent order goes into effect. Repairs or payments will be made if the homeowner has an unrepaired problem that is covered by the warranty, which costs $500 or more to repair and there is written evidence that the problem was reported to the builder in the first year of ownership. Repairs or payments will also be made for unremedied problems which were listed during the presettlement inspection and which cost $500 or more to repair. If any homeowner has any dispute over his or her claim for repairs or payments, the homeowner shall have the right to arbitrate the dispute for a fee of $75.00, which will be refunded to the homeowner unless the arbitrator determines that the homeowner's claim was not substantially justified.

In summary, the proposed order effectively precludes Richard E. Ward, the Ward Corporation and any subsidiary from engaging in the practices alleged in the complaint and, in addition, provides compensation for injuries suffered by past purchasers of Ward/Richlynn homes.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 84-31262 Filed 11-28-84; 8:45 am]

BILLING CODE 6750-01-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

Correction

In FR Doc. 84-29182 beginning on page 44300 in the issue of Tuesday, November 6, 1984, make the following corrections:

§ 41.4482(b)-1 [Corrected]

1. On page 44304, third column, § 41.4482(b)-1 (e)(2), **Certificate,** the date line should read:

_____, 19
(DATE)

§ 41.6001-2 [Corrected]

2. On page 44307, third column, § 41.6001-2 (c)(2), second line, "July," should read "July 1,".

3. On page 44308, second column, Example (1), line seventeen, "decaration" should read "declaration".

§ 48.6427-7 [Corrected]

4. On page 44309, second column, § 48.6427-7(c), third line, "is any diesel-powered highway vehicle" should appear between "vehicle" and "as defined in".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[08-84-07]

Drawbridge Operation Regulations; Belle River, Lower Grand River and Pierre Pass, 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 following drawbridges:

(1) The pontoon bridge over Belle River, mile 43.5, on LA 70 near Belle River, Assumption Parish, Louisiana.

(2) The pontoon bridge over the Lower Grand River, mile 25.9, on LA 997 at Pigeon, Iberville Parish, Louisiana.

(3) The swing span bridge over Pierre Pass, mile 1.0, on LA 70 at Pierre Part, Assumption Parish, Louisiana.

This change would require that the draws of the three bridges open on at least four hours advance notice from 10:00 p.m. to 6:00 a.m., and open on signal from 6:00 a.m. to 10:00 p.m. Presently, these draws are required to open on signal at all times.

This proposal is being made because of the infrequent requests for opening the draws during the prescribed advance notice period. This action should relieve the bridge owner of the burden of having persons constantly available at the bridges to open the draws between 10:00 p.m. and 6:00 a.m., while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before January 14, 1985.

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

The LDOTD originally had proposed that these three bridges be operated on a four-hour advance notice around the clock, as part of a broader proposed rule covering nine drawbridges (48 FR 26625; June 9, 1983), which was subsequently withdrawn. Because of objections received to that contemplated operation of the Belle River, Lower Grand River and Pierre Pass bridges, the LDOTD negotiated a compromise arrangement with the Police Juries of Assumption and Iberville Parishes, two local state senators and four local state representatives. This negotiated arrangement provided for a four-hour advance notice for bridge openings between 10:00 p.m. and 6:00 a.m., and opening on signal between 6:00 a.m. and 10:00 p.m., in lieu of the originally proposed four-hour notice around the clock, and is the same as this proposed rule.

The vertical clearance of the Belle River and Lower Grand River pontoon bridges in the closed position is zero, while that of the Pierre Pass swing span bridge is 3.8 feet above high water and 6.8 feet above low water. Navigation through the bridges consists of commercial and pleasure vessels. Data submitted by the LDOTD for the year 1983 show that this traffic through the bridges is as follows:

(1) Belle River Bridge. In 1983, between 10:00 p.m. and 6:00 a.m., there were 211 bridge openings—an average of 17.6 openings per month or an average of one opening about every two days.

(2) Lower Grand River Bridge. In 1983, between 10:00 p.m. and 6:00 a.m., there were 215 openings—an average of 17.9 openings per month or an average of one opening about every two days.

(3) Pierre Pass Bridge. In 1983, between 10:00 p.m. and 6:00 a.m., there were 108 bridge openings—an average of 9.0 openings per month or an average of one opening about every three days.

Considering the few openings involved for each bridge between 10:00 p.m. and 6:00 a.m., the Coast Guard feels that the current on site attendance at the bridges during the proposed advance notice period is not warranted, and adoption of the four-hour advance notice for an opening during this period will provide relief to the bridge owner, while still reasonably providing for the needs of navigation. The bridges will continue to open on signal between 6:00 a.m. and 10:00 p.m.

The advance notice for opening the draws would be given be placing a collect call at any time to the LDOTD District Office at Baton Rouge, Louisiana (504) 925–6786.

The LDOTD recognizes that there may be an unsual occasion, during the advance notice period, to open the bridges on less than four hours notice for a bona fide emergency or to operate the bridges on demand for an isolated but temporary surge in waterway traffic, and has committed to doing so if such an event should occur.

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 few vessels pass through the bridges during the proposed advance notice period. As evidenced by the 1983 bridge opening statistics, the Belle River and Lower Grand River bridges averaged one opening about every two days, while the Pierre Pass bridge averaged one about every three days. These vessels can reasonably give four hours notice for a bridge opening between 10:00 p.m. and 6:00 a.m. by placing a collect call to the bridge owner at any time. Mariners requiring the bridge openings are mainly repeat users and scheduling their arrival at any of 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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by adding § 117.424, § 117.478 and § 117.486 to read as follows:

§ 117.424 Belle River

The draw of the S70 bridge, mile 43.5 near Belle River, shall open on signal; except that, from 10:00 p.m. to 6:00 a.m., the draw shall open on signal if at least four hours notice is given.

§ 117.478 Lower Grand River.

The draw of the S997 bridge, mile 25.9 at Pigeon, shall open on signal; except that, from 10:00 p.m. to 6:00 a.m., the draw shall open on signal if at least four hours notice is given.

§ 117.486 Pierre Pass.

The draw of the S70 bridge, mile 1.0 at Pierre Part, shall open on signal; except that, from 10:00 p.m. to 6:00 a.m., the draw 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: November 16, 1984.

W.H. Stewart,
Rear Admiral, U.S. Coast Guard.

[FR. Doc. 84–31294 Filed 11–28–84; 8:45 am]
BILLING CODE 4910–14–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. 6633]

Proposed Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood

elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction with the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subject in 44 CFR Part 67

Flood insurance—flood plains.

PART 67—[AMENDED]

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	San Luis Obispo County (unincorporated areas)	Arroyo Grande Creek	30 feet upstream from center of 22nd Street	*28
		Shallow Flooding	Intersection of 22nd Street and Garden Street	#2
		Shallow Flooding	100 feet north from intersection of Willow Street and Southern Pacific Railroad.	*28
		Carpenter Canyon Creek	5 feet downstream from center of Private Road, approximately 0.1 mile above confluence with Corbit Canyon Creek.	*166
		Cayucos Creek	50 feet upstream from the center of Northbound State Highway 1.	*15
		Little Cayucos Creek	50 feet upstream from the center of Ocean Boulevard	*18
		Shallow flooding	At intersection of D Street and Ocean Boulevard	#1
		Corbit Canyon Creek	30 feet downstream from the center of Corbett Canyon Road.	*167
		Deleissigues Creek	100 feet upstream from center of Thompson Avenue	*345
		Los Berros Creek	20 feet upstream from center of Valley Road	*66
		Shallow Flooding	250 feet north along Valley Road from intersection with State Highway 1.	*54
		Meadow Creek	10 feet upstream from the center of Roosevelt Avenue	*10
		Morro Creek	150 feet upstream of Private Road crossing which is approximately 2.4 river miles upstream of the Pacific Ocean.	*114
		Little Morro Creek	30 feet upstream from center of Little Morro Creek Road.	*124
		Nipomo Creek	160 feet upstream from center of U.S. Highway 101 northbound.	*218
			250 feet upstream from center of Tefet Road	*309
		Pismo Creek	100 feet upstream from the center of a Private Road located approximately 800 feet upstream of the Pismo Beach corporate limit.	*37
		San Luis Obispo Creek	200 feet upstream from the center of Harford Drive	*11
		Santa Rosa Creek	20 feet upstream from the center of Windsor Boulevard.	*18
		Santa Rosa Creek Split Flow	30 feet upstream from the center of Cambria Road	*36
		Tefet Road Tributary	20 feet upstream from the center of Maltaugh Street	*320
		Tefet Road Tributary	At confluence with Tefet Road Tributary	*336
		Willow Creek	50 feet upstream from the center of Hidalgo Avenue	*36
		Corbit Canyon Creek	At City of Arroyo Grande corporate limits	*167
		Pacific Ocean	On C Street, 300 southwest of intersection with Ocean Boulevard.	*11
			Just north of confluence with Hazard Canyon Creek at Montana De Oro State Park.	*15

Maps available for inspection at County Engineer's Office, County Government Center, Room 206, San Luis Obispo, California

Send comments to the Honorable Jerry Diefenderfer, County Government Center, Room 370, San Luis Obispo, California 93408

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maine	Harpswell, Town, Cumberland County	Casco Bay	Shoreline of Middle Bay at Jordan Point	*10
			Shoreline of Middle Bay on Birch Island at Haward Point.	*12
			Shoreline of Middle Bay at Wilson Cove	*9
			Shoreline of Middle Bay at Whaleboat Island, east side.	*16
			Western shoreline of Basin Cove	*10
			Shoreline of Potts Harbor at Basin Point Road (extended).	*21
			Shoreline of Potts Harbor 3,000 feet southwest of Ash Cove Road (extended).	*15
			Shoreline at Potts Point	*14
			Shoreline of Merriconeag Sound 150 feet south of Bailey Road (extended).	*16
			Shoreline of Merriconeag Sound at Stover Point	*12
			Shoreline of Merriconeag Sound at Garrison Gut Cove	*10
			Shoreline of Merriconeag Sound at Jaquish Gut	*15
			Shoreline of Merriconeag Sound at east side of Great Mark Island.	*20
			Shoreline of Middle Bay at Wilson Cove	*9
			Shoreline of Middle Bay on east side of Upper Goose Island.	*14
			Shoreline of Harpswell Sound at Clark Cove	*12
			Shoreline of New Meadows River at Laurel Point	*12
			Shoreline of Quahog Bay at Tondreaus Point	*12

Maps available for inspection at the Town Hall, South Harpswell, Maine.

Send comments to Honorable Malcom B. Whidden, Chairman of the Harpswell Board of Selectmen, Town Office, Harpswell Center, South Harpswell, Maine 04079.

Massachusetts	Marblehead, Town, Essex County	Atlantic Ocean	Shoreline at Peach's Point	*26
			Shoreline of Salem Harbor at Green Street (extended)	*13
			Shoreline of Little Harbor at Little Harbor Way	*14
			Shoreline of Marblehead Harbor at State Street (extended).	*14
			Shoreline of Marblehead Harbor at Nashua Avenue (extended).	*14
			Eastern shoreline of Marblehead Neck at Fishing Point Lane (extended).	*25
			South shore of Marblehead Neck Causeway, approximately 1,000 feet west of intersection of Ocean Avenue and Harbor Avenue.	*17
			South shoreline of Marblehead Neck, approximately 300 feet east of east end of causeway.	*17
			Shore of Massachusetts Bay at Summit Road (extended).	*25
			Shore of Massachusetts Bay at Bartlett Street (extended).	*34

Map available for inspection at the Office of Douglas Saal, Town Engineer, Abbot Hall, Washington Street, Marblehead, Massachusetts.

Send comments to Honorable Thomas McNulty, Chairman of the Board of Selectmen, Abbot Hall, Washington Street, Marblehead, Massachusetts 01945.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19867; and delegation of authority to the Administrator)

Issued: November 16, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-31253 Filed 11-28-84; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6614]

Proposed Flood Elevation Determinations; Maryland

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 49 FR 31101 on August 3, 1984. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for Charles County, Maryland.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0701.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in Charles County, Maryland, previously published at 49 FR 31101 on August 3, 1984, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

Under the Source of Flooding of Mattawoman Creek, the base flood elevation for the Mattawoman Creek's confluence with Piney Branch has been amended to read 111 feet in elevation.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator)

Issued: November 15, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-31252 Filed 11-28-84; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 41043-4143]

Regulations Governing the Taking and Importing of Marine Mammals

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

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The NMFS intends to publish rule to amend regulations governing taking marine mammals incidental to the eastern tropical Pacific (ETP) commercial purse seine tuna fishery. These modifications, if promulgated in whole or in part, will implement the recent amendments to the Marine Mammal Protection Act of 1972 (MMPA) and change certain fishing gear and procedural regulations to guidelines.

DATE: Final rules implementing mandated Congressional actions will be published in November 1984. Proposed rules for modifying fishing gear and procedural regulations will be published on or about January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Kenn Hollingshead, NMFS, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (202/634-7529); or Mr. Svein Fougner, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, California 90731 (213/548-2518).

SUPPLEMENTARY INFORMATION: The NMFS announced in the **Federal Register** on January 13, 1984 (49 FR 1778), its intention to prepare an Environmental Impact Statement for regulations to govern the taking of marine mammals (porpoise) incidental to commercial purse seine fishing for tuna in the ETP beginning January 1, 1986. Public scoping meetings were held in San Diego, California (February 14, 1984) and in Washington, D.C. (February 16, 1984).

This rulemaking process is being adjusted to accommodate amendments to the MMPA signed into law on July 17, 1984 (Pub. L. 98-364). These amendments (1) extend the current American Tunaboat Association General Permit and continue the cumulative mortality quota system indefinitely; (2) establish quotas for the coastal spotted and eastern spinner dolphins which do not presently have quotas; and (3) provide new requiremens governing the importation of tuna and tuna products from nations fishing for tuna with purse seine gear in the ETP. The amendments also allow the Secretary to modify the regulations governing gear, procedures, and permit administration if warranted to further the goals of the MMPA.

The NMFS has determined that regulatory actions are necessary to implement the amendments to the MMPS and other actions mentioned above within the time constraints imposed by the Act. The NMFS intends to publish final regulations in the **Federal Register** in November 1984 implementing actions mandated by the U.S. Congress for which the Administration has no decision-making discretion. These include (1) extending the General Permit and quota system; (2) establishing annual quotas of 250 coastal spotted and 2,750 eastern spinner dolphins; and (3) excluding the coastal spotted and eastern spinner from the accidental take enforcement policy (50 CFR 216.24(d)(2)(i)(C)).

The NMFS is reviewing its regulations concerning the importation of yellowfin tuna and will be determining in the near future what modifications to those regulations will be necessary to implement the Congressional mandate. Effective January 1, 1986, all nations that wish to export yellowfin tuna to the U.S. and have tuna purse seine vessels in the ETP must provide documentary evidence that they have adopted a regulatory program governing the incidental taking of marine mammals in its fishery that is comparable to that of the U.S. They must also provide documentation that the average rate of incidental take of marine mammals in the fishery is comparable to that of the U.S. The NMFS will notify all nations currently purse seining for yellowfin tuna in the ETP of these new requirements for importation.

The NMFS is also considering making adjustments in regulations governing fishing gear and practices. The NMFS has initiated a thorough review of all regulations governing fishing gear, fishing practices, and permit adminstration under the previously announced rulemaking process to identify regulations, which singly or in combination, should be modified to further the goals of the MMPA. For example, converting some procedural requirements to guidelines would allow vessel operators to make on-the-spot adjustments in fishing techniques to protect porpoises without fear of punishment for procedural violations. The limits on dolphin mortality and most gear requirements would not change, but the rules would provide additional flexibility for vessel operators to use that gear most effectively.

The NMFS intends to publish proposed revisions to regulations governing fishing gear and practices for public review and comment in January 1985. A draft Supplemental Environmental Impact Statement (SEIS) with supporting documentation is being prepared and will be available to the general public at that time. The MMPA provides the public with an opportunity for a hearing on the record for such rulemaking. the tentative schedule provides for such a hearing if requested.

The NMFS hereby announces the following tentative schedule to consider these matters:

January 31, 1985—**Federal Register** publication of proposed regulatory modifications and notice of availability of draft SEIS

May 1, 1985—Close of public review period for draft SEIS

May 17, 1985—Start of formal hearing (in anticipation of a request)

July 31, 1985—Final Decision by NOAA/NMFS; Notice of Availability of final SEIS.

This schedule is subject to revision based on whether a hearing is requested and if requested, the scheduling and availability of an administrative law judge. The specific time, date, and location of the hearing (if requested) and procedural rules for participation in and conduct of the hearing will be announced in the **Federal Register** at least sixty days prior to the start of the hearing.

Dated: November 20, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 84-31272 Filed 11-28-84; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 49, No. 231
Thursday, November 29, 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 COMMERCE

Foreign-Trade Zones Board

[Docket 51-84]

Foreign-Trade Zone 41, Milwaukee, WI; Application for Subzone, Bay Shipbuilding Corp., Sturgeon Bay, WI

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign-Trade Zone of Wisconsin, Ltd. (FTZW), grantee of Foreign-Trade Zone 41, Milwaukee, requesting special-purpose subzone status for the Bay Shipbuilding Corporation shipyard in Sturgeon Bay, Wisconsin, some 40 miles from the Green Bay Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 USC 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 16, 1984. The applicant is authorized to make this proposal under Chapter 110 of the Wisconsin Laws of 1977, approved October 13, 1977. The issue of adjacency will be reviewed by Customs.

The Board authorized the Milwaukee zone in September 1978 (Board Order 136, 43 FR 46887, 10/11/78). Subzones were approved for the American Motors plant in Kenosha and for the Muskegon Piston Ring plant in Manitowoc in August 1981 (Board Order 178, 46 FR 40718, 8/11/81).

The proposed subzone will be at Bay Shipbuilding's shipyard covering 80 acres at 605 North 3rd Avenue in the port area of Sturgeon Bay. The facility is used to construct and repair barges and oceangoing vessels. Current activity involves the conversion of containerships for Sea Land Services. Foreign-sourced components for these vessels will include main engines, generators, deck fittings and machinery, gears, anchors, chains, doors, windows, ladders, ventilation and air conditioning equipment, switchboards, life boats and davits.

Zone procedures will help Bay Shipbuilding reduce costs on its current orders and compete internationally on bids for new products. The benefits stem from the fact that most of the components are subject to significant duties, and that the finished products, as oceangoing vessels, are duty-free.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Clinton P. Littlefield, District Director, U.S. Customs Service, North Central Region, 628 E. Michigan Street, Milwaukee, WI 53202; and Colonel Raymond T. Beurket, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, MI 48231.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before December 28, 1984.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, Federal Building, 517 East Wisconsin Avenue, Milwaukee, WI 53202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania, NW., Room 1529, Washington, D.C. 20230.

Dated: November 26, 1984

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 84-31303 Filed 11-28-84; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administration

[C-469-061]

Ferroalloys From Spain; Revocation of Countervailing Duty Order

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

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by the Government of Spain, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on ferroalloys from Spain would not cause, or threaten to cause, material injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise on or after July 26, 1982, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: November 29, 1984.

FOR FURTHER INFORMATION CONTACT: Alan Long or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION: On January 2, 1980, the Treasury Department published in the **Federal Register** a countervailing duty order on ferroalloys from Spain (45 FR 25).

On July 26, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification from the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspensions remained in effect.

On October 23, 1984, the ITC notified the Department of its determination (49 FR 43811) that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of ferroalloys from Spain if the order were revoked. As a result, the Department is revoking the countervailing duty order concerning ferroalloys from Spain with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after July 26, 1982, the date the Department received notification of the request for an injury determination.

The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of

this merchandise entered, or withdrawn from warehouse, for consumption on or after July 26, 1982, without regard to countervailing duties, and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: November 23, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-31299 Filed 11-29-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-038]

Unwrought Zinc From Spain; Revocation of Countervailing Duty Order

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

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by the Government of Spain, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on unwrought zinc from Spain would not cause, or threaten to cause material injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise on or after May 3, 1982, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: November 29, 1984.

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

SUPPLEMENTARY INFORMATION: On April 8, 1977, the Treasury Department published in the **Federal Register** a countervailing duty order on unwrought zinc from Spain (41 FR 18587).

On May 3, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification from the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspensions remained in effect.

On October 4, 1984, the ITC notified the Department of its determination (49 FR 33927) that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of unwrought zinc from Spain if the order were revoked. As a result, the Department is revoking the countervailing duty order concerning unwrought zinc from Spain with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after May 3, 1982, the date the Department received notification of the request for an injury determination.

The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after May 3, 1982, without regard to countervailing duties, and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: November 23, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-31298 Filed 11-28-84; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Receipt of Petition Requesting Designation as Group Eligible To Receive MBDA Assistance

AGENCY: Minority Business Development Agency (MBDA), Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) has received a petition requesting it to designate "ex-Felons" as a socially or economically disadvantaged group whose members are eligible to receive assistance from the Agency.

ADDRESS: Interested pesons are invited to submit comments regarding this petition to: Herbert S. Becker, Assistant Director, Office of Advocacy, Research and Information, United States Department of Commerce, Minority Business Development Agency, 14th and Pennsylvania Ave., NW., Room 5709, Washington, D.C. 20230. Telephone (202) 377-3163.

FOR FURTHER INFORMATION CONTACT: Ron Isler (202) 377-1712.

SUPPLEMENTARY INFORMATION: Under Executive Order 11625 (E.O. 11625) the Minority Business Development Agency (MBDA) provides program funds to recipients who then provide management and technical assistance to minority business enterprises. A minority business enterprise is defined as a business owned or controlled by one or more socially or economically disadvantaged individuals. E.O. 11625 lists six groups whose members are considered socially or economically disadvantaged and the Department has designated three additional groups as eligible to receive MBDA assistance.

On October 24, 1984 (49 FR 42679) MBDA published a final rule, at 15 CFR Part 1400, which provides procedures under which groups not previously designated can establish their social or economic disadvantage. Section 1400.3 of the new rule (15 CFR 1400.13) provides that any group seeking designation must submit a written application containing evidence of the group's social or economic disadvantage to the MBDA Director. Section 1400.5(a) requires MBDA to publish notice or receipt of such an application and request comments from the public regarding the propriety of such a designation.

MBDA has received a petition requesting the Agency to recognize "ex-Felons" as a minority group whose members are eligible to receive MBDA assistance. Interested persons are invited to submit comments on the propriety of this designation to the above address by December 31, 1984.

Authority: 15 U.S.C. 1512, E.O. 11625, 3 CFR 616 (1971-75), 36 FR 19967 (1971); and E.O. 12432, 3 CFR 198 (1983), 48 FR 32551 (1983).

Dated: November 19, 1984.

Herbert S. Becker.

Assistant Director, Office of Advocacy, Research and Information.

[FR Doc. 84-31297 Filed 11-28-84; 8:45 am]

BILLING CODE 3510-21-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

November 20, 1984.

The USAF Scientific Advisory Board Ad Hoc Committee on Military Aerospace Platform will meet at the Pentagon, Washington, DC on December 19, 1984.

The purpose of the meeting will be a review by the Laboratories supporting Space Division of technologies pertinent to the military aerospace platform. The

meeting will convene from 8:30 a.m. to 5:00 p.m. on December 19.

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

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

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 84–31281 Filed 11–28–84; 8:45 am]

BILLING CODE 3910–01–M

Corps of Engineers, Department of the Army

Final Selection; Town Bluff Hydropower Project; Texas

AGENCY: Army Corps of Engineers, DOD, Fort Worth District.

ACTION: Notice of final selection of the Sam Rayburn Municipal Power Agency as the financial sponsor and preference customer for the proposed Town Bluff Hydropower Project Texas.

SUMMARY: 1. The tentative selection of the Sam Rayburn Municipal Power Agency, a public body in the State of Texas, as the financial sponsor and preference customer for the proposed Town Bluff Hydropower project was announced in the Federal Register, Volume 49, Number 198, Thursday, October 11, 1984, pages 39892 and 39893. This announcement also stated that any subsequent proposals and/or applications for sponsorship or power and energy from the project received prior to November 13, 1984, would be considered in the final selection process.

2. Inquiries for additional information were received but no subsequent proposals or applications for financial sponsorship or for the power and energy from the project were received during the above mentioned public comment period which closed on November 13, 1984. Because no additional proposals were received and because the previously announced proposal submitted by the Sam Rayburn Municipal Power Agency met or exceeded all financial sponsor and preference customer criteria, notice is hereby given that the Sam Rayburn Municipal Power Agency is selected as the financial sponsor and preference customer for the proposed Town Bluff Hydropower Project, Texas.

ADDRESSES: For futher information about the proposed project design, construction and financing, contact: James L. Hair, Executive Assistant, Fort Worth District, Corps of Engineers, PO Box 17300, Fort Worth, Texas 76102, Telephone (817) 334–2301.

For further information about the proposed marketing of the power and energy from the proposed project, contact: Walter M. Bowers, Director, Power Marketing, Southwestern Power Administration, PO Box 1619, Tulsa, Oklahoma 74101, Telephone (918) 581–7529.

Theodore G. Stroup,

Colonel, CE, District Engineer.

[FR Doc. 84–31280 Filed 11–28–84; 8:45 am]

BILLING CODE 3710–20–M

Department of the Army

National Board for the Promotion of Rifle Practice; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: National Board for the Promotion of Rifle Practice.

Date of Meeting: 11 January 1985.

Place: 20 Massachusetts Avenue NW., Room 8222C, Pulaski Building, Washington, D.C. 20314.

Time: 0900–1700.

Proposed Agenda

1. Opening Prayer and Pledge of Allegiance to the Flag.
2. Federal Register Notice of the Meeting.
3. Roll Call.
4. Introductory Comments by the Chairman.
5. Review.
   a. Budget Committee Report—20 June 1984.
   b. Executive Committee Report—21 June 1984.
   c. Board's Report—22 June 1984.
6. Business: The purpose of this meeting is to Review the FY 87 Civilian Marksmanship Program objectives and funding impacts for the National Board for the Promotion of Rifle Practice and provide recommendations where appropriate.
7. Closing Prayer.

This meeting is open to the public.

Persons desiring to attend the meeting should contact the Office of the Director of Civilian Marksmanship (202) 272–0810 prior to 11 January 1985 to arrange admission.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 84–31288 Filed 11–28–84; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research; Proposed Funding Priorities for Fiscal Year 1985

AGENCY: Department of Education.

ACTION: Notice of Proposed Funding Priorities for Fiscal Year 1985.

SUMMARY: The Secretary of Education proposes funding priorities for research activities to be supported by the National Institute of Handicapped Research (NIHR) in Fiscal Year 1985. NIHR is required under the Rehabilitation Act of 1973 as amended, to develop a long-range research plan which identifies rehabilitation research that needs to be conducted and to determine funding priorities which will facilitate the support of these activities within available resources. These proposed priorities are derived from the NIHR Long-Range Plan and are articulated within the goals, objectives, and research activities specified in the Plan.

Authority for the research program of NIHR is contained in Section 204 of the Rehabilitation Act of 1973, as amended by Public Law 95–602 and by Public Law 98–122.

DATE: Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before the December 31, 1984.

ADDRESSES: All written comments and suggestions should be sent to Betty Jo Berland, National Institute of Handicapped Research, Department of Education, 400 Maryland Avenue, S.W., Room 3070, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute of Handicapped Research. Telephone (202) 732–1139; deaf and hearing impaired individuals may call (202) 732–1198 for TTY services.

SUPPLEMENTARY INFORMATION: Under this program, awards are issued to public and private agencies and organizations, including institutions of higher education. NIHR is permitted to make awards for periods up to 60 months.

The purpose of the awards is for planning and conducting research, demonstrations, and related activities. These activities have a direct bearing on the development of methods, procedures, and devices to assist in the provision of vocational and other rehabilitation services to handicapped individuals, especially those with the most severe handicaps.

NIHR final regulations (46 FR 45300, September 10, 1981, as amended March 12, 1984 at 49 FR 9324) authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 351.32).

NIHR invites public comment on the merits of the proposed priorities both

individually and collectively, including suggested modifications to the proposed priorities. Comments can include factors which support the importance of a priority to handicapped individuals and other interested parties.

Each priority is proposed under the program authority which NIHR believes to be most appropriate. These programs are described below. The public is also invited to comment on the appropriateness of the proposed program mechanism (i.e., whether certain research objectives are better accomplished by centers or by other grantees as discrete projects).

This notice does not solicit application proposal or concept papers. The final priorities will be selected on the basis of public comment, the availability of funds, and any other relevant Departmental considerations. These final priorities will be announced in an application notice in the **Federal Register.** The notice will also solicit grant applications and set the closing date.

The following nine proposed priorities represent areas in which NIHR proposes to support research and related activities through grants or cooperative agreements. Research and other activities which NIHR intends to procure through contracts will be announced by Requests for Proposals published in the *Commerce Business Daily.*

The publication of these proposed priorities does not bind the United States Department of Education to fund projects in any or all o;f these research areas. Funding of particular projects depends on both the availability of funds and on responses to this notice.

NIHR is authorized to support research and related activities in a variety of areas and through several program authorities. The priorities proposed in this notice cover research and related activities to be conducted through Rehabilitation Research and Training Centers, Rehabilitation Engineering Centers, Research and Demonstration Programs, and Knowledge Dissemination and Utilization Programs. Following are brief descriptions of these four programs.

Research and Training Centers (RTCs) have been established to conduct coordinated and advanced programs of rehabilitation research and to provide training to rehabilitation personnel engaged in research or the provision of services. RTCs must be operated in collaboration with institutions of higher education and must be associated with a rehabilitation service program. Ideally, each Center conducts a program of research, evaluation, and training activities focussed on a particular rehabilitation problem area. Each Center is encouraged to develop practical applications for all of its research findings through a scientific evaluation process which tests and validates its findings, as well as related findings of other Centers. Center training programs generally disseminate and encourage the utilization of new rehabilitation knowledge through such means as undergraduate and graduate texts and curricula, in-service training, and continuing education.

Rehabilitation Engineering Centers (RECs) conduct coordinated programs of advanced research of an engineering or technological nature. RECs are also encouraged to develop systems for the exchange of technical and engineering information and to improve the distribution of technological devices and equipment to handicapped individuals. Each REC must be located in a clinical rehabilitation setting and is encouraged to collaborate with institutions of higher education.

Ideally, each REC conducts a program of research, scientific evaluatiôn, and training that advances the state of the art in technology or its application, contributes substantially to the solution of rehabilitation problems, and becomes an acknowledged center of excellence in a given subject area. RECs are encouraged to develop practical applications for their research through scientific evaluation activities that validate their findings as well as related findings of other centers. RECs generally conduct training programs to disseminate and encourage utilization of new rehabilitation engineering knowledge through such means as development of or contribution to undergraduate and graduate texts and curricula, in-service training, continuing education, and distribution of information and appropriate technology.

Research and Demonstration Projects have been supported to conduct research and/or demonstration in single project areas on problems encountered by handicapped individuals in their daily activities. These projects may conduct research on rehabilitation techniques and servies, including analysis of medical, industrial, vocational, social, sexual, psychiatric, psychological, economic, and other factors affecting the rehabilitation of handicapped individuals.

Knowledge Dissemination and Utilization Projects have been supported to ensure that rehabilitation knowledge generated from projects and centers funded by NIHR and others is fully utilized to improve the lives of handicapped persons.

Priorities for Research and Training Centers (4)

Rehabilitation of Elderly Disabled Individuals

The elderly population, and particularly the disabled elderly, presents one of the biggest challenges to health and social service systems facing the United States today. The number of persons over age 65 is currently about 23.5 million persons or about 11 percent of the total population.

Elderly people are at a greater risk for acquiring illnesses, disabilities, and resulting functional limitations, with the result that a large proportion of the handicapped and chronically impaired elderly have major physical, mental, social, and independent living deficits. Some additional data reported by NIHR-supported researchers elaborate the status of the elderly in America:

—Eighty-six percent of all elderly persons incur one or more chronic conditions of varying degrees of severity.

—Fifty-six percent of those over age 75 are limited in activities of daily living due to chronic conditions.

—Approximately 50 percent of the physically handicapped elderly also have psychiatric disabilities severe enough to warrant assistance.

—The majority of persons over age 65 living alone are eventually institutionalized.

Societal attitude towards the elderly are complex and often may include negative stereotyping, avoidance, neglect, and failure to acknowledge potential productivity and contributions to society.

An RTC is proposed which would—

• Develop methods for early detectionof emerging impairments and for successful early rehabilitation interventions;

• Study the complications of aging with significant disabling conditions such as polio or spinal cord injury;

• Assess the rehabilitation needs of, and develop rehabilitative strategies for, the geriatric mentally retarded population;

• Assess optional living arrangements for elderly disabled persons to devise alternatives to both institutionalization and social isolation;

• Investigate solutions, including technological aids, to problems which typically lead to institutionalization, including wandering, memory loss, and incontinence;

• Examine the vocational rehabilitation needs of the elderly disabled population and devise effective vocational strategies; and

• Analyze the current system of health care for the elderly as it relates to rehabilitation of disabled older persons, and develop strategies for policy or program improvements, including preparation of health care personnel to assume effective roles in rehabilitation of the elderly.

Improvement of Independent Living Programs

Disabled persons have begun to organize around the a theme of Independent Living (IL). It is theme that embraces such goals as self-determination, self-help, deinstitutionalization, and barrier-free access to services and opportunities previously denied to persons with disabilities. Congress acknowledged the importance of this theme in the passage of Title VII of the Rehabilitation Amendments of 1978, establishing a separate authroity for independent living service programs to be managed and directed largely by persons with disabilities. Independent living has emerged as a concept, a service system, and a social movement.

Implementation of the independent living programs of the Act requires an understanding of the boundaries of the program (e.g., eligibility, types of services) and of the goals, philosophy, and social policy implications of indepnedent living, as well as high quality program management. Continuing research is needed to support the development and refinement of the independent living concept and the enhance the quality of services.

An RTC is proposed which would—

• Develop an operational definition of independence which could be used to evaluate the efficacy of independent living programs and activities;

• Assess the impact of community service systems on independent living outcomes, and devise mechanisms to coordinate service delivery systems to facilitate living with maximum independence;

• Define, through research, the optimum roles of consumers, peer counselors, rehabilitative service agencies, and others in programs to facilitate independent living;

• Demonstrate effective models for training consumers, IL program staff, and staff of other service agencies in the concepts and techniques to facilitate independent living;

• Study the role of the family, peers, and personal support systems in enhancing independent living; and

• Explore and demonstrate the potential to extend IL programs to provide certain intake, referral, brokerage, skills training, and social support networks for persons with all types of physical, cognitive, emotional, behavioral, and sensory disabilities, and envaluate the benefits of these extended program models.

Improved Rehabilitation of Psychiatrically Disabled Individuals

There are approximately 2,000,000 severely psychiatrically disabled persons living in communities and 900,000 in institutions. Nearly 200,000 severely psychiatrically disabled persons are discharged into the care of their families each year. The rate of recidivism for psychiatric institutions is over 60 percent. Less than 10 percent of this population is employed and the employment prospects for this group are very poor.

There is a major need for additional knowledge and techniques to improve the vocational and independent living outcomes for these individuals, and to assist their families to contribute to successful adjustment outcomes. Studies have indicated the relation between vocational/independent living success and the specific skills of the disabled individual; recent research has revealed a positive impact from the direct teaching of coping and vocational skills.

Community living is further complicated for this group by uncertainties concerning eligibility for Social Security Disability Income benefits, the criteria for assessing that eligibility, and alternatives for economic security.

A RTC is proposed which would—

• Develop models of relating medical diagnosis and treatment to rehabilitation and community adjustment;

• Assess the factors in the rehabilitation process which lead to successful rehabilitation of clients with a disability of mental illness in the state vocational rehabilitation programs;

• Identify coping strategies for families and design a program to aid families to utilize those strategies; development of more effective roles for professional staff should be part of this program;

• Assess alternative housing and residence arrangements in terms of their suitability for psychiatrically ill clients with various characteristics;

• Assess and develop models for successful halfway house arrangements to facilitate deinstitutionalization, including needs for staffing in these programs;

• Assess the appropriate roles of staff and clients in community-based programs, including those based on the "clubhouse" models;

• Address the residential and Community living needs of psychiatrically disabled or restored individuals, and study alternative model; and

• Develop and test models for teaching community living skills and enhancing community adjustment for psychiatrically disabled or restored individuals.

Community Integration Resource Support

The move to establish least-restrictive living environments for disabled persons has resulted in a proliferation of community residences without a knowledge base of the most appropriate characteristics and components for community-based residences for individuals with various types of disabilities. There is a need to identify and share information about best programs and practices, including residential staffing, intake policies, program components, and service system linkages.

An RTC is proposed which would—

• Identify and evaluate innovative and best practices in the operation of community-based residences;

• "Package" information suitable for dissemination to increase the utilization of these practices;

• Develop and conduct training programs for state representatives on the use of the information packages and the stimulation of best practices;

• Establish and operate a technical assistance network to assist communities in implementing best practices;

• Identify, recruit, and work with a consortium of successful program operators and innovators who would provide consultation and technical assistance and assist in the identification, recruitment, and training of state representatives;

• Develop and work with a National Advisory Council or parents, professionals, and consumer to advise on criteria for identifying best practices and for selection participating states; and

• Develop training curricula and develop staff capacity to conduct technical assistance within states.

Priority for Rehabilitation Engineering Centers (1)

Technology for Blind and Visually Impaired Individuals

Blind and visually impaired persons experience problems in written communication, mobility, orientation, and employment. A Rehabilitation Engineering Center is needed to devote its efforts toward the study of these problems and the development of technological systems and devices to provide solutions to these problems. The successful applicant for this REC must address all of the following areas as part of a programmatic effort for such a Center.

An REC is proposed which would—

- Develop electronic reading machines with synthetic speech ouput, emphasizing reduced size, lower cost, and greater flexibility in these machines;
- Adapt from industry data entry techniques using modern optical character recognition methods for production of Braille, speech, and digital forms of output for use by blind people;
- Develop a high quality, low cost Braille embosser to permit both personal production of Braille material and rapid production of printed material for blind readers;
- Improve mechanical, paperless Braille display devices utilizing techniques of human factors engineering which emphasize simplified mechanical design, greater reliability, and low cost, so that blind people can have mass storage and retrieval of printed material in Braille, either in single-line or full-page format;
- Evaluate existing speech output devices for use in conjunction with computer terminals, with appropriate software or hardware, to enable the blind user to access the desired parts of the information displayed on the terminal;
- Evaluate the employment and personal uses of interface devices designed to meet the specific needs of blind people;
- Develop a comprehensive theory of the "mobility process" of blind pedestrians, to provide a scientific basis for improved training in the critical area of mobility for blind persons;
- Develop mobility and orientation devices, closed circuit television uses, magnification systems, Braille and other tactile output devices, and special adaptive vocational programs for low-vision individuals;
- Develop a portable, solid-state, closed-circuit television system for reading of printed material by low-vision individuals, and evolve plans for distribution to consumers;
- Identify the problems of partially-sighted individuals in mobility tasks, and the appropriate optical electronic aids for this population;
- Design filter systems which permit the user to adjust the bandwidth of illumination transmitted to enhance viewing under a wide variety of environmental conditions; and
- Investigate possible lightweight optical aids which provide high contrast and high magnification for persons with visual impairments.

Priorities for Research and Demonstration Projects (3)

Delivery of Rehabilitation Engineering Services

Disabled people and service providers alike have argued that advances in rehabilitation engineering and technology are not fully utilized through regular application to problems of disabled individuals in classrooms, worksites, or residences. Rehabilitation engineering needs to be integrated into all phases of the rehabilitation process.

A research and demonstration project is proposed to devise mechanisms for integrating engineering services and the rehabilitation engineer into all components of rehabilitation, including rehabilitation in school settings, to assist in restoration of physical function, communication, educational and vocational functioning, mobility, and community living. The project shall also investigate and implement methods to establish a low-cost, volunteer-operated, information and service delivery network for aids and devices.

Computer Adaptations for Severely Disabled

Computer technology makes possible a broad range of advances in personal functioning and mastery of the environment by disabled individuals. A research and demonstration project is proposed which would develop computer adaptations for severely disabled persons for restoration of physical function, interaction with the environment, and enhancement of vocational and social functioning. The project scope should include the development of software, hardware adaptations, and the operating systems to accommodate those adaptations.

Economics of Disability

The current system of economic transfer payments to workers who become disabled has been termed a "disabling system." To become eligible for benefits, persons must prove inability to work; once eligible for disability benefits, persons worry about losing their hard-won disability status and in addition face stigma and pressures associated with disability. NIHR-sponsored research has identified medical, psychological, economic, and social advantages inherent in beginning the disability management process as soon as an impairment which interferes with a person's major life activities is identified.

A research and demonstration project is proposed to—

- Examine the effectiveness of alternative disability management strategies at worksites;
- Document experiences of individuals assisted by model management programs as contrasted with persons not so assisted; and
- Develop model methods to communicate the value of disability management approaches to workers, employers, insurers, family members, human service providers, and relevant others who must change their policies and procedures in order for effective disability management systems to replace "disabling systems."

Priority for Knowledge Dissemination and Utilization Projects (1)

Satellite Broadcast of Programs on Low-Cost Technology

There is an assortment of efficient, low-cost aids and equipment devised to assist disabled persons with a variety of tasks. Disabled persons and professionals who work with them need information on inexpensive, easy-to-use aids and equipment to enhance employment and educational potential and daily living skills.

A knowledge dissemination and utilization project is proposed which would—

- Identify low-cost aids and equipment including simple adaptations to commercially available devices;
- Select aids for dissemination based on criteria of cost, ease of use, and needs of disabled persons;
- Prepare a series of tapes on workshops which demonstrate the use of these aids by disabled individuals, including interaction between the user and rehabilitation professionals such as rehabilitation engineers and occupational therapists;
- Broadcast the workshops via satellite to rehabilitation centers across the nation;
- Make the tapes available on loan to interested organizations, including local organizations of disabled persons; and
- Elicit feedback from disabled viewers about their experience with the

demonstrated devices and with similar aids.

Invitation to comment: Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to these proposed priorities will be available for public inspection during and after the comment period in Room 3070, Mary E. Switzer Building, 330 C Street, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except federal holidays.

(29 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: November 26, 1984.

T.H. Bell,

Secretary of Education.

[FR Doc. 84-31248 Filed 11-28-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $1,125,000 (plus accrued interest) obtained as the result of a Consent Order which the DOE entered into with Amtel, Inc. The funds will be available to customers which purchased gasoline and/or middle distillates from Amtel during the period November 1, 1973 through May 3, 1979.

DATE AND ADDRESS: Applications for refund of a portion of the Amtel consent order funds must be postmarked within 90 days of publication of this notice in the **Federal Register** and should be addressed to: Amtel Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0027.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the final Decision and Consent Order entered into by Amtel, Inc. which settled possible pricing violations with respect to the firm's sales of gasoline and middle distillates during the period November 1, 1973, through May 3, 1979. Under the terms of the Consent Order, $1,125,000 has been remitted by Amtel, Inc. and is being held in an interest-bearing escrow account pending determination of its proper distribution.

The Office of Hearings and Appeals previously issued a Proposed Decision and Order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the Amtel Consent Order funds. The Proposed Decision and Order discussing the distribution of the Amtel consent order funds was issued on May 4, 1984. 6 Fed. Energy Guidelines ¶ 90,055, 49 FR 20366 (May 14, 1984).

The Decision and Order published with this Notice reflects an analysis of the comments received from interested parties. As the decision indicates, applications for refund from the consent order funds may now be filed. Applications will be accepted provided theyare postmarked no later than 90 days after publication of the Decision and Order in the **Federal Register.** Applications will be accepted from customers who purchased gasoline and/or middle distillates from Amtel during the period November 1, 1973, through May 3, 1979. The specific information required in an application for refund is set forth in the Decision and Order.

The Decision and Order provides for the general allocation of funds among successful claimants using a volumetric distribution based on the number of gallons of product purchased from Amtel. The Decision and Order reserves the question of the proper distribution of any remaining consent order funds until the first stage claims procedure is completed.

Date: August 24, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

August 24, 1984.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Firm: Amtel, Inc.
Date of Filing: October 13, 1983.
Case Number: HEF-0027.

In accordance with the Department of Energy (DOE) procedural regulations, 10 CFR Part 205, Subpart V, on October 13, 1983, the Economic Regulatory Administration (ERA) of the DOE filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) in connection with a Consent Order entered into with Amtel, Inc. (Amtel). The petition requests that the OHA formulate and implement procedures for the distribution of the funds received pursuant to the Amtel Consent Order.

I. Background

Amtel is a "reseller-retailer" of refined petroleum products as that term was defined in 6 CFR 150.352 and 10 CFR 212.31. The firm was therefore subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Subpart F. An ERA audit of Amtel's operations revealed possible pricing violations by three of Amtel's subsidiaries, South Central Oil Company (South Central), Hauck Oil Company (Hauck Oil), and Hauck Trading Company (Hauck Trading), in sales of motor gasoline and middle distillates during the following periods: (i) March 29, 1974 through May 3, 1979 (South Central), (ii) November 1973 through November 1977 (Hauck Oil), and (iii) April 1974 through May 1978 (Hauck Trading).(*1*) In order to settle all claims and disputes between Amtel and the DOE regarding the legality of the prices charged by Amtel and its subsidiaries in sales of motor gasoline and middle distillates during the above-mentioned periods, Amtel and the DOE entered into a Consent Order, effective February 7, 1980, in which Amtel agreed to pay $1,250,000 to the DOE. This payment has been deposited in an escrow account for ultimate distribution to parties who may have been injured by the alleged overcharges.

On May 4, 1984, we issued a Proposed Decision and Order (PD&O) tentatively setting forth procedures to distribute the Amtel refund money. *Amtel, Inc.*, 6 Fed. Energy Guidelines ¶ 90,055 (May 4, 1984) (proposed decision); 49 FR 20366 (May 14, 1984). In the PD&O, we described a two-stage process for distribution of the funds made available pursuant to the Amtel Consent Order. Specifically, we proposed to disburse funds in the first stage to claimants who could demonstrate that they were injured by Amtel's alleged pricing violations in sales of motor gasoline and middle distillates during the period November 1, 1973 through May 3, 1979 (the consent order period).

The purpose of this Decision and Order is to establish procedures to be used for filing and processing claims in the first stage of the Amtel refund

process. This Decision sets forth the information that a purchaser of Amtel products should submit in order to establish eligibility for a portion of the consent order funds. Before establishing these requirements, we will address comments filed in response to the first-stage proposals set forth in the PD&O. We will not, however, determine procedures for the second stage of the refund process in this Decision. Our determination concerning the final disposition of any remaining funds will necessarily depend on the size of the fund. *See Office of Enforcement*, 9 DOE ¶ 82,508 (1981). Accordingly, it would be premature for us to address at this time the issues raised by commenters concerning the proposed disposition of any funds remaining after all the meritorious first-stage claims have been paid.

II. Jurisdiction and Authority to Fashion Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by the OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process is intended to be used in situations where the DOE is unable readily to identify either the persons or firms who may have been injured as a result of alleged or adjudicated violations or to ascertain the amount of each person's injuries. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, see *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

III. Injury Requirement

In the PD&O, we pointed out that our experience with Subpart V proceedings indicated that first-stage refund claimants in this proceeding would be either resellers (including retailers) or end-users. We stated that in order to qualify for a refund, resellers generally would be required to establish that they absorbed the alleged overcharges. To make this showing, they would have to demonstrate that market conditions did not allow them to pass through the additional costs associated with alleged overcharges on the product they purchased from Amtel during the consent order period. Resellers would also have to show that they maintained "banks" of unrecovered costs in order to demonstrate that they did not subsequently recover these increased costs by increasing prices. We suggested, however, that those reseller claimants who purchased less than 50,000 gallons per month of product from Amtel be eligible for refunds based upon a less detailed demonstration of injury. Additionally, based upon our belief that spot market purchasers generally passed through any price overcharges, we proposed to establish a rebuttable presumption that spot market purchasers were not injured by Amtel's alleged overcharges. With respect to customers who were end-users (consumers) of Amtel motor gasoline and middle distillates, our experience in prior special refund cases led us to conclude that such customers absorbed the full impact of any overcharges. Accordingly, we proposed that end-users need only document the specific quantities of gasoline and/or middle distillates they purchased from Amtel during the consent order period in order to demonstrate injury.

In response to the proposals set forth in the PD&O, several commenters urged that we either raise the 50,000 gallon per month threshold level proposed for reseller applicants or eliminate it entirely, allowing all claimants to make a lesser showing of injury. As we have indicated in prior Subpart V decisions, it would be improper to distribute very large sums of money to claimants making only the lesser showing of injury. *Cf. Office of Special Counsel, Economic Regulatory Administration: In the Matter of The Charter Company*, 10 DOE ¶ 85,039 (1982). Accordingly, we decline to eliminate threshold level requirements. We do, however, find merit in the contention that the 50,000 gallon per month level is too low and should be raised. Too low a threshold level is likely to deter smaller Amtel customers from filing claims, for the cost incurred in preparing their claims would likely be grossly disproportionate to the potential refund amount. This result would be contrary to the purpose of this proceeding.(2) We have reevaluated the data pertinent to this proceeding and determined that the threshold level should be raised to a dollar amount of $2,500 per calendar year, up to a maximum of $15,000. Because there is a relatively long consent order period in this case (five and one-half years), the documentation necessary to support a claim based on a showing of actual injury is extensive. We find that the higher threshold level is necessary so that potential claimants will not be deterred from filing claims by the cost entailed in preparing detailed documentation for such a long period. Additionally, the higher threshold amount will be helpful to those claimants who no longer have complete and detailed records of transactions that took place as long as eleven years ago. This threshold will not, however, apply to resellers who were spot purchasers. In view of the presumption that spot purchasers were not injured by the alleged Amtel overcharges, no threshold applies to refund applications filed by spot purchasers. Regardless of the magnitude of their refund claims, all spot purchasers seeking refunds in this proceeding must demonstrate that they absorbed Amtel's alleged overcharges.

One commenter argues that the purchase threshold should be applied on a station-by-station basis. Otherwise, he asserts, large, multi-station operations will be unfairly penalized. We cannot agree with this contention. One reason that we allow smaller claimants to qualify for a refund with a lesser showing of injury is that small operators are more likely not to have the accounting resources and sophisticated record systems necessary to make the more detailed showing. *See, generally, Sid Richardson*, 10 DOE ¶ 85,056 at 88,278–79 (1983). In terms of recordkeeping ability, we see no significant difference between a large multi-station retailer and, for instance, a reseller with the same purchase volume. Both should have the resources and records necessary to make the more detailed showing of injury. Accordingly, we find that large, multi-station retailers are not unfairly penalized by the threshold requirement.(3)

The same commenter argues that, with respect to claims above the threshold amount, injury should be presumed whenever a purchaser sold its product at prices below its maximum lawful selling prices (MLSPs). This argument has been considered in detail and rejected in numerous cases of this Office. *See Standard Oil Co. (Indiana)/Gasper's Shell*, 12 DOE ¶ 85,021, (1984); *Standard Oil Co. (Indiana)/Zirwas' Amoco*, 12 DOE ¶ 85,019, (1984); *Standard Oil Co. (Indiana)/Crosby's Standard*, 11 DOE ¶ 85,191, (1983); *Standard Oil Co. (Indiana)/D&J Truck Stop*, 11 DOE ¶ 85,163, (1983); *Standard Oil Co. (Indiana)/John Coconato*, 11 DOE ¶ 85,121, (1983). In those Decisions we stated that injury could not be presumed whenever a purchaser sold its product at less than its MLSP because the inability to charge the full profit margin allowed under the regulations can be attributable to many factors, including temporary oversupply, lower than projected demand, and competition in the marketplace. *See Coconato*, 11 DOE at 88,188. The fact that a firm was charging lower prices due to one of these factors does not suggest a finding

that it was being injured by overcharges. The commenter in the present case has added nothing that would persuade us to reconsider our position on this matter. Accordingly, we must reject the contention that injury should be presumed whenever an Amtel purchaser sold its product at less than its MLSP.

IV. Allocation of Refund Money

In the PD&O, we proposed to use a volumetric method of allocating refunds. Under this method, a volumetric refund amount is calculated by dividing the consent order amount by the total volume of those products coverd by the Consent Order that were sold by the firm during the consent order period. In this case, the volumetric refund amount is $.001014 per gallon ($1,250,000 consent order amount divided by 1,232,387,710 gallons sold by Amtel). As we stated in the PD&O, we believe that the attribution of injury by this method to each gallon of refined products sold by Amtel is the best available general method of distributing the refund money.

One commenter, a large purchaser of Amtel products, stated in its comments that it believed that the volumetric approach was inequitable, since it would limit the firm to a relatively small recovery from the consent order fund, when in fact, the firm argues, it could prove that it suffered a much larger injury as a result of Amtel's pricing practices. The firm misunderstands our procedures. It has been our consistent position in special refund proceedings that while the volumetric approach is the best *general* method for distributing refunds, applicants in special refund proceedings are not subject to the volumetric formula for determining their refund share if they demonstrate that they were injured by overcharges at a level greater than the volumetric amount. *Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,199 (1982). Our analysis of refund applications also reflects this approach. For example, in a case involving an Amoco refund applicant, we specifically found that the applicant had satisfactorily demonstrated that it incurred an injury due to alleged overcharges at a level significantly greater than the volumetric amount, and we granted a refund on that basis. *Standard Oil Co. (Indiana)/Army & Air Force Exchange Service*, 12 DOE § 85,015 (1984). The volumetric method of computing refunds represents a simple alternative available to firms which were in the distribution chain but are not able to perform the difficult task of substantiating a particular level of injury traceable to the consenting firm's pricing practices. *See Standard Oil Co. (Indiana)/Illinois Service Station Operators Ass'n*, 11 DOE ¶ 85,246 (1984); *Standard Oil Co. (Indiana)/Cicero-Peterson Service, Inc.*, 11 DOE ¶ 85,192 (1983); *Standard Oil Co. (Indiana)/John Coconato*, 11 DOE ¶ 85,121 (1983). Thus, it should be clear that claimants are not limited by the volumetric refund amount, but rather can submit for our consideration documented claims of greater injury traceable to Amtel's pricing practices.(4)

Another commenter urges that rather than using a volumetric formula to distribute refunds, we should allocate refunds to successful claimants based upon the full amount of the alleged overcharges reflected in the ERA audit workpapers, subject to pro rata reduction if the sum of meritorious claims exceeds the amount of the consent order fund. We have, in several instances in the past, used audit workpapers as a guide in distributing refunds instead of using a volumetric methodology. *See e.g., Bob's Oil Co.*, 12 DOE ¶ 85,024 (1984); *Marion Corp.*, 12 DOE ¶ 85,014 (1984). However, in those cases, special circumstances existed warranting such treatment which do not exist in the present case. In *Bob's*, the total alleged overcharge amount was only $2,194.74, the audit period was only three months long, the consent order amount was for the full amount of the alleged overcharges, plus interest, and it appeared from the audit workpapers that there were in all likelihood only three overcharged customers, whose purchase volumes and levels of alleged overcharges were set forth clearly in the audit workpapers. Thus, relying on the audit workpapers was the most efficacious and equitable method of distributing refunds in that case. In *Marion*, we explained why we were using the audit workpapers for guidance in fashioning a refund plan:

> This proceeding involves an audit which was very narrow in scope, a consent order which was limited to the same products and time period as the audit, and a relatively small number of purchasers of the consent order firm's products, all or most of whom are identified in the [Notice of Probable Violation] and audit file.

Marion, supra at 88,031. In contrast, using the audit workpapers as a guideline for distributing refunds in this proceeding is not feasible for several reasons. As indicated in the PD&O, the ERA audit of the Amtel operations was conducted on a sample basis with respect to both the locations audited and the length of the audit period. Thus, while over 660 Amtel customers were identified, we must assume that many customers exist who were not identified. Additionally, because of the sample nature of the audit, any figures that could be derived from the workpapers would necessarily be incomplete. In this regard, we note that the over $4 million alleged overcharge figure referred to in the audit file is only a rough estimate. Moreover, Amtel entered into a consent order with the DOE before the ERA had completed its audit. Thus, neither the audit nor its findings were finalized or set forth in a Notice of Probable Violation, as occurred in *Marion*, or in a Proposed Remedial Order. Accordingly, the Amtel audit workpapers would not be a reliable guide for the distribution of refunds, and we find that the volumetric refund formula described above represents the best general method for distributing refunds in this case.

V. Other Procedures

In the PD&O, we proposed to establish a minimum refund amount of $15.00 based upon our experience in prior refund cases that the costs of processing claims outweights the benefits of distributing refunds for less than this amount. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). At noted above, we also proposed to establish a rebuttable presumption that spot market purchasers were not injured by Amtel's pricing practices and proposed that end-users need only document the specific quantities of gasoline and/or middle distillates they purchased from Amtel during the consent order period to demonstrate injury. No comments were received with regard to these proposals. Accordingly, for the reasons set forth in the PD&O, we will implement these proposals.

VI. Application for Refund Procedures

After having considered all the comments received concerning the first-stage procedures tentatively adopted in our May 4 PD&O, we have concluded that applications for refunds should now be accepted from parties who purchased petroleum products from Amtel. Applications must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register**. *See* 10 CFR 205.286. An application must be in writing, signed by the applicant, and specify that it pertains to the Amtel Consent Order Fund, Case No. HEF-0027.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, 1000 Independence Avenue SW., Washington, DC. Any applicant who believes that its application contains confidential

information must so indicate on the first page of its application and submit two additional copies of its application from which the information which the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application must indicate whether the applicant or any person acting on its instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying Amtel enforcement proceeding. Each application must also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. See 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, title, and telephone number of a person who may be contacted by the OHA for additional information concerning the application. All applications should be sent to: Amtel Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, DC. 20585. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284 and the procedures set forth in this Decision and Order.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following subjects should be covered in each application:

A. Each applicant should establish its volume of purchases by calendar quarter for the period of time for which it is claiming it was injured by the alleged overcharges.

B. Each applicant should state whether it was a regular customer of Amtel or whether it made only spot purchases from Amtel.

C. Each applicant should specify how it used the Amtel products—i.e., whether it was a reseller (including retailers) or ultimate consumer.

D. If the applicant is a reseller who wishes to claim a refund in excess of $2,500 per calendar year or a total refund in excess of $15,000 under the volumetric methodology, it should also

(i) State whether it maintained banks of unrecouped produce cost increases from the date of the alleged violation until the product was decontrolled. It should furnish OHA with quarterly bank calculations.

(ii) State whether it or any of its affiliates have filed any other applications for refunds in which they have referred to their banks to demonstrate injury.

(iii) Submit evidence to establish that it did not pass on the alleged injury to its customers. For example, a firm with multiple suppliers in addition to Amtel may submit market surveys to show that price increases to recover alleged overcharges were not feasible.

E. If the applicant is a reseller who wishes to claim a refund in excess of the per gallon volumetric amount, it must, in addition, to providing the information specified in paragraph D, submit evidence which proves that it was injured by alleged overcharges on a per gallon basis at a level greater than the volumetric amount.

F. The applicant should report whether it is or has been involved as a party in any DOE or private Section 210 enforcement actions. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pending of its application for refund. See 10 CFR 205.9(d).

It Is Therefore Ordered That:

(1) Applications for refunds from the funds remitted to the Department of Energy by Amtel, Inc. pursuant to the Consent Order executed on February 7, 1980, may not be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

George B. Breznay,

Director, Office of Hearings and Appeals.

Date: August 24, 1984.

Footnotes

(*1*) Amtel purchased South Central on March 29, 1974 and sold it on May 3, 1979. Amtel purchased Hauck Oil on January 1, 1973. Amtel changed Hauck Oil's name to Premier Automotive, Inc. in July 1976 and discontinued the Hauck Oil/Premier Automotive operations in November 1977. Hauck Trading was formed from Hauck Oil in April 1974. In April 1975, Amtel changed Hauck Trading's name to Ambur Oil and Trading Company, Inc. The Ambur Oil operations were sold by Amtel in May 1978.

(*2*) One commenter urges that, with the exception of end-users, refunds be made only to claimants with fully documented claims and no presumption of injury based upon small purchase volumes be allowed. We cannot accept this position. For the reasons stated in the text, we have consistently found that a presumption of injury for small claims is necessary to effect the purposes of Subpart V and is in accordance with the regulatory requirements. *See* 10 CFR 205.282(e).

(*3*) Additionally, we note that many multi-station operations should be eligible for larger refunds as a result of our increasing the threshold to the $15,000 level.

(*4*) In the event that successful claims exceed the amount in the consent order fund, we will reduce the refunds on a pro rata basis. We will, therefore, not disburse any refunds until the deadline for applications has passed and we have determined the aggregate amount of the refunds.

[FR Doc. 84-31310 Filed 11-28-84 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-41015; FRL-2725-7]

Fifteenth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Fifteenth Report to the Administrator of EPA on November 6, 1984. This report, which revises and updates the Committee's priority list of chemicals, adds seven designated chemicals to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act. The new designated chemicals are anthraquinone, 2-chloro-1,3-butadiene, cumene, mercaptobenzothiazole, octamethylcyclotetrasiloxane, pentabromoethylbenzene, and sodium N-methyl-N-oleoyltaurine. The Fifteenth Report is included in this notice.

The Agency invites interested persons to submit written comments on the Report, and to attend Focus Meetings to help narrow and focus the issues raised by the ITC's recommendations. Members of the public are also invited to inform EPA if they wish to be notified of subsequent public meetings on these chemicals. EPA also notes the removal of 5 chemicals from the priority list because EPA has responded to the ITC's previous recommendations for testing of the chemicals.

DATES: Written comments should be submitted by December 31, 1984. Focus Meetings will be held on December 19 and 20, 1984.

ADDRESSES: Send written submissions to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection

Agency, Rm., E–108, 401 M St., SW., Washington, D.C. 20460.

Submissions should bear the document control number (OPTS–41015).

The public record supporting this action, including comments, is available for public inspection in Rm., E–107 at the address noted above from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays. Focus Meetings will be held in Rm. 3906, EPA Headquarters, 401 M St., SW, Washington, D.C. Persons planning to attend any one of the Focus Meetings and/or seeking to be informed of subsequent public meetings on these chemicals, should notify the TSCA Assistance Office at the address listed below. To insure seating accommodations at the Focus Meeting, persons interested in attending are asked to notify EPA at least one week ahead of the scheduled dates.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800–424–9065), In Washington, D.C.: (554–1404, Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: EPA has received the Fifteenth Report of the TSCA Interagency Testing Committee to the Administrator.

I. Background

Section 4(a) of TSCA (Pub. L. 94–469, 90 Stat. 2003 *et seq;* 15 U.S.C. 2601 *et seq.*) authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemical substances and mixures may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA of chemical substances and mixtures to be given priority consideration in proposing test rules under section 4(a). Section 4(e) directs the Committee to revise its list of recommendations at least every 6 months as necessary. The ITC may "designate" up to 50 substances and mixtures at any one time for priority consideration by the Agency. For such designations, the Agency must within 12 months either initiate rulemaking or issue in the **Federal Register** its reasons for not doing so. The ITC's Fifteenth Report was received by the Administrator on November 6, 1984, and follows this Notice. The Report designates seven substances for priority consideration and response by EPA within 12 months.

II. Written and Oral Comments and Public Meetings

EPA invites interested persons to submit detailed comments on the ITC's new recommendations. The Agency is interested in receiving information concerning additional or ongoing health and safety studies on the subject chemicals as well as information relating to the human and environmental exposure to these chemicals. A notice is published elsewhere in today's **Federal Register** adding the seven substances designated in the ITC's Fifteenth Report to the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR Part 716). The section 8(d) rule requires the reporting of unpublished health and safety studies on the listed chemicals. These seven chemicals will also be added to the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712) published elsewhere in this issue. The section 8(a) rule requires the reporting of production volume, use, exposure, and release information on the listed chemicals.

Focus Meetings will be held to discuss relevant issues pertaining to the chemicals and to narrow the range of issues/effects which will be the focus of the Agency's subsequent activities in responding to the ITC recommendations. The Focus Meetings will be held December 19 and 20, 1984, in Rm. 3906, EPA Headquarters, 401 M St., SW, Washington, D.C. These meetings are intended to supplement and expand upon written comments submitted in response to this notice. The schedule for the Focus Meetings is as follows: December 19, 9:30 a.m.—2-Chloro-1,3-butadiene; 11:00 a.m.—Octamethylcyclotetrasiloxane; 1:30 p.m.—Pentabromoethylbenzene; 3:00 p.m.—Sodium N-methyl-N-oleoyltaurine; December 20, 9:30 a.m.—Anthraquinone; 11:00 a.m.—Mercaptobenzothiazole; 2:00 p.m.—Cumene.

Persons wishing to attend one or more of these meetings or subequent meetings on these chemicals should call the TSCA Assistance Office at the toll free number listed above at least one week in advance.

All written submissions should bear the identifying docket number (OPTS–41015).

III. Status of List

In addition to adding the seven designations to the priority list, the ITC's Fifteenth Report notes the removal of five chemicals from the list since the last ITC report because EPA has responded to the Committee's prior recommendations for testing of the chemicals. Subsequent to the ITC's preparation of its Fourteenth Report, EPA responded to the ITC's recommendations for five additional chemicals. The five chemicals removed and the dates of publication in the **Federal Register** of EPA's responses to the ITC for these chemicals are: calcium naphthenate, May 21, 1984 (49 FR 21411–21418); cobalt naphthenate, May 21, 1984 (49 FR 21411–21418); lead naphthenate, May 21, 1984 (49 FR 21411–21418); methylolurea, May 21, 1984 (49 FR 21371–21375); and 2-phenoxyethanol, May 21, 1984 (49 FR 21407–21411). The current list contains 16 designated substances or groups of substances and two recommended substances or groups of substances.

(Sec. 4, Pub. L. 94–469, 90 Stat. 2003; [15 U.S.C. 2601])

Dated: November 15, 1984.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Fifteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94–469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee, composed of representatives from eight designated Federal agencies, to recommend chemical substances and mixtures (chemicals) to which the Administrator of the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules.

Section 4(e)(1)(A) of TSCA directs the Committee to recommend to the EPA Administrator chemicals to which the Administrator should give priority consideration for the promulgation of testing rules pursuant to section 4(a). The Committee is required to designate those chemicals, from among its recommendations, to which the Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. Every 6 months, the Committee makes those revisions in the TSCA section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of seven chemicals and is noting the removal of five, as a result of responses by EPA.

The Priority List is divided into two parts: part A contains those recommended chemicals and groups designated for priority consideration and response by the EPA Administrator within 12 months, and part B contains chemicals and groups that have been recommended for priority consideration by EPA without being designated for response within 12 months. Although TSCA does not establish a deadline for EPA response to nondesignated chemicals and groups (part B of the Priority List), the Committee anticipates that the EPA Administrator will respond in a timely manner.

The chemicals being added to the Priority List are presented, together with the types of testing recommended, in the following Table 1.

TABLE 1.—ADDITIONS TO THE SECTION 4(E) PRIORITY LIST—NOVEMBER 1984

Chemical/group	Recommended studies
A. Designated for responses within 12 months:	
Anthraquinone (CAS No. 84-65-1).	Chemical fate: Water solubility; biodegradation. Ecological effects: Acute toxicity to fish, aquatic invertebrates, and algae; chronic toxicity to aquatic organisms (testing conditional upon results of acute tests).
2-Chloro-1,3-butadiene (CAS No. 126-99-8).	Chemical fate: Water solubility; persistence. Ecological effects: Acute toxicity to sensitive life stages of fish, aquatic invertebrates, and algae.
Cumene (CAS No. 98-82-8).	Health effects: Short-term genotoxicity; chronic effects including oncogenicity; teratogenicity and reproductive toxicity. Ecological effects: Acute and chronic toxicity to estuarine and freshwater fish and invertebrates.
Mercaptobenzothiazole (CAS No. 149-30-4).	Chemical fate: Dissociation constant; persistence in water and soil; leaching/migration. Environmental effects: Acute and chronic toxicity to fish, aquatic invertebrates and plants, and terrestrial plants.
Octamethylcyclotetrasiloxane (CAS No. 556-67-2).	Chemical fate: Water solubility; octanol/water partition coefficient; biodegradation. Ecological effects: Acute toxicity to fish, aquatic invertebrates, and algae (concentrations of the chemical to be measured during the course of the studies); chronic toxicity to aquate organisms (testing conditional upon results of acute tests).
Pentabromoethylbenzene (CAS No. 85-22-3).	Health effects: Two-year chronic bioassay; teratogenicity study. Ecological effects: Acute and chronic toxicity to fish, aquatic invertebrates, and plants.
Sodium *N*-methyl-*N*-oleoyltaurine (CAS No. 137-20-2).	Health effects: Short-term genotoxicity; sensitization; chronic toxicity to include oncogenicity (testing conditional upon results of short-term tests).
B. Recommended but not designated for response within 12 months: None.	

TSCA Interagency Testing Committee

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Council on Environmental Quality
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Bernard Greifer, Member and Vice Chairperson
Environmental Protection Agency
Carl R. Morris, Member
Arthur M. Stern, Alternate (*2*)
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Martin Grief, Executive Secretary (*4*)
Norma Williams, ITC Coordinator
Alan Carpien—Office of the General Counsel, EPA
Stephen J. Ells—Office of Toxic Substances, EPA
Vera W. Hudson—National Library of Medicine

Notes

(*1*) Thomas Magness resigned from the Committee on May 1, 1984.

(*2*) Arthur Stern was appointed Acting Executive Secretary on September 4, 1984.

(*3*) Edmund Cummings was appointed on June 18, 1984.

(*4*) Martin Grief died on August 8, 1984. He served 4 years of distinguished and faithful service as the ITC Executive Secretary. The Committee deeply regrets his passing. His dedication and outstanding contributions to the goals of the Committee will long be remembered.

The Committee acknowledges and is grateful for the assistance and support given to it by the staffs of CRCS, Inc., and Dynamac Corporation (technical support prime and subcontractors) and personnel of the EPA Office of Toxic Substances.

Chapter 1—Introduction

1.1 *Background.* The TSCA Interagency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94-469). The specific mandate of the Committee is to recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances and mixtures in commerce that should be given priority consideration for the promulgation of testing rules to determine their potential hazard to human health and/or the environment. TSCA specifies that the Committee's recommendations shall be in the form of a Priority List, which is to be published in the **Federal Register**. The Committee is directed by section 4(e)(1)(A) of TSCA to designate those chemicals on the Priority List to which the EPA Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. There is no statutory time limit for EPA response regarding chemicals that ITC has recommended, but not designated for response within 12 months.

Every 6 months, the Committee makes those revisions in the section 4(a) Priority List that it determines to be necessary and transmits then to the EPA Administrator.

The Committee is comprised of representatives from eight statutory member agencies, five liaison agencies, and one national program. The specific representatives and their affiliations are

named in the front of this report. The Committee's chemical review procedures and prior recommendations are described in previous reports (Refs. 1 through 14).

1.2 *Committee's previous reports.* Fourteen previous reports to the EPA Administrator have been issued by the Committee and published in the **Federal Register** (Refs. 1 through 14). Seventy-nine entries (chemicals and groups of chemicals) were recommended for priority consideration by the EPA Administrator and designated for response within 12 months. In addition, two groups were recommended without being so designated. Removal of 65 entries was noted in the previous reports.

1.3 *Committee's activities during this reporting period.* Between April 1, 1984, and September 30, 1984, the Committee continued to review chemicals from its fourth and fifth and scoring exercises.

The Committee contacted chemical manufacturers and trade associations to request information that would be of value in its deliberations. Most of those contacted provided unpublished information on current production, exposure, uses, and effects of chemicals under study by the Committee.

During this reporting period, the Committee examined 97 chemicals for priority consideration. Seven chemicals were added to the section 4(e) Priority List, and 16 were deferred indefinitely. The remaining chemicals are still under study.

1.4 *The TSCA section 4(e) Priority List.* Section 4(e)(1)(B) of TSCA directs the Committee to: ". . . make such revisions in the [priority] list as it determines to be necessary and . . . transmit them to the Administrator together with the Committee's reasons for the revisions." Under this authority, the Committee is revising the Priority List by adding seven chemicals: Anthraquinone; 2-chloro-1,3-butadiene; cumene; mercaptobenzothiazole; and sodium *N*-methyl-*N*-oleoyltaurine. All of these chemicals are designated for response within 12 months. The testing recommended for these chemicals and the rationales for the recommendations are presented in Chapter 2 of this report.

Five chemicals are being removed from the Priority List because the EPA Administrator has responded to the Committee's prior recommendations for testing them. They are:

Calcium naphthenate
Cobalt naphthenate
Lead naphthenate
Methylolurea
2-Phenoxyethanol

With the seven recommendations and five removals noted in this report, 18 entries now appear on the section 4(e) Priority List. The Priority List is divided in the following Table 2 into two parts; namely, Table 2A, Chemicals and Groups of Chemicals Designated for Response Within 12 Months, and Table 2B, Other Recommended Chemicals and Groups.

Table 2.—The TSCA Section 4(e) Priority List, November 1984

2A. Chemicals and Groups of Chemicals Designated for Response Within 12 Mo

Entry	Date of designation
1. Anthraquinone	November 1984.
2. Bisphenol A	May 1984.
3. 2-(2-Butoxyethoxy) ethyl acetate	November 1983.
4. 2-Chloro-1,3-butadiene	November 1984.
5. Cumene	Do.
6. 1,2-Dibromo-4(1,2-dibromoethyl) cyclohexane.	May 1984.
7. Diisopropyl biphenyl	Do.
8. Ethylene bis(oxyethylene) diacetate	November 1983.
9. 2-Ethylhexanoic acid	May 1984.
10. 1, 2, 3, 4, 7, 7-Hexachloronorbornadiene.	November 1983.
11. Isopropyl biphenyl	May 1984.
12. Mercaptobenzothiazole	November 1984.
13. Octamethylcyclotetrasiloxane	Do.
14. Oleylamine	November 1983.
15. Pentabromoethylbenzene	November 1984.
16. Sodium *N*-methyl-*N*-oleoyltaurine	Do.

2B. Other Recommended Chemicals and Groups of Chemicals

Entry	Date of recommendation
1. Carbofuran intermediates	November 1982.
2. 3,4-Dichorobenzotrifluoride	May 1984.

To date, 70 chemicals and groups of chemicals have been removed from the Priority List. The cumulative list is presented in the following Table 3.

Table 3.—Cumulative Removals From the TSCA Section 4(e) Priority List—November 1984

Chemical/group	EPA responses to committee recommendations	
	Federal Register	
	Citation	Publication Date
1. Acetonitrile	47 FR 58020-58023	Dec. 29, 1982
2. Acrylamide	49 FR 30592-30594	July 31, 1984
3. Alkyl epoxides	49 FR 449-456	Jan. 4, 1984
4. Alkyl phthalates	46 FR 53775-53777	Oct. 30, 1981
5. Alkyltin compounds	47 FR 5456-5463	[1]Feb. 5, 1982
6. Aniline and bromo-, chloro-, and/or nitroanilines	49 FR 108-126	Jan. 3, 1984
7. Antimony metal	48 FR 717-725	Jan. 6, 1983
8. Antimony sulfide	48 FR 717-725	Jan. 6, 1983
9. Antimony trioxide	48 FR 717-725	Jan. 6, 1983
10. Aryl phosphates	48 FR 57452-57460	Dec. 29, 1983
11. Benzidine-based dyes	46 FR 55004-55006	Nov. 5, 1981
12. Benzyl butyl phthalate	46 FR 53775-53777	Oct. 30, 1981
13. Biphenyl	48 FR 23080-23086	May 23, 1983
14. Bis(2-ethylhexyl) terephthalate	48 FR 51845-51848	Nov. 14, 1983
15. Butyl glycolyl butyl phthalate	46 FR 54487	Nov. 2, 1981
16. Calcium naphthenate	49 FR 21411-21418	May 21, 1984
17. Chlorendic acid	47 FR 44878-44879	Oct. 12, 1982
18. Chlorinated benzenes, mono- and di-	49 FR 1760-1770	Jan. 13, 1984
19. Chlorinated benzenes, tri-, tetra-, and penta-	49 FR 1760-1770	Jan. 13, 1984
20. Chlorinated naphthalenes	46 FR 54491	Nov. 2, 1981
21. Chlorinated paraffins	47 FR 1017-1019	Jan. 8, 1982
22. 4-Chlorobenzotrifluoride	47 FR 50555-50558	Nov. 8, 1982
23. Chloromethane	45 FR 48524-48564	July 18, 1980
24. 2-Chlorotoluene	47 FR 18172-18175	Apr. 28, 1982
25. Cobalt naphthenate	49 FR 21411-21418	May 21, 1984
26. Cresols	48 FR 31812-31819	July 11, 1983
27. Cyclohexanone	49 FR 136-142	Jan. 3, 1984
28. *o*-Dianisidine-based dyes	46 FR 55004-55006	Nov. 5, 1981
29. Dibutyltin bis(isooctyl maleate)	48 FR 51361-51366	Nov. 8, 1983
30. Dibutyltin bis(isooctyl mercaptoacetate)	48 FR 51361-51366	Nov. 8, 1983
31. Dibutyltin bis(lauryl mercaptide)	48 FR 51361-51366	Nov. 8, 1983
32. Dibutyltin dilaurate	48 FR 51361-51366	Nov. 8, 1983
33. Dichloromethane	46 FR 30300-30320	June 5, 1981

TABLE 3.—CUMULATIVE REMOVALS FROM THE TSCA SECTION 4(E) PRIORITY LIST—NOVEMBER 1984—Continued

Chemical/group	EPA responses to committee recommendations	
	Federal Register	
	Citation	Publication Date
34. 1,2-Dichloropropane	49 FR 899–908	Jan. 6, 1984
35. Diethylenetriamine	47 FR 18386–18391	Apr. 29, 1982
36. Dimethyltin bis(isooctyl mercaptoacetate)	48 FR 51361–51366	Nov. 8, 1983
37. 1,3-Dioxolane	49 FR 32113–32114	Aug. 10, 1984
38. Ethyltoluene	48 FR 23088–23095	May 23, 1983
39. Fluoroalkenes	46 FR 53704–53708	Oct. 30, 1981
40. Formamide	48 FR 23098–23102	May 23, 1983
41. Glycidol and its derivatives	48 FR 57562–57571	Dec. 30, 1983
42. Halogenated alkyl epoxides	48 FR 57686–57700	Dec. 30, 1983
43. Hexachloro-1,3-butadiene	47 FR 58029–58031	Dec. 29, 1982
44. Hexachlorocyclopentadiene	47 FR 58023–58025	Dec. 29, 1982
45. Hexachloroethane	47 FR 18175–18176	Apr. 28, 1982
46. Hydroquinone	49 FR 438–449	Jan. 4, 1984
47. Isophorone	48 FR 727–730	Jan. 6, 1983
48. Lead naphthenate	49 FR 21411–21418	May 21, 1984
49. Mesityl oxide	48 FR 30699–30706	July 5, 1983
50. 4,4'-Methylenedianiline	48 FR 31806–31810	July 11, 1983
51. Methyl ethyl ketone	47 FR 58025–58029	Dec. 29, 1982
52. Methyl isobutyl ketone	47 FR 58025–58029	Dec. 29, 1982
53. Methylolurea	49 FR 21371–21375	May 21, 1984
54. Monobutyltin tris(isooctyl mercaptoacetate)	48 FR 51361–51366	Nov. 8, 1983
55. Monomethyltin tris(isooctyl mercaptoacetate)	48 FR 51361–51366	Nov. 8, 1983
56. Nitrobenzene	46 FR 30300–30320	June 5, 1981
57. 2-Phenoxyethanol	49 FR 21407–21411	May 21, 1984
58. Phenylenediamines	47 FR 973–983	Jan. 8, 1982
59. Polychlorinated terphenyls	46 FR 54482–54483	Nov. 2, 1981
60. Pyridine	47 FR 58031–58035	Dec. 29, 1982
61. Quinone	49 FR 456–465	Jan. 4, 1984
62. 4-(1,1,3,3-Tetramethylbutyl) phenol	49 FR 29449–29450	July 20, 1984
63. *o*-Tolidine-based dyes	46 FR 55004–55006	Nov. 5, 1981
64. Toluene	47 FR 56391–56392	Dec. 16, 1982
65. 1,2,4,-Trimethylbenzene	48 FR 23088–23095	May 23, 1983
66. Trimethylbenzenes	48 FR 23088–23095	May 23, 1983
67. 1,1,1–Trichloroethane	46 FR 30300–30320	June 5, 1981
68. Tris(2-chloroethyl) phosphite	47 FR 49466–49467	Nov. 1, 1982
69. Tris(2-ethylhexyl) trimellitate	48 FR 51842–51845	Nov. 14, 1983
70. Xylenes	47 FR 56392–56394	Dec. 16, 1982

[1] Removed by the Committee for reconsideration. Seven individual group members were subsequently designated in the 11th ITC Report (Ref. 11) for priority consideration.

References

(1) Initial Report to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1, 1977. Published in the **Federal Register** of Wednesday, October 12, 1977, 42 FR 55026–55080. Corrections published in the **Federal Register** of November 11, 1977, 42 FR 58777–58778. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–78/001, January 1978.

(2) Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1978. Published in the **Federal Register** of Wednesday, April 19, 1978, 43 FR 16684–16688. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–78/002, July 1978.

(3) Third Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1978. Published in the **Federal Register** of Monday, October 10, 1978, 43 FR 50630–50635. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–79/001, January 1979.

(4) Fourth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1979. Published in the **Federal Register** of Friday, June 1, 1979, 44 FR 31866–31899.

(5) Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 1979. Published in the **Federal Register** of Friday, December 7, 1979, 44 FR 70664–70674.

(6) Sixth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1980. Published in the **Federal Register** of Wednesday, May 28, 1980, 45 FR 35897–35910.

(7) Seventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1980. Published in the **Federal Register** of Tuesday, November 25, 1980, 45 FR 78432–78446.

(8) Eighth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1981. Published in the **Federal Register** of Friday, May 22, 1981, 46 FR 28138–28144.

(9) Ninth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1981. Published in the **Federal Register** of Friday, February 5, 1982, 47 FR 5456–5463.

(10) Tenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1982. Published in the **Federal Register** of Tuesday, May 25, 1982, 47 FR 22585–22596.

(11) Eleventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1982. Published in the **Federal Register** of Friday, December 3, 1982, 47 FR 54625–54644.

(12) Twelfth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 1983. Published in the **Federal Register** of Wednesday, June 1, 1983, 48 FR 24443–24452.

(13) Thirteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 1983. Published in the **Federal Register** of Wednesday, December 14, 1983, 48 FR 55674–55684.

(14) Fourteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 1984. Published in the **Federal Register** of Tuesday, May 29, 1984, 49 FR 22389–22407.

Chapter 2—Recommendations of the Committee

2.1 *Chemicals recommended for priority consideration by the EPA Administrator.* As provided by section 4(e)(1)(B) of TSCA, the Committee is adding the following seven chemical

substances to the section 4(e) Priority List: Anthraquinone; 2-chloro-1,3-butadiene; cumene; mercaptobenzothiazole; octamethylcyclotetrasiloxane; pentabromoethylbenzene; and sodium *N*-methyl-*N*-oleoyltaurine. The recommendation of these chemicals is being made after considering the factors identified in section 4(e)(1)(A) and other available relevant information, as well as the professional judgment of Committee members.

The seven recommendations designated for response by the EPA Administrator within 12 months and supporting rationales are presented in section 2.2 of this report.

2.2 *Chemicals designated for response within 12 months with supporting rationales.*

2.2a *Anthraquinone*

Summary of recommended studies. It is recommended that anthraquinone be tested for the following:

A. Chemical Fate:

Water solubility
Biodegradation

B. Ecological Effects:

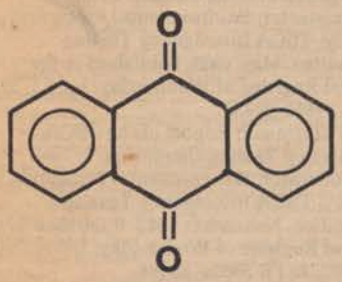
Acute toxicity to fish, aquatic invertebrates, and algae
Chronic toxicity to aquatic oranisms (testing conditional upon results of acute tests)

Physical and Chemical Information

CAS Number: 84–65–1.

Synonyms: 9,10-Anthracenedione; 9,10-Anthraquinone; 9,10-Dioxoanthracene.

Structural Formula:



Empirical Formula: $C_{14}H_8O_2$

Molecular Weight: 208

Melting Point: 283.5–285 °C.

Boiling Point: 379–381 °C.

Vapor Pressure: 1mmHg at 190 °C.

Specific Gravity: 1.419–1.438 (20/4).

Solubility in Water: 0.05mg/L (Ref. 7, C–I–L, 1984).

Log Octanol/Water Partition Coefficient: 2.16 (estimated; Ref. 17, Lyman et al., 1982).

Description of Chemical: Light-yellow needles.

Rationale for Recommendations

I. *Exposure information*—A. *Production/use/disposal.* No publicly available data were found on the current production volume of anthraquinone; however, it is known to be produced in the United States. In 1979, 3.7 million pounds of anthraquinone were imported (Ref. 24, USITC, 1980). In 1982, 364,358 pounds were imported (Ref. 25, USITC, 1983).

The major uses for anthraquinone are as an intermediate in the manufacture of dyes and dyestuff intermediates and as a kraft pulping additive to aid in the delignification of wood pulp (Refs. 12, 15, and 4, Kirk-Othmer, 1978, 1982; CEH, 1983). It is also used as a catalyst in the isomerization of vegetable oils and in the polymerization of drying oils, as an accelerator in nickel electroplating, and as an aid in improving the adhesion and heat stability of tire cords (Refs. 12, 13, and 14, Kirk-Othmer, 1978, 1979, 1980). In Europe, it is also used as a bird repellent, applied to growing crops and seeds (Ref. 15, Kirk-Othmer, 1982).

B. *Evidence for exposure.* Games and Hites (Ref. 9, 1977) found anthraquinone in six raw wastewater samples from a dye manufacturing plant at concentrations ranging from 49 to 110 ppb but did not detect anthraquinone in the effluent from the plant's wastewater treatment facility. According to Voss (Ref. 29, 1981), increased use of anthraquinone in wood pulping "may show up environmental effects which are, as yet, not obvious." Typical addition levels in the paper mills are 0.025–0.1 percent anthraquinone on bone-dry wood.

Anthraquinone has been found in the Waal River in the Netherlands (Ref. 19, Meijers and Van der Leer, 1976) and in the Baltic Sea (Ref. 8, Ehrhardt et al., 1982). Akiyama et al. (Ref. 1, 1980) found 5.2 ng/L of anthraquinone in samples of Japanese tapwater and detected it in sediments. In a study of drinking water contaminants in 12 Great Lakes municipalities, anthraquinone was found in all 12 locations (Ref. 30, Williams et al., 1982). The concentrations ranged from 0.3 to 72 ng/L.

The compound has been found in atmospheric samples taken in Toronto, Canada (Ref. 21, Pierce and Katz, 1976); Antwerp, Belgium (Ref. 3, Cautreels et al., 1977); and in southern Norway (Ref. 16, Lunde, 1976).

Bullhead catfish sampled from the Black River, Ohio, contained 42 ppb of anthraquinone (Ref. 26, Vassilaros et al., 1982). Anthraquinone also has been found in the surface wax of a perennial grass and in the heartwood of *Quebrachia lorentzii* (Ref. 2, Allebone et al., 1971), in the leaflets and pods of *Cassia angustifolia* (Ref. 23, Singh and Rao, 1982), and in cell suspension cultures of *Morinda citrifolia* (Ref. 32, Zenk et al., 1975). Ehrhardt et al. (Ref. 8, 1982) postulated that anthraquinone is formed in the atmosphere by the natural photooxidation of anthracene.

II. *Chemical fate information*—A. *Persistence.* Several environmental fate tests were performed to obtain information on the biodegradability of anthraquinone (Ref. 7, C-I-L, 1984). The reported results are summarized below.

1. *BOD test.* There was complete degradation of a 500 mg/L test solution in 24 days. The 5-day BOD showed 61 and 45 percent degradation using acclimated and unacclimated tests, respectively.

2. CO_2 evolution test. Test concentrations of 20 and 30 mg/L were used. After 38 days, the amount of CO_2 was equivalent to 83–96 percent of the theoretical CO_2 anticipated from the biodegradation of anthraquinone.

3. *End-product test.* At the end of the CO_2 evolution test, there were no discernible end products other than residual anthraquinone. More than 99 percent of the anthraquinone had degraded.

B. *Rationale for chemical fate recommendations.* All of the environmental fate tests were performed using test solutions in which the concentration of anthraquinone exceeded the reported solubility limit of anthraquinone. Therefore, the test data cannot be interpreted reliably. Based on expected releases of anthraquinone to the aquatic environment, biodegradation tests should be performed at test concentrations not exceeding its water solubility limit. Prior to fate and effects testing, the water solubility of anthraquinone must be accurately quantified to properly design and conduct these tests.

III. *Biological effects of concern to human health.* Anthraquinone has been tested for health effects and is not being recommended for further testing at this time.

Rats fed anthraquinone in the diet for 4 days excreted untransformed anthraquinone in urine (Ref. 22, Sims, 1964).

The intraperitoneal LD_{50} of anthraquinone in the rat is 3,500 mg/kg (Ref. 27, Volodchenko, 1977). Anthraquinone fed to rats daily for 7 days inhibited the absorptive and excretory functions of the liver (Ref. 20, Pidemskii and Masenko, 1970). Repeated enteral injections of anthraquinone at one-fifth LD_{50} in experimental animals

caused damage to the liver, kidneys, and peripheral blood (Ref. 28, Volodchenko and Labunskii, 1972). Anthraquinone administered orally (1,206 ppm in diet) for 17 months, or subcutaneously (single dose of 1,000 mg/kg), failed to elevate the incidence of tumors in two hybrid strains of mice (Ref. 11, Innes et al., 1969).

Anthraquinone has been well tested in the *Salmonella*/microsome test system. Only one of nine studies showed any evidence of induction of mutagenicity. Positive results were obtained in the absence of metabolic activation in strains TA1537, TA1538, and TA98, indicating a frameshift type of mutagenesis. Yamaguchi (Ref. 31, 1982) found that anthraquinone markedly decreased the mutagenicity of some known mutagens. Cesarone et al. (Ref. 5, 1982) observed an increased in vivo production of single-strand DNA breaks in the liver and kidneys of mice injected intraperitoneally with anthraquinone.

IV. *Ecological effects of concern*—A. *Short-term effects.* Static acute toxicity tests have been performed with several aquatic organisms (Ref. 7, C-I-L, 1984). The LC_{50}s for *Daphnia pulex* and the fathead minnow were 46 and 2,650 mg/L, respectively. Both levels greatly exceed the reported solubility limit. The report stated that the fish died from clogging of the gills with undissolved anthraquinone. Giddings (Ref. 10, 1979) reported that 1,4-anthraquinone was "essentially nontoxic to *Selenastrum capricornutum.*" The researcher attributed this to its insolubility. The test concentration was reported as 100 percent saturation.

Chillingworth (Ref. 6, 1974) determined the toxicity of anthraquinone to fathead minnows and *S. capricornutum.* No effects on the fish were observed at 180 mg/L or on the algae at 10 mg/L. In screening studies using three species of fish, all fish died in less than 13 hours after exposure to an anthraquinone concentration of 10 ppm (Ref. 18, MacPhee and Ruelle, 1969).

In a seed germination test with the radish, *Raphanus sp.*, the 48-hour ED_{50} was calculated to be 428,000 ppm. A 500 mg/L solution of anthraquinone applied to seedling wheat and soybean plants had no effect on shoot height and biomass, root biomass, and growth pathology (Ref. 7, C-I-L, 1984).

Several laboratory tests were performed to investigate the potential ecological effects of using anthraquinone as a pulping additive (Ref. 7, C-I-L, 1984). Several tests were performed with bluegill and *Daphnia magna* using an effluent containing anthraquinone. Due to the high mortality in the control groups, the observed problems with solubility, and the fact that the anthraquinone concentrations were not measured, the data from these studies cannot be used to reliably assess the toxic effect levels of anthraquinone.

B. *Long-term effects.* No information was found.

C. *Bioconcentration.* C-I-L (Ref. 7, 1984) reported the results of a 28-day bioconcentration test with the fathead minnow. Within 16 days of exposure to anthraquinone in water at a mean concentration of approximately 0.4 mg/L, a steady-state concentration in the fish was reached. The bioconcentration factor (BCF) was 24. Eleven days after transfer to clean water, 66 percent of the accumulated residues had been eliminated from the fish. After 16 days, the residues were below detectable limits. In a 30-day bioconcentration study with bluegill and a 5-day study with *D. magna*, the resulting BCFs were approximately 50 and 100, respectively (Ref. 7, C-I-L, 1984).

D. *Rationale for ecological effects recommendations.* The toxicity tests that were reviewed were performed at test concentrations that exceed the reported water solubility level of anthraquinone. These data are inadequate to quantify the acute and potential chronic toxicity to aquatic organisms. These data indicate, however, that anthraquinone may be very toxic to aquatic organisms. Since organisms were killed in the toxicity tests, anthraquinone may be toxic at its reported solubility limit of 0.05 mg/L. Flowthrough toxicity tests at concentrations not exceeding the measured solubility limit of anthraquinone should be performed. If these tests indicate toxicity at the solubility limit, chronic tests should also be performed. The bioconcentration tests indicate that bioconcentration of anthraquinone is not expected to be significant.

References

(1) Akiyama T, Koga M, Shinohara R, Kido A, Etoh S. 1980. Detection and identification of trace organic substances in the aquatic environment. J. UOEH 2(3):285–300.

(2) Allebone JE, Hamilton RJ, Bryce TA, Kelly W. 1971. Anthraquinone in plant surface waxes. Experientia 27(1):13–14.

(3) Cautreels W, Van Cauwenberghe K, Guzman LA. 1977. Comparison between the organic fraction of suspended matter at a background and an urban station. Sci. Total Environ. 8(1):79–88.

(4) CEH. 1983. Chemical Economics Handbook. Section 300.70035. Stanford Research Institute, Menlo Park, CA: SRI International.

(5) Cesarone CF, Bolognesi C, Santi L. 1982. Evaluation of damage to DNA after in vivo exposure to different classes of chemicals. Arch. Toxicol. 5 (Suppl.):355–359.

(6) Chillingworth MA. 1974. The toxicity of aminoanthraquinone dyes to fish and algae. In: Dyes and Environment. American Dye Manufacturers Institute, Inc.

(7) C–I–L, Inc. 1984. Unpublished information on the fate and effects of anthraquinone submitted by H.H. Holten, C–I–L, Inc. March 22, 1984.

(8) Ehrhardt M, Bouchertall F, Hopf HP. 1982. Aromatic ketones concentrated from Baltic Sea water. Mar. Chem. 11:449–461.

(9) Games LM, Hites RA. 1977. Composition, treatment efficiency, and environmental significance of dye manufacturing plant effluents. Anal. Chem. 49(9):1433–1440.

(10) Giddings JM. 1979. Acute toxicity to *Selenastrum capricornutum* of aromatic compounds from coal conversion. Bull. Environ. Contam. Toxicol. 23:360–364.

(11) Innes JRM, Ulland BM, Valerio MG, Petrucelli L, Fishbein L, Hart ER, Pallotta AJ, Bates RR, Falk HL, Gart JJ, Klein M, Mitchell I, Peters J. 1969. Bioassay of pesticides and industrial chemicals for tumorigenicity in mice: A preliminary note. J. Natl. Cancer Inst. 42(6):1101–1114.

(12) Kirk-Othmer. 1978. Encyclopedia of Chemical Technology, 3rd ed. Vol. 2. New York: John Wiley & Sons, Inc. pp. 700–706.

(13) Kirk-Othmer. 1979. Encyclopedia of Chemical Technology, 3rd ed. Vol. 8. New York: John Wiley & Sons, Inc. pp. 138, 170–171, 177–178.

(14) Kirk-Othmer. 1980. Encyclopedia of Chemical Technology, 3rd ed. Vol. 11. New York: John Wiley & Sons, Inc. p. 700.

(15) Kirk-Othmer. 1982. Encyclopedia of Chemical Technology, 3rd ed. Vol. 19. New York: John Wiley & Sons, Inc. pp. 317–318, 406, 497.

(16) Lunde G. 1976. Long-range aerial transmission of organic micropollutants. Ambio 5(5–6):207–208.

(17) Lyman WJ, Reehl WF, Rosenblatt DH. 1982. Handbook of Chemical Property Estimation Methods, Chapter 1. New York: McGraw-Hill Book Co.

(18) MacPhee C, Ruelle R. 1969. Lethal effects of 1888 chemicals upon four species of fish from western North America. Forest, Wildlife and Range Experiment Station. Moscow, ID: University of Idaho.

(19) Meijers AP, Van der Leer RC. 1976. The occurrence of organic micropollutants in the river Rhine and the river Maas in 1974. Sci. Res. 10:597–604.

(20) Pidemskii EL, Masenko VP. 1970. Effect of some anti-inflammatory preparations on the absorption and excretory function of a normal liver and one affected by hepatitis. Tr. Perm. Gos. Med. Inst. 99:325–328.

(21) Pierce RC, Katz M. 1976. Chromatographic isolation and spectral analysis of polycyclic quinones: Application of air pollution analysis. Environ. Sci. Technol. 10(1):45–51.

(22) Sims P. 1964. Metabolism of polycyclic compounds: 25. The metabolism of anthracene and some related compounds in rats. Biochem. J. 92:621–631.

(23) Singh P, Rao MM. 1982. Optimum stage of harvest of leaflets and pods of Senna

Cassia Angustifolia Vahl, in relation to yield of crude drug and anthraquinone. Indian J. Pharm. Sci. 44(1):12–13.

(24) USITC. 1980. U.S. International Trade Commission. Imports of Benzenoid Chemicals and Products, 1979. USITC Publ. No. 1083. Washington, DC: U.S. Govt. Printing Office.

(25) USITC. 1983. U.S. International Trade Commission. Imports of Benzenoid Chemicals and Products, 1982. USITC Publ. No. 1401. Washington, DC: U.S. Govt. Printing Office.

(26) Vassilaros DL, Stoker PW, Booth GM, Lee ML. 1982. Capillary gas chromatographic determination of polycyclic aromatic compounds in vertebrate fish tissue. Anal. Chem. 54:106–112.

(27) Volodchenko VA. 1977. Results of and future prospects for studying the toxicological characteristics of anthraquinone derivatives. Gig. Tr. Prob. Zabol. 21(12) 27–30.

(28) Volodchenko VA, Labunskii VV. 1972. Biological characteristics of the diaminoanthraquinone and anthraquinone isomers viewed in a comparative aspect. Gig. Tr. Prof. Zabol. 16(11):44–45.

(29) Voss GP. 1981. 9,10-Anthraquinone as an additive in chemical pulping. Paper Tech. Ind. 22(4):125–130.

(30) Williams DT, Nestmann ER, LeBel GL, Benoit FM, Otson R. 1982. Determination of mutagenic potential and organic contaminants of Great Lakes drinking water. Chemosphere 11(3):263–276.

(31) Yamaguchi T. 1982. Reduction of induced morality with biologically active quinones through inhibition of metabolic activation. Agric. Biol. Chem. 46(9):2373–2375.

(32) Zenk MH, El-Shagi H, Schulte U. 1975. Anthraquinone production by cell suspension cultures of *Morinda citrifolia*. Planta Med. (Suppl.):79–101.

2.2.b *2-Chloro-1,3-Butadiene (Chloroprene).*

Summary of recommended studies. It is recommended that chloroprene be tested for the following:

A. Chemical Fate:

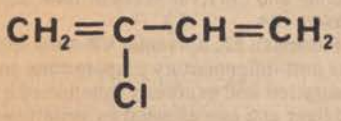
Water solubility
Persistence

B. Ecological Effects:

Acute toxicity to sensitive life stages of fish, aquatic invertebrates, and algae

Physical and Chemical Information

CAS Number: 126-99-8.
Synonym: Chloroprene.
Structural Formula:



Empirical Formula: C_4H_5Cl.
Molecular Weight: 88.5.
Melting Point: −130 °C (Ref. 15, Verschueren, 1983).
Boiling Point: 58.4 °C (Ref. 15, Verschueren, 1983).
Vapor Pressure: 188 mmHg at 20 °C (Ref. 9, NIOSH, 1977).
Specific Gravity: 0.9583 (Ref. 7, Irish, 1963).
Log Octanol/Water Partition Coefficient: 1.73 (estimated; Ref. 8, Lyman et al., 1982).
Description of Chemical: Colorless liquid.

Rationale for Recommendations

I. *Exposure information*—A. *Production/use/disposal.* No data were found on the current production volume of chloroprene. However, the total volume can be estimated from its use in the production of polychloroprene (neoprene) elastomers, which is the only significant use of chloroprene reported (Ref. 2, CEH, 1982). In 1983, approximately 254 million pounds of polychloroprene were produced in the United States (Ref. 6, Greek, 1984); the amount of chloroprene produced is expected to be similar. Approximately 33 percent of the production volume of polychloroprene is used in automotive belts and wire coverings; 25 percent, in nonautomotive wire coverings; and 25 percent, in the manufacture of adhesives.

B. *Evidence for exposure.* Preliminary data from the National Occupational Exposure Survey conducted during 1980–83 estimated that 6,405 workers were exposed to chloroprene in the workplace in 1980 (Ref. 10, NIOSH, 1984). It has been reported (Ref. 2, CEH, 1982) that chloroprene is shipped from the site of manufacture to a different plant for polymerization; thus, the potential exists for its release during handling and transport as well as during manufacturing and processing.

II. *Chemical fate information*—A. *Transport.* No information was found.

B. *Persistence.* No information was found.

C. *Rationale for chemical fate recommendations.* On the basis of its vapor pressure, the compound is expected to partition to the atmosphere. However, water solubility data are needed to confirm this conclusion and to provide information on the rate and extent of its partitioning to the atmosphere and other environmental media. This information is also needed to determine what types of persistence testing (biological, chemical, or photochemical) are most pertinent to an assessment of environmental exposure.

III. *Biological effects of concern to human health.* Although chloroprene is a high production chemical that is structurally related to the carcinogens 1,3-butadiene and vinyl chloride, sufficient testing to elucidate its potential health effects of concern to humans either has been conducted, is underway, or is planned. Thus, further testing for health effects is not being recommended at this time.

The acute oral LD_{50} for chloroprene was found to be 260 mg/kg body weight in mice and 251 mg/kg body weight in rats. In an inhalation study, the approximate lethal concentration of the chemical in rats following a 4-hour exposure was 2,300 ppm (Ref. 3, Clary, 1977).

Chloroprene has been shown to be genotoxic in a number of test systems, including the *Salmonella* microsomal assay (Ref. 1, Bartsch et al., 1979) and the *Drosophila* sex-linked recessive lethal mutation system (Ref. 16, Vogel, 1979). It was shown to induce chromosomal aberrations in human cells (Refs. 13 and 17, Sanotskii, 1976; Zhurkov et al., 1977). It was negative in V79 Chinese hamster cells for inducing resistence to 8-azaguanine or ouabain (Ref. 4, Drevon and Kuroki, 1979).

No published studies on the metabolism or toxicokinetics of chloroprene were found.

Several carcinogenicity studies have been published in the literature (Refs. 18, 20, 19, and 12, Zil'fyan and Fichidzhyan, 1972; Zil'fyan et al., 1975; Zil'fyan et al., 1977; Ponomarkov and Tomatis, 1980); however, they were of insufficient duration to evaluate chloroprene's carcinogenic potential. The Joint Industry Group on Chloroprene sponsored a chronic inhalation study of the chemical in Wistar rats and Syrian golden hamsters (Ref. 14, Trochimowicz, 1984). Exposure levels were targeted at 0, 10, and 50 ppm chloroprene for 6 hours/day, 5 days/week. The rats were exposed for 24 months; the hamsters, for 18 months. No evidence of chloroprene-induced carcinogenicity was found in either species.

As part of its testing initiative on 1,3-butadiene, an animal carcinogen, the National Toxicology Program is testing chloroprene for a number of toxicological endpoints. The chemcial has been selected for an indepth toxicological evaluation in 14- and 90-day studies. The 90-day studies will include sperm morphology and vaginal cytology evaluation, while the 14-day studies will include micronuclei evaluations and in vivo cytogenetics testing. Chloroprene will also be tested for carcinogenicity by inhalation. Toxicokinetic and metabolism studies are also planned using intravenous injections over a wide range of doses. Finally, inhalation teratology studies of the chemical in rats and mice are planned, as are fertility assessment studies of chloroprene in mice (Ref. 11, NTP, 1984.

IV. *Ecological effects of concern*—A. *Short-term effects.* The 96-hour LC_{50} of

chloroprene with bluegill was 245 ppm (Ref. 5, Dupont, 1984). The test was a flowthrough test with the LC_{50} based on nominal test concentrations. The 7-day EC_{50} with the alga, *Navicula seminulum* was 3,800 ppm. This EC_{50} was also based on nominal test concentrations.

B. *Long-term effects.* No information was found.

C. *Bioconcentration.* Based on an estimated low log octanol/water partition coefficient of 1.73, substantial bioconcentration is not expected.

D. *Rationale for ecological effects recommendations.* Based on its estimated large production volume, environmental releases of chloroprene are likely. The available data on its acute toxicity to fish and algae are not sufficient to reliably assess the acute and chronic effect levels of chloroprene to aquatic organisms. The chloroprene concentrations in the test solutions from the reported tests were not measures; the LC_{50}s were based on nominal concentrations. The high vapor pressure of chloroprene suggests that the actual concentrations of choroprene in the test solutions may be considerably less than the nominal concentrations reported. Chloroprene may be more toxic than these data indicate. To reliably estimate the effects of the compound, acute toxicity tests in which the test concentrations are measured should be performed with sensitive life stages of fish, aquatic invertebrates, and algae.

References

(1) Bartsch HC, Malaveille C, Barbin A, Planche G. 1979. Mutagenic and alkylating metabolites of haloethylenes, chlorobutadienes, and dichlorobutenes produced by rodent or human liver tissues: Evidence for oxirane formation by P450-linked microsomal mono-oxygenases. Arch. Toxicol. 41:249–277.

(2) CEH. 1982. Chemical Economics Handbook. Standford Research Institutes. Menlo Park, CA: SRI International. Sections 300.5802 J, K.

(3) Clary JJ. 1977. Toxicity of chloroprene, 1, 3-dichlorobutene-2, and 1, 4-dichlorobutene-2. Environ. Health Perspect. 21:269–274.

(4) Drevon C, Kuroki T. 1979. Mutagenicity of vinyl chloride, vinylidene chloride and chloroprene in V79 Chinese hamster cells. Mutat. Res. 67:173–182.

(5) DuPont. 1984. Unpublished information on 2-chloro-1, 3-butadiene submitted by M. H. Cristman, E. I. du Pont. De Nemours & Co. October 17, 1984.

(6) Greek BF. 1984. Elastomers finally recover growth. Chem. Eng. News, April 30, 1984, pp. 35–56.

(7) Irish DD. 1963. Halogenated Hydrocarbons: I. Aliphatic. In: Patty, F. A., ed. Industrial Hygiene and Toxicology, 2nd rev. ed. New York: Interscience Publishers, Vol. II. pp. 1319–1321.

(8) Lyman WJ, Reehl WF, Rosenblatt DH. 1982. Handbook of Chemical Property Estimation Methods. New York: McGraw-Hill Book Co.

(9) NIOSH. 1977. Criteria for a recommended standard * * * Occupational exposure to chloroprene. U.S. Dept. of Health, Education, and Welfare. National Institute for Occupational Safety and Health. DHEW (NIOSH) Publ. No. 79–210. 176 pp.

(10) NIOSH. 1984. National Occupational Exposure Survey, 1980–83. Cincinnati, OH: National Institute for Occupational Safety and Health.

(11) NTP. 1984. National Toxicology Program. Minutes of the NTP Toxicology Design Committee Meeting. May 15, 1984.

(12) Ponomarkov V, Tomatis L. 1980. Longterm testing of vinylidene chloride and chloroprene for carcinogenicity in rats. Oncology 37:136–141.

(13) Sanotskii IV. 1976. Aspects of the toxicology of chloroprene: Immediate and long-term effects. Environ. Health Perspect. 17:85–93.

(14) Trochimowicz H. 1984. Personal communication from H. Trochimowicz, E. I. du Pont de Nemours & Co. September 28, 1984.

(15) Verschueren K. 1983. Handbook of Environmental Data on Organic Chemicals, 2nd ed. New York: Van Nostrand Reinhold Co. p. 384.

(16) Vogel E. 1979. Mutagenicity of chloroprene, 1-chloro-1,3-trans-butadiene, 1, 4-dichlorobutene-2, and 1,4-dichloro-2, 3-epoxybutane in *Drosophila melanogaster*. Mutata. Res. 67:377–381.

(17) Zhurkov VS, Fichidzhyan BS, Batikyan GG, Arutyunyan RM, Zil'fyan VN. 1977. Cytogenetic examination of persons in contact with chloroprene udner industrial conditions. Tsitol. Genet. 11:210–212.

(18) Zil'fyan VN, Fichidzhyan BS. 1972. Effect of chloroprene on development of Crocker's murine sarcoma. In: Proceedings of a Scientific Conference Devoted to the 50 Years of the Universities of USSR and to the 25 Years of the Armenian Institute of Roentgenology and Oncology, 1972. Yerevan, USSR. pp. 105–106 (Chem. Abst. 81:22099).

(19) Zil'Fyan VN, Fichidzhyan BS, Garibyan DK, Pogosova AM. 1977. Experimental study of chloroprene for carcinogenicity. Vopr. Onkol. 23:61–65.

(20) Zil'fyan VN, Fichidzhyan BS, Pogosova AM. 1975. Results of testing chloroprene for carcinogenicity. Zh. Eksp. Klin. Med. 15:54–57.

2.2.c *Cumene.*

Summary of recommended studies. It is recommended that cumene be tested for the following:

A. Health Effects:

Short-term genotoxicity
Chronic effects including oncogenicity
Teratogenicity and reproductive toxicity

B. Ecological Effects:

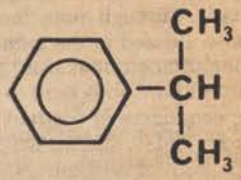
Acute and chronic toxicity to estuarine and freshwater fish and invertebrates

Physical and Chemical Information

CAS Number: 98–82–8.

Synonyms: Isopropylbenzene; 2-Phenylpropane; Benzene, (1-methylethyl)- (9 CI).

Structural Formula:



Empirical Formula: C_8H_{12}.

Molecular Weight: 120.19.

Melting Point: −96.0 °C.

Boiling Point: 152.7 °C.

Vapor Pressure: 3.2 mmHg at 20 °C. (Ref. 49, Verschueren, 1977).

Specific Gravity: 0.862 at 20 °C.

Solubility in Water: 50 mg/L at 20 °C. (Ref. 18, Hutchinson et al., 1980).

Log Octanol/Water Partition Coefficient: 3.51 (Ref. 18, Hutchinson et al., 1980); 3.66 (Ref. 35, Rogerson et al., 1983).

Description of Chemical: Colorless, mobile liquid with a sharp, penetrating, aromatic odor.

Rationale for Recommendations

I. *Exposure information*—A. *Production.* The total annual production capacity of the 11 domestic producers of cumene as of January 1, 1983, was estimated to be 4.7 billion pounds (Ref. 41, SRI, 1983). The 1983 U.S. production of cumene was reported to be 3.30 billion pounds. On this basis, cumene was ranked 31 of the top 50 chemical products for 1983 (Ref. 6, C&EN, 1984). Domestic production of cumene in 1982 was reported to be 2.74 billion pounds, down from the 3.92 billion pounds produced in 1979 (Ref. 46, USITC, 1983). The public portion of the TSCA Inventory listed 21 companies at 25 sites with a 1977 aggregate production/importation range of 1.5 to 6.6 billion pounds (Ref. 10, EPA, 1984).

Importation of cumene has declined in recent years but is expected to remain at the 1980–81 level of about 300 million pounds over the next 5 years. Cumene exports in 1980 amounted to 63 million pounds (Ref. 7, CEH, 1982).

Cumene is present in a number of crude oils and in refinery streams, but all commercial (high-purity) cumene is produced by the alkylation of benzene with chemical-grade propylene under elevated temperature and pressure, most commonly in the presence of a solid phosphoric acid catalyst (Refs. 25 and 21, Lowenheim and Moran, 1975; Kirk-Othmer, 1979). Cumene also has been reported to be produced by distillation from coal-tar naphtha fractions or from petroleum (Ref. 17, Hawley, 1977).

B. *Use.* More than 98 percent of domestically produced cumene is used

in the manufacture of phenol and acetone; most of the remaining 2 percent is exported. Although more than half of the cumene utilized in the manufacture of phenol and acetone is used captively, a substantial portion is sold to other domestic producers of the two compounds (Ref. 7, CEH, 1982). More than 98 percent of domestically manufactured phenol and approximately 70 percent of domestically synthesized acetone are produced from cumene (Refs. 21 and 7, Kirk-Othmer, 1979, 1982; CEH, 1982).

A small amount of cumene is used in the production of alpha-methylstyrene (Refs. 7 and 21, CEH, 1982; Kirk/Othmer, 1979), which is used as a copolymer in acrylonitrile-butadiene-styrene plastics and which is also used in musk oil fragrances and shoe soles (Ref. 7, CEH, 1982). Minor uses of cumene are as a solvent (Refs. 7 and 17, CEH, 1982; Hawley, 1977) and as a high-octane component in aviation gasolines (Ref. 21, Kirk-Othmer, 1979).

C. *Evidence for exposure.* The OSHA 8-hour time-weighted average (TWA) permissible exposure limit for cumene in the workplace is 50 ppm (245 mg/m^3) (Ref. 33, OSHA, 1978); the ACGIH 8-hour TWA threshold limit value is the same (Ref. 1, ACGIH, 1983), and was selected to prevent induction of narcosis. The ACGIH 15-minute short-term exposure limit for the skin is 75 ppm (365 mg/m^3) (Ref. 1, ACGIH, 1983).

The National Occupational Hazard Survey, conducted by NIOSH during the years 1972–74, estimated that 863 workers were exposed to cumene in the workplace during that time period (Ref. 30, NIOSH, 1984.

One manufacturer of cumene recently reported that 20 workers are potentially exposed to the chemical. The cumene concentration in 102 8-hour TWA breathing zone samples ranged from less than 1 to 3 ppm; the concentration in the great majority of the samples was less than 1 ppm (Ref. 44, Texaco, 1984).

A second manufacturer reported that 12 of its process personnel are involved in the production of cumene. The manufacturing process is a closed system; the sewer system is closed and vented to a flare stack. A closed system also is used for sampling. Cumene vapors at levels of less than or equal to 0.5 ppm have been detected through area sampling. Breathing zone samples of process and maintenance personnel have been no higher than 0.14 ppm cumene vapor (Ref. 23, Koch, 1984).

A third manufacturer reported that 8–10 workers are involved in the production of cumene. The cumene units are closed systems without any waste streams, except spent catalyst. The cumene concentration in 730 12- or 8-hour TWA personal samples ranged from below the detection limit to 20 ppm. The average for the samples was below 0.08 ppm (Ref. 16, Gulf, 1984).

Cumene has been detected in ambient air samples of the vulcanization area of a shoe-sole factory at concentrations of 60–250 g/m^3. It also has been measured in the vulcanization and extrusion areas of the tire retreading factory at concentrations of 2–200 g/m^3 and 0–10 g/m^3, respectively (Ref. 8, Cocheo et al., 1983).

Cumene has been detected in aqueous effluents from a petroleum refinery and from a textile finishing and dyeing plant (Refs. 40 and 15, Snider and Manning, 1982; Gordon and Gordon, 1981). It has been detected at part-per-billion (ppb) levels in groundwater samples taken at progressive distances downgradient from an aviation fuel spill (Ref. 43, Tester and Harker, 1981). The Chemical also has been found at ppb levels in groundwater samples taken near two underground gasification sites in northeastern Wyoming (Ref. 42, Stuermer et al., 1982). Cumene has been measured at ppb levels in the ambient air samples from a number of localities (Refs. 2, 5, 27, 24, and 45, Arnts and Meeks, 1981; Bos et al., 1977; Miller and Alkezweeny, 1980; Lonneman et al., 1968; Tsani-Bazaca et al., 1982).

II. *Chemical fate information.* Cumene is expected to partition among soil, sediment, water, and air. Cumene in natural waters exposed to light of wavelength greater than 290 nm for 5 days was oxidized to the extent of 1.2–9.2 percent, depending on the water source and initial cumene concentration (Ref. 26, Mill et al., 1978). On the basis of its reactivity with atmospheric hydroxyl radicals, cumene was estimated to have a half-life of 2.4–24 hours in air (Ref. 9, Darnall et al., 1976).

Cumene is expected to biodegrade readily. The biological oxidation demand of cumene in sewage-seeded freshwater was 40, 62, 63, and 70 percent in 5, 10, 15, and 20 days, respectively (Ref. 31, OHMTADS). A number of strains of the *Pseudomonas* genus assimilate cumene (Ref. 32, Omori et al., 1975), and *Pseudomonas aeruginosa* has been shown to hydroxylate one of the chemical's methyl groups (Ref. 48, Van der Linden and Van Ravenswaay Claasen, 1971). At 10 °C in clean groundwater, cumene was completely degraded by microbes within 11 days (Ref. 20, Kappeler and Wuhrmann, 1978).

On the basis of its moderately high log P, cumene is expected to have a moderate potential to bioconcentrate. Actual bioconcentration will depend, however, on the rate of metabolism of the compound and the duration of exposure.

III. *Biological effects of concern to human health*—A. *Acute toxicity.* The acute toxicity of cumene is summarized in the following Table 4. Cumene was found to be a primary skin and eye irritant in rabbits (Ref. 51, Wolf et al., 1956).

B. *Metabolism and toxicokinetic studies.* Cumene has been observed to be absorbed via several routes. Ninety percent of an oral dose of cumene in rabbits was recovered as metabolites in the urine (Ref. 34, Robinson et al., 1955). Approximately 50 percent of cumene vapors inhaled by human volunteers was retained following exposure to the chemical at levels of 240–720 mg/m^3 (Ref. 36, Senczuk and Litewka, 1976). Cumene was absorbed through the shaved skin of rats (Ref. 47, Valette and Cavier, 1954).

In rats exposed for 2 months by inhalation to cumene at levels of 25 mg/L, cumene was detected in a number of tissues 24 hours following cessation of the last exposure. The highest levels were observed in the thyroid and adrenal glands. Rats were exposed by inhalation to the same concentration of cumene for 6 months. Seventy-two hours after the last exposure, cumene was found to distribute mainly to endocrine organs, central nervous system components, bone marrow, spleen, and liver (Ref. 16, Fabre et al., 1955.)

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Table 4 -- Acute Toxicity of Cumene in Laboratory Animals

Animal	Route of Admin.	Test Group (No.)	Dose	Effects	Reference
Mouse	Inh	8M, 8F for each concentration	LC_{50}: 10 mg/L (about 2,000 ppm) for 7 hr	Slight incoordination to deep narcosis (including analgesia, unconsciousness, complete relaxation, and loss of reflexes) and death	Werner et al. (Ref. 50, 1944)
		4	2,490 ppm for up to 30 min exposure	50% decrease in respiratory rate due to sensory irritation of upper respiratory tract	Nielsen and Alarie (Ref. 29, 1982)
		Unspecified	20 mg/L; duration of exposure unspecified	Minimal concentration to cause prostration	Lehmann and Flury (1943, cited in Ref. 13, Gerarde, 1960)
		"	25 mg/L; duration of exposure unspecified	Minimal concentration to cause loss of reflexes	"
Rat	Oral	5 for each concentration	LD_{50}: 2.91 g/kg	--	Smyth et al. (Ref. 39, 1951)
		Unspecified	LD_{50}: 1.4 g/kg	Some irritation to the stomach and intestines	Wolf et al. (Ref. 51, 1956)
		10	5 ml/kg	6 Died	Gerarde (Ref. 13, 1960)
		5 for each concentration	LD_{50}: 2,700 mg/kg	Weight loss, weakness, ocular discharge, collapse, and death; hemorrhagic lungs, liver discoloration, and GI tract inflammation in decedents	Monsanto (Ref. 28, 1984)
	Inh	Unspecified	"Saturated vapor"	The maximum duration of exposure for no deaths was 1 hour.	Smyth et al. (Ref. 39, 1951)
		6	8,000 ppm, for 4 hr	4 Died	"
Rabbit	Skin	5 for each concentration	LD_{50}: 12.3 ml/kg	--	"
		Unspecified	LD_{50}: >3,160 mg/kg	Weight loss, weakness, collapse, and death; hemorrhagic lungs, liver, discoloration, enlarged gallbladder, darkened kidneys and spleen, and GI tract inflammation in decedents	Monsanto (Ref. 28, 1984)

BILLING CODE 6560-50-C

Following intravenous administration of cumene to rats, the highest concentrations were found in adipose tissues, the brain, adrenal glands, heart, and lungs. Two to three hours after oral administration of the chemical to rats, maximum concentrations were measured in adipose tissues with levels 15–20 times higher than those seen in the adrenal glands and liver (Ref. 14, Gorban et al., 1978).

In biotransformation studies of cumene in rabbits, the animals were administered 2 ml of the chemical orally and 24-hour urine samples were collected for analysis of metabolites. About 40 percent of the dose was excreted as the glucuronide of 2-phenyl-2-propanol, 25 percent as the glucuronide of 2-phenyl-1-1-propanol, and 25 percent as the ester-glucuronide of 2-phenylpropionic acid (Ref. 34, Robinson et al., 1955).

In a biotransformation study in rats, the animals received a single oral dose of cumene (100 mg/kg) and 48-hour urine samples were collected following dosing. 2-Phenyl-2-propanol and 2-phenyl-1-propanol were both observed in the urine at unspecified levels (Ref. 3, Bakke and Scheline, 1970).

2-Phenyl-2-propanol also was excreted in the urine by human subjects exposed to cumene by inhalation. The levels of the metabolite in the urine were proportional to the atmospheric concentration of cumene during exposure (Ref. 36, Senczuk and Litewka, 1976).

C. *Teratogenicity/embryotoxicity.* Following inhalation exposure of female rats for 4 months to maximum permissible concentrations of cumene, embryonal mortality increased from 7.5 to 39.3 percent; the frequency of teratogenic effects increased from 3.0 to 11.0 percent (Ref. 37, Serebrennikov and Ogleznew, 1978). No other information on these studies was found.

D. *Genotoxicity.* When studied by several investigators, cumene was negative in the *Salmonella* microsomal assay using both the spot test and the plate incorporation technique (Refs. 12, 28, and 38, Florin et al., 1980); Monsanto, 1984; Simmon et al., 1977). In the *Saccharomyces cerevisiae* D3 test system, the chemical also was not mutagenic (Ref. 38, Simmon et al., 1977).

E. *Subchronic toxicity.* Cumene was administered in olive oil to female rats by gavage daily, 5 days a week for 6 months. At a dose of 154 mg/kg, no ill effects were observed on the basis of gross appearance, final body and organ weights, periodic blood counts, blood urea nitrogen, histopathologic examinations, and bone marrow counts. An increase in kidney weight was seen at a dose of 462 mg/kg/day (Ref. 51, Wolf et al., 1956).

No significant changes were noted in the lungs, liver, and kidneys of rats exposed to 500 ppm cumene for 8 hours/day, 6 days/week for 5 months (Ref. 11, Fabre et al., 1955).

Rats, guinea pigs, monkeys, and dogs were exposed to cumene vapors either repeatedly for 8 hours a day, 5 days a week, for a total of 30 exposures over a 6-week period, or continuously for 90–127 days. There was no difference in body weight and hematologic data between the treated animals and controls, and histopathologic examinations of the heart, liver, lungs, spleen, and kidneys were essentially negative (Ref. 19, Jenkins et al., 1970).

F. *Chronic toxicity/carcinogenicity.* No studies of the chronic toxicity of carcinogenicity of cumene were found.

G. *Rationale for health effects recommendations.* The potential exists for occupational and environmental exposure to cumene. Cumene has been detected in the ambient air of several localities; it also has been found in effluents from a petroleum refinery and an industrial plant and in groundwater samples. Although cumene was not mutagenci in either the *Salmonella* microsomal assay or the *S. cerevisiae* D3 test system, a more complete evaluation of its genotoxic potential should be performed. Data are lacking on chronic effects including oncogenicity. A limited productive toxicity study in female rats indicated an icrease in teratogenic effects after inhalation exposure to cumene. Accordingly, a battery of short-term genotoxicity assays (excluding the *Salmonella* assay), a chronic effects study including oncogenicity, and teratogenicity and reproductive toxicity studies are recommended for cumene.

IV. *Ecological effects of concern.* In a study on the effects of cumene on the green algae *Chlamydomonas angulosa.* and *Chlorella vulgaris*, a 50 percent reduction in photosynthetic activity was noted at concentrations of 8.8 and 21.2 ppm, respectively (Ref. 18, Hutchinson et al., 1980). In 18- to 24- hour tests with the freshwater ciliates *Colpidium colpoda* and *Tetrahymena elliotti*, acute toxicity thresholds of 12 ppb and 3 ppm, respectively, were determined (Ref. 35, Rogerson et al., 1983). Bobra et al. (Ref. 4, 1983) reported that the 48-hour LC_{50} for the water flea *Daphnia magna* was 0.6 ppm.

V. *Rationale for ecological effects recommendations.* Cumene is one the top 50 chemicals produced in the United States and is released to the environment from a number of sources, as evidenced by detection of the compound in ambient air and water samples. This exposure potential, coupled with the demonstrated toxicity of the compound to invertebrates at low levels and the lack of test data on fish, indicate that further investigation of the toxicity of the compound to estuarine and freshwater fish and invertebrates should be made.

References

(1) ACGIH. 1983 TLV's—Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment with Intended Changes for 1983–84. Cincinnati, OH: American Conference of Governmental Industrial Hygienists. p. 16.

(2) Arnts RR, Meeks SA. 1981. Biogenic hydrocarbon contribution to the ambient air of selected areas. Atmos. Environ. 15(9): 1643–1651.

(3) Bakke OM, Scheline RR. 1970. Hydroxylation of aromatic hydrocarbons in the rat. Toxicol. Appl. Pharmacol. 16:691–700.

(4) Bobra AM, Shin WY, Mackay D. 1983. A predictive correlation for the acute toxicity of hydrocarbons and chlorinated hydrocarbons to the water flea (*Daphnia magna*). Chemosphere 12(9/10):1121–1129.

(5) Bos R, Guicherit R, Hoogeveen A. 1977. Distribution of some hydrocarbons in ambient air near Elft and the influence on the formation of secondary air pollutants. Sci. Total Environ. 7(3):269–281.

(6) C&EN. 1984. C&EN's top 50 chemical products & producers. Chem. Eng. News. May 7, 1984. pp. 7–10.

(7) CEH. 1982. Chemical Economics Handbook. Stanford Research Institute, Menlo Park, CA: SRI International. Sections 638.5030A–.5031B.

(8) Cocheo V, Bellomo ML, Bombi GG. 1983. Rubber manufacture: Sampling and identification of volatile pollutants. Am. Ind. Hyg. Assoc. J. 44(7):521–527.

(9) Darnall KR, Lloyd AC, Winer AM, Pitts JN Jr. 1976. Reactivity scale for atmospheric hydrocarbons based on reaction with hydroxyl radical. Environ. Sci. Technol. 10(7):692–696.

(10) EPA. 1984. TSCA Chemical Substances Inventory (public portion). Washington, DC: Environmental Protection Agency.

(11) Fabre R, Truhaut R, Bernuchon J, Louisillier F. 1955. Toxicological studies on solvent substitutes for benzene. III. Studies on isopropylbenzene or cumene. Arch. Mal. Prof. 16:285–299.

(12) Florin I, Rutberg L, Curvall M, Enzell CR. 1980. Screening of tobacco smoke constituents for mutagenicity using the Ames test. Toxicology 15:219–232.

(13) Gerarde HW. 1960. Toxicology and Biochemistry of Aromatic Hydrocarbons. Elsevier Monographs. Amsterdam, The Netherlands: Elsevier Publishing Co.

(14) Gorban GM, Solomin GI, Bizin YP, Sopikov NF, Tikhonova GP, Zinozev VM, Pilipyuk ZI, Gorshunova AI, Chukhno EI. 1978. Study of the toxicity and determination of the threshold of the acute inhalation effect of isopropyl benzene. [In Russian]. Gig. Saint. 10:113. (Toxline Abstract).

(15) Gordon AW, Gordon M. 1981. Analysis of volatile organic compounds in a textile finishing plant effluent. Trans. Ky. Acad. Sci. 42(3–4):149–157.

(16) Gulf. 1984. Unpublished information on cumene submitted by J.F. Dey, Gulf Oil Products Co. July 2, 1984.

(17) Hawley GG. 1977. The Condensed Chemical Dictionary. 9th ed. New York: Van Nostrand Reinhold Co. p. 241.

(18) Hutchinson TC, Hellebust JA, Tam D, Mackay D, Mascarenhas, RA, Shiu WY. 1980. The correlation of the toxicity to algae of hydrocarbons and halogenated hydrocarbons with their physical-chemical properties. Environ. Sci. Res. 16:577–586.

(19) Jenkins LJ Jr., Jones RA, Siegel J. 1970. Long-term inhalation screening studies of benzene, toluene, o-xylene, and cumene on experimental animals. Toxicol. Appl. Pharmacol. 16(3):818–823.

(20) Kappeler TH, Wuhrmann K. 1978. Microbial degradation of the water-soluble fraction of gas oil. II. Bioassays with pure strains. Water Res. 12:335–342.

(21) Kirk-Othmer. 1979. Kirk-Othmer Encyclopedia of Chemical Technology. 3rd ed. Vol. 7. New York: John Wiley & Sons. pp. 286–290

(22) Kirk-Othmer. 1982. Kirk-Othmer Encyclopedia of Chemical Technology. 3rd ed. Vol. 17. New York: John Wiley & Sons. pp. 374–375.

(23) Koch. 1984. Unpublished information on cumene submitted by D.F. Janes, Koch Refining Co. April 6, 1984.

(24) Lonnema WA, Beller TA, Altshuller AP. 1968. Aromatic hydrocarbons in the atmosphere of the Los Angeles Basin. Environ. Sci. Technol. 2(11):1017–1020.

(25) Lowenheim FA, Moran MK. 1975. Faith, Keyes and Clark's Industrial Chemicals. 4th ed. New York: John Wiley & Sons. pp. 294–297.

(26) Mill T, Richardson H, Hendry DG. 1978. Oxidation of organic compounds in aquatic systems: The free radical oxidation of cumene. Aquatic Pollutants: Transformation and Biological Effects. Elmsford, NY: Pergamon Press. pp. 223–236. (Abstract).

(27) Miller DF, Alkezweeny AJ. 1980. Aerosol formation in urban plumes over Lake Michigan. Ann. N.Y. Acad. Sci. 338:219–232.

(28) Monsanto. 1984. Unpublished information on cumene submitted by A.W. Thompson, Monsanto Co. April 27, 1984.

(29) Nielsen GD, Alarie Y. 1982. Sensory irritation, pulmonary irritation, and respiratory stimulation by airborne benzene and alkylbenzenes: Prediction of safe industrial levels and correlation with their thermodynamic properties. Toxicol. Appl. Pharmacol. 65:459–477.

(30) NIOSH. 1984. National Occupational Hazard Survey. Cincinnati, OH: National Institute for Occupational Safety and Health.

(31) OHMTADS. Oil and Hazardous Materials Technical Assistance Data System. Accession No. 7216655.

(32) Omori T, Jigami Y, Minoda Y. 1975. Isolation, identification and substrate assimilation specificity of some aromatic hydrocarbon utilizing bacteria. Agric. Biol. Chem. 39(9):1775–1779.

(33) OSHA. 1978. OSHA Safety and Health Standards for General Industry. 29 CFR 1910, Subpart Z. U.S. Department of Labor, Occupational Safety and Health Administration. Washington, DC: U.S. Govt. Printing Office. OSHA Publ. No. 2206. p. 541.

(34) Robinson D, Smith JN, Williams RT. 1955. Studies in detoxication. 60. The metabolism of alkylbenzenes: Isopropylbenzene (cumene) and derivatives of hydratropic acid. Biochem. J. 59:153–159.

(35) Rogerson A, Shiu WY, Huang GL, Mackay D, Berger J. 1983. Determination and interpretation of hydrocarbon toxicity to ciliated protozoa. Aquat. Toxicol. 3:215–228.

(36) Senczuk W, Litewka B. 1976. Absorption of cumene through the respiratory tract and excretion of dimethylphenylcarbinol in urine. Brit. J. Ind. Med. 33:100–105.

(37) Serebrennikov OA, Ogleznev GA. 1978. Developmental anomalies in the mother-fetus system following exposure to petrochemical products. Deposited Doc.; ISS VINITI. 2667–78; 151–1. (Abstract).

(38) Simmon VF, Kauhanen K, Tardiff RG. 1977. Mutagenic activity of chemicals identified in drinking water. Dev. Toxicol. Environ. Sci. 2:249–258.

(39) Smyth HF, Carpenter CP, Weil CS. 1951. Range-finding toxicity data: List IV. AMA Arch. Ind. Hyg. Occup. Med. 4:119–122.

(40) Snider EH, Manning FS. 1982. A survey of pollutant emission levels in wastewaters and residues from the petroleum refining industry. Environ. Internat. 7:237–258.

(41) SRI. 1983. Directory of Chemical Producers, USA, 1983. Stanford Research Institute, Menlo Park, CA: SRI International. pp. 518–519.

(42) Stuermer DH, Ng DJ, Morris CJ. 1982. Organic contaminants in groundwater near an underground coal gasification site in northeastern Wyoming. Environ. Sci. Technol. 16:582–587.

(43) Tester DJ, Harker RJ. 1981. Groundwater pollution investigations in the Great Ouse basin. Water Pollut. Control 80(5):614–631.

(44) Texaco. 1984. Published and unpublished information on cumene submitted by R.T. Richards, Texaco, Inc. May 14, 1984.

(45) Tsani-Bazaca E, McIntyre A, Lester J, Perry R. 1982. Ambient concentrations and correlations of hydrocarbons and halocarbons in the vicinity of an airport. Chemosphere 11(1):11–23.

(46) USITC. 1983. U.S. International Trade Commission. Synthetic Organic Chemicals, U.S. Production and Sales, 1982. Publ. No. 1422. Washington, DC: U.S. Govt. Printing Office. pp. 27, 37.

(47) Valette G, Cavier R. 1954. Percutaneous absorption and chemical structure. The case of hydrocarbons, of alcohols and of esters. [In French]. Arch. Int. Pharmacol. Ther. 97:232–240.

(48) Van der Linden AC, Van Ravenswaay Claasen JC. 1971. Hydrophobic enzymes in hydrocarbon degradation. Lipids 6(7):437–443.

(49) Verschueren K. 1977. Handbook of Environmental Data on Organic Chemicals. New York: Van Nostrand Reinhold Co. pp. 410–411.

(50) Werner HW, Dunn RC, Von Oettingen WF. 1944. The acute effects of cumene vapors in mice. J. Ind. Hyg. Toxicol. 26:264–268.

(51) Wolf MA, Rowe VK, McCollister DD, Hollingworth RL, Olyen F. 1956. Toxicological studies of certain alkylated benzenes and benzene. AMA Arch. Ind. Health 14:387–398.

2.2.d *Mercaptobenzothiazole.*

Summary of recommended studies. It is recommended that mercaptobenzothiazole be tested for the following:

A. Chemical Fate:

Dissociation constant
Persistence in water and soil
Leaching/migration

B. Environmental Effects:

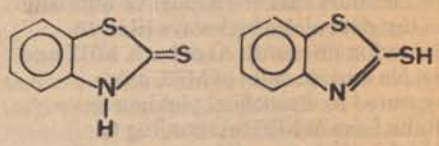
Acute and chronic toxicity to fish, aquatic invertebrates and plants, and terrestrial plants

Physical and Chemical Information

CAS Number: 149–30–4.

Synonyms: MBT; 2(3H)-Benzothiazolethione; Thiotax®.

Structural Formula:



Empirical Formula: $C_7H_5NS_2$.

Molecular Weight: 167.

Melting Point: 180.2–181.7 °C (REF. 10, Merck, 1976).

Vapor Pressure: $<1.9 \times 10^{-6}$ torr at 25 °C. (Ref. 13, Monsanto, 1984).

Specific Gravity: 1.42 (Ref. 10, Merck, 1976).

Water Solubility: 51 ppm at pH 5, (25 °C); 118 ppm at pH 7, (25 °C); 900 ppm at pH 9, (25 °C) (Ref. 13, Monsanto, 1984).

Log Octanol/Water Partition Coefficient: 2.42 (Ref. 13, Monsanto, 1984).

Description of Chemical: Yellow, monoclinic needles or leaflets.

Rationale for Recommendations

I. *Exposure information*—A. *Production/use/disposal.* The 1981 production volume of mercaptobenzothiazole (MBT) was reported to be 2,328,000 pounds (Ref. 19, USITC, 1982). Its major use is as a rubber vulcanization accelerator and antioxidant. It is also used as a corrosion inhibitor in cutting oils, an additive in greases, a fungicide, and as a chemical intermediate in the manufacture of other rubber processing chemicals (Refs. 17, 10, 7, and 16, Uniroyal, 1984; Merck, 1976; Hawley, 1981; Santodonato et al., 1976).

The production volume of the sodium salt of mercaptobenzothiazole (NaMBT) was estimated to be 40 million pounds:

32 million pounds in the manufacture of rubber vulcanization accelerators, 4 million pounds as corrosion inhibitors in aqueous cooling systems; and 4 million pounds in the manufacture of MBT (Ref. 11, Monsanto, 1982).

The 1972 production volume of the zinc salt of MTB was estimated to be 4 million pounds (Ref. 18, USITC, 1974). It is used as a rubber accelerator and in fungicidal formulations.

B. *Evidence for exposure.* MBT has been found at a concentration of 30 μg/L in the wastewater from a tire manufacturing plant (Ref. 9, Jungclaus et al., 1976) and was detected in the leachate from a waste dump (Ref. 4, Cox, 1976). In addition to the releases from several manufacturing and processing plants, MBT may be released to the environment from the disposal of tires and rubber products. Substantial releases occur when MBT and the Na and Zn salts leach from the estimated 12 million pounds of vulcanization accelerators that are deposited annually as tire dust along highways (Ref. 16, Santodonato, 1976). At pH <7, MBT and the Na and Zn salts of MBT are expected to dissociate, yielding the ironic form of MBT. According to Aktulga (Refs. 1 and 2, 1971a, 1971b), MBT can be leached out of rubber; the author reported that the MBT was a degradation product of benzothiazyldisulfide, an ingredient of the rubber sample.

Releases may also occur as a result of disposal of waste radiator coolants from automobiles and industrial cooling systems.

II. *Chemical fate information*—A. *Transport.* The occurrence of MBT in the leachate from a waste dump (Ref. 4, Cox, 1976) indicates that it has some mobility.

B. *Persistence.* In tests with Thiotax® (a) trade name for 2-mercaptobenzothiazole), a 1.1 ppm solution had a photolysis half-life of 3.7 hours at midday in August. In the dark, the half-life was approximately 100 hours (Ref. 13, Monsanto, 1984).

In an 8-week biodegradation study (conducted in the dark) using buffered river water and a 1 ppm solution of Thiotax®, there was no biodegradation of Thiotax®. Some chemical degradation was observed (Ref. 13, Monsanto, 1984).

C. *Rationale for chemical fate recommendations.* Because of the expected releases into the aquatic and terrestrial environments, further information on the persistence of MBT and of any degradation product is needed. To estimate the amount of MBT that may leach from landfills, testing to determine leaching and migration rates is recommended.

III. *Biological effects of concern to human health.* Because of the extensive toxicological testing of MBT already completed and presently underway, no additional health effects testing is being recommended at this time.

MBT fed to two hybrid strains of mice at a daily dose of 100 mg/kg for 18 months failed to cause a significant increase in tumors (Ref. 8, Innes et al., 1969). MBT is presently in the histopathology phase of a National Toxicology Program (NTP) gavage carcinogenicity study in rats and mice (Ref. 14, NTP, 1984a).

Analysis of urinary metabolites from rats does intraperitoneally with ^{35}S labeled MBT indicated that the compound underwent conjugation with glutathione and with glucuronic acid. Radiolabeled sulfate was also identified in the urine. Similar results were seen in rabbits and dogs (Ref. Colucci and Buyske, 1965).

NaMBT and MBT were both reported to be negative in *Salmonella* assays in two independent studies (Refs. 13 and 5, Monsanto, 1982; Godek et al., 1984a). In addition, MBT and mercaptobenzothiazole disulfide were negative in the mouse lymphoma assay conducted by this company (Ref. 11, Monsanto, 1982). In addition, MBT was found to be negative in CHO-/HGPRT mammalian cell forward gene mutation assay (Ref. 6, Godek et al., 1984b) and in micronucleus assay (Sorg et al., 1984). MBT was tested by NTP in the *Salmonella* assay at two different laboratories. At one laboratory, it was negative in strains TA98, TA100, TA1535, and TA1537 with and without metabolic activation. At the other laboratory, MBT yielded equivocal results in TA98 with activation; it was negative in TA98 without activation as well as in the other strains mentioned above with and without activation. The chemical is presently being tested for its ability to induce chromosomal aberrations and sister-chromatid exchanges in Chinese hamster ovary cells (Ref. 15, NTP, 1984b).

No toxic or teratogenic effects of MBT were noted in studies in which pregnant rats were injected intraperitoneally with MBT on days 1–15 of gestation (Ref. 5, Hardin et al., 1981).

IV. *Ecological effects of concern*—A. *Short-term effects.* Static, acute toxicity tests have been performed with MBT and NaMBT (Refs. 11, 12, and 13, Monsanto, 1982, 1983, 1984). The following Table 5 summarizes these data; the data demonstrate that MBT and its sodium salt can be highly toxic to some aquatic organisms.

B. *Long-term effects.* No information was found.

C. *Other effects.* No information was found.

D. *Bioconcentration.* The log P of 2.42 for MBT suggests that significant bioconcentration in animals is unlikely. In a 72-hour feeding study with carp, elimination of ^{14}C-MBT was rapid (Ref. 6, Hashimoto et al., 1978).

E. *Rationale for ecological effects recommendations.* The available data demonstrate that MBT and its sodium salt exhibit high acute toxicity to aquatic organisms. Flowthrough tests in which the test concentrations are measured should be performed to quantify the acute toxicity values. The decreases in LC_{50}s over time in many of the acute tests indicate that chronic effects on these species may occur at considerably lower concentrations. Early life-stage tests with fish and life-cycle tests with daphnids should also be performed to estimate the chronic effect levels. Because of the expected widespread terrestrial exposure along roadways, tests to determine the effects on terrestrial plants should also be performed. Because of differences in dissociation rates at different pHs, acute testing at various pHs should be considered.

TABLE 5.—ACUTE TOXICITY OF MERCAPTOBENZOTHIAZOLE (MBT) AND SODIUM MERCAPTOBENZOTHIAZOLE (NAMBT) TO AQUATIC ORGANISMS

Species	LC_{50} (mg/L)					
	MBT			NaMBT[a]		
	24 h	48 h	96 h	24 h	48 h	96 h
Daphnia magna	7.0	4.1	—	44	19	—
Rainbow trout	0.92	0.75	0.75	2.0	1.8	1.8
Bluegill	3.4	2.1	1.5	5.7	4.5	3.8
Fathead minnow	18	13	11[b]	—	—	—
Selenastrum capricornutum	—	—	230	2	1	0.4

[a] Tested as a 50% aqueous solution; if calculated on a 100% active ingredient basis, the LC_{50}s would be 50% lower.
[b] A yellow precipitate was observed in all test solutions.

References

(1) Aktulga A. 1971a. Identification of the leached ingredients from rubber closures by spectrophotometric analysis. Eczacilik Bul. 13(4):49–56.

(2) Aktulga A. 1971b. Identification of the leached ingredients from rubber closures with gel filtration and quantitative estimation of 2-mercaptobenzothiazole. Eczacilik Bul. 13(5):74–80.

(3) Colucci DF, Buyske DA. 1965. The biotransformation of a sulfonamide to a mercaptan and to mercapturic acid and glucuronide conjugates. Biochem. Pharmacol. 14:457–466.

(4) Cox GB. 1976. Determination of 2-mercaptobenzothiazole in waste dump

effluent by high pressure liquid chromatography. J. Chromatogr. 116:244–247.

(5) Godek EG, Naismith RW, and Matthews RJ. 1984a. Ames *Salmonella*/microsome plate test: mercaptobenzothiazole. PH 301–CMA–001–83, PH 301–CMA–001–83A. Submitted by Pharmakon Research International, Inc., Waverly, PA to Chemical Manufacturers Association, Washington, DC.

(6) Godek EG, Naismith RW, and Matthews RJ. 1984b. CHO/HGPRT. Mammalian cell forward gene mutation assay: mercaptobenzothiazole. PH 314–CMA–001–83. Submitted by Pharmakon Research International, Inc., Waverly, PA to Chemical Manufacturers Association, Washington, DC.

(7) Hardin BD, Bond GP, Sikov MR, Andrew FD, Beliles RP, Niemeier RW. 1981. Testing of selected workplace chemicals for teratogenic potential. Scand. J. Work Environ. Health 7 (Suppl. 4):66–75.

(8) Hashimoto K, Sasaki Y, Ohara Y, Matsuzana T. 1978. Absorption, distribution and excretion of 2-mercaptobenzothiazole in carp. Bull. Japanese Soc. Sci. Fisheries 44(6):623–629.

(9) Hawley GG. 1981. The Condensed Chemical Dictionary. 10th ed. New York: Van Nostrand Reinhold Co. p. 652.

(10) Innes JRM, Ulland BM, Valerio MG, Petrucelli L, Fishbein L, Hart ER, Pallotta AJ, Bates RR, Falk HL, Gart JJ, Klein M, Mitchell II, Peters J. 1969. Bioassay of pesticides and industrial chemicals for tumorigenicity in mice: A preliminary note. J. Natl. Cancer Inst. 42(6):1101–1114.

(11) Jungclaus GA, Games LM, Hites RA. 1976. Identification of trace organic compounds in tire manufacturing plant wastewaters. Anal. Chem. 48(13):1894–1896.

(12) Merck. 1976. The Merck Index. 9th ed. Rahway, NJ: Merck and Co., Inc. p. 762.

(13) Monsanto. 1982. Unpublished information on the production, uses, toxicity, environmental releases, and aquatic toxicity of MBT and sodium MBT submitted by J. R. Condray, Monsanto Co. July 16, 1982.

(14) Monsanto. 1983. Unpublished aquatic toxicity test data for sodium MBT submitted by B. J. Hill. August 12, 1983.

(15) Monsanto. 1984. Unpublished information submitted by B. J. Hill, Monsanto Co. March 29, 1984.

(16) NTP. 1984a. National Toxicology Program. Toxicology Research and Testing Program Management Status Report, p. 24. Available from Florence Jordan, Mail Drop 18–01, NIEHS, POB 12233, Research Triangle Park, NC 27709.

(17) NTP. 1984b. National Toxicology Program. Annual Plan for Fiscal Year 1984. p. 77.

(18) Santodonato J, Davis LN, Howard PH, Saxena J. 1976. Investigation of selected potential environmental contaminants: Mercaptobenzothiazoles. Syracuse, NY: Syracuse Research Corp. EPA–560/2–76–006.

(19) Sorg RM, Naismith RW, and Matthews RJ. 1984. Genetic Toxicology. Micronucleus test: mercaptobenzothiazole. PH 309A–CMA–001–83. Submitted by Pharmakon Research International, Inc., Waverly, PA to Chemical Manufacturers Association, Washington, DC.

(20) Uniroyal. 1984. Unpublished information submitted by R.J. Dowling, Uniroyal, Inc. May 4, 1984.

(21) USITC. 1974. U.S. Tariff Commission, Synthetic Organic Chemicals, U.S Production and Sales, 1972. TC Publ. No. 681. Washington, DC: U.S. Govt. Printing Office.

(22) USITC. 1982. U.S. International Trade Commission, Synthetic Organic Chemicals, U.S. Production and Sales, 1981. USITC Publ. No. 1292. Washington, DC: U.S. Govt. Printing Office.

2.2.e *Octamethylcyclotetrasiloxane* (9 CI).

Summary of recommended studies. It is recommended that octamethylcyclotetrasiloxane be tested for the following:

A. Chemical Fate:

Water solubility
Octanol/water partition coefficient
Biodegradation

B. Ecological Effects:

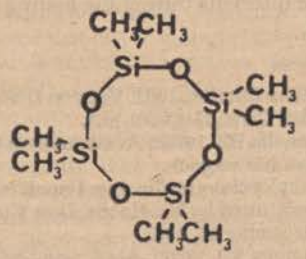
Acute toxicity to fish, aquatic invertebrates, and algae (concentrations of the chemical to be measured during the course of the studies)
Chronic toxicity to aquatic organisms (testing conditional upon results of acute tests)

Physical and Chemical Information

CAS Number: 556–67–2.

Synonyms: SF 1173 (General Electric); Dow Corning® 344 Fluid (95%); Organosilicone Fluid VS–7207 (Union Carbide); Silicone 4–7207 (Union Carbide); OMCTS.

Structural Formula:



Empirical Formula: $C_8H_{24}O_4Si_4$.

Molecular Weight: 296.62.

Melting Point: 17.4–17.6 °C (Ref. 1, Alpha, 1982).

Boiling Point: 175 °C (Ref. 1, Alpha, 1982).

Vapor Pressure: 1 mm Hg at ambient temperature (Ref. 26, Scarbel, 1982).

Specific Gravity: 0.9558 at 20 °C (Ref. 1, Alpha, 1982).

Water Solubility: Less than 1 percent (Ref. 26 Scarbel, 1982); less than 500 ppm (Ref. 15, Isquith and Annelin, 1976).

Octanol/Water Partition Coefficient: No information was found.

Description of Chemical: Clear, colorless liquid (Ref. 11, Griffiths and Parent, 1979).

Rationale for Recommendations

I. *Exposure information*—A. *Production/use/disposal.* Between 20 and 25 million pounds of octamethylcyclotetrasiloxane (OMCTS) were produced in 1982 by one major manufacturer (Ref. 14, Hobbs, 1982). About 80 percent of this production is used internally as a chemical intermediate, apparently in the manufacture of poly(dimethylsiloxane) and related polymers; the remainder is used in a variety of applications (e.g., as constituents of cosmetics, cleaners, antiflatulents, antacids, and antispasmodics) as mixtures from 3 to 98 percent OMCTS. Disposal of liquid manufacturing wastes and liquid wastes from consumer uses is expected to be via waste treatment facilities. Solid wastes are expected to be disposed of in landfills or by incineration.

B. *Evidence for exposure.* OMCTS is manufactured in large volume. Its multiple uses indicate that it may be released over wide geographical areas; therefore, many species or organisms may be exposed to this chemical. Furthermore, polyorganosiloxanes (silicones) have been found in effluents from waste treatment plants (4.8 ppb) and in sediment cores taken from Delaware Bay (1.2 ppm) (Ref. 22, Pellenbarg, 1979). Silicones have also been found in river water (2.0—54.2 μg/L), sediment (0.3 and 5.8 μg/g), and fish (0.36—0.89 μg/g) samples taken from tributaries of the Nagara River, Japan (Ref. 28, Watanabe et al., 1984).

II. *Chemical fate information*—A. *Transport.* OMCTS is volatile and not particularly water-soluble (precise data not available), so it is expected that a good deal of the released chemical may partition to the atmosphere and into soils and sediments. Silicone polymers are less volatile and therefore are expected to partition into soils and sediments only.

B. *Persistence.* Estimations of the half-life ($T_{1/2}$ = 13 days) of OMCTS, using the method of Atkinson (Ref. 4, 1980), indicate that the compound is destroyed in the troposphere and, therefore, is not expected to persist following atmospheric release. Isquith and Annelin (Ref. 15, 1976) attempted to measure the biodegradation rate of OMCTS. The compound persisted; however, there was a problem associated with the chemical's solubility and no attempt was made to determine the level of chemical that was actually solubilized during the course of the test.

C. *Rationale for chemical fate recommendations.* Tests for determining the water solubility, octanol/water partition coefficient, and biodegradation of OMCTS are being recommended for several reasons: Water solubility data are critical to the interpretation of

ecological effects (and biodegradation) data. The octanol/water partition coefficient data are necessary to assist in determining whether or not OMCTS will partition into biota and organic matter in soils and sediments. Confirmation of actual biodegradation is required to determine whether OMCTS can be expected to accumulate in the environment with time. The biodegradation test that has been performed is difficult to interpret, since there is no way of determining the concentrations of the chemical that were actually subjected to such testing.

III. *Biological effects of concern to human health.* Commercial products containing OMCTS have been tested extensively in laboratory animals with no adverse effects. Further testing for health effects is not being recommended at this time.

Acute and subchronic tests with OMCTS administered via the oral, dermal, and inhalation routes showed in most cases no untoward effects (Refs. 20, 29, 30, 21, 11, 24, and 19, McHard, 1961; Wolf, 1956; Weil et al., 1972; Myers et al., 1982; Griffiths and Parent, 1979; Rowe et al., 1948; Janssen, 1974). OMCTS was essentially nonirritating in skin and eye irritation tests (Refs. 9, 29, and 12, Clayton, 1972; Wolf, 1956; Groh, 1978). Chronic studies using Antifoam (5 percent OMCTS) also did not produce any significant effects (Refs. 6, 25, and 8, Carson, 1965, 1966; Rowe et al., 1950; Child et al., 1951). A three-generation study in rats using Antifoam A revealed no treatment-related effects on reproduction, hermatology, renal function, and histopathology, and no change in morbidity or tumor incidence (Ref. 27, Statt and Bennett, 1974). OMCTS administered to rats to assess reproductive effects gave no evidence or either inducing chromosomal damage in germinal tissue or resulting in any estrogenic effects (Refs. 16, and 13, Isquith et al., 1982; Hayden and Barlow, 1972). Antifoam A was tested for teratogenic potential in rats with no detectable embryotoxic or teratogenic effects observed in fetuses (Ref. 10, Gongwer et al., 1970). Genotoxicity tests including the Ames *Salmonella/* microsome plate test, the dominant lethal assay, and the mouse lymphoma cell assay using OMCTS did not produce any treatment-related effects (Refs. 18, 17 and 16, Jagannath and Brusick, 1978; Isquith and Whaley, 1979; Isquith et al., 1982).

IV. *Ecological effects of concern*—A. *Acute toxicity.* Acute toxicity tests have been performed with several types of organisms exposed to nominal concentrations of OMCTS. In a 72-hour test with *Daphnia magna*, the LC_{10}, LC_{50}, and LC_{80} were 1.85, 23.4, and 298 ppm, respectively (Ref. 2, Annelin, 1976a). In a test with algae, up to 2,000 ppm (far in excess of the expected water solubility) of OMCTS did not inhibit growth, although there was an unexplained variation in filament weights (Ref. 3, Annelin, 1976b).

In addition, 4-day static bioassays were performed with rainbow trout, bluegill, mummichog, shore crab, and grass shrimp. No effects were observed up to 100 ppm (Ref. 23, Rausina et al., 1976); however, at 1,000 ppm all tests animals were quiescent.

In test performed with the house fly, southern armyworm, Mexican bean beetle, pea aphid, and strawberry spider mite, no toxic effects were observed (Ref. 7, Cerro, 1976).

B. *Long-term toxicity.* No information was found.

C. *Bioconcentration.* No information was found.

D. *Rationale for ecological effects recommendations.* The ecological test results did not indicate a high level of toxicity; however, nominal concentrations or OMCTS were used. In view of the volatile nature of the compound and uncertainty regarding its solubility, the interpretation and validity of these results should be questioned. Retesting should be performed in which concentration levels are determined at several intervals during the testing period.

References

(1) Alpha Catalog. 1982. Ventron Division of Thiokol Corp., Danvers, MA.

(2) Annelin RB. 1976a. Acute toxicity test with *Daphnia magna*-octamethylcyclotetrasiloxane. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(3) Annelin RB. 1976b. Algal assay-bottle test: Octamethylcyclotetrasiloxane. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(4) Atkinson R. 1980. Comments on "predicting gas phase organic molecule reaction rates using linear free energy correlations. I. O(^{3}P) and OH addition and abstraction reactions." J. Chem. Kinet. 12:761–765.

(5) Carson S. 1965. Chronic (3-month) feeding studies with Antifoam A in rabbits. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(6) Carson S. 1966. Chronic (1-year) feeding studies with Antifoam A in rats. Upublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(7) Cerro JE. 1976. Primary insecticidal and miticidal screening of octamethylcyclotetrasiloxane. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(8) Child GP, Paquin HP, Deichmann WB. 1951. Chronic toxicity of the methyl-polysiloxane "Dow Corning Antifoam A" in dogs. AMA Arch. Ind. Hyg. 3:479–482.

(9) Clayton TE. 1982. Silicone Y–7207, range finding toxicity study. Unpublished report submitted by D.L. Heywood, Union Carbide Corp. July 22, 1982.

(10) Gongwer LE, Saatman RA, Hubben K. 1970. Dow Corning Antifoam A (medical grade): A teratogenic potential study in rats. Unpublished report. Submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(11) Griffiths JT, Parent RA. 1979. Dermal acute study in rabbits. Unpublished report submitted by M.P. Scarbel, General Electric Silicone Products. July 15, 1982.

(12) Gorh CL. 1978. Investigation of the concentration of a silicone vapor necessary to elicit threshold reactions in the human eye. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(13) Hayden JF, Barlow SA. 1972. Structure-activity relationships of organosiloxanes and the female reproductive system. Toxicol. Appl. Pharmacol 21:68–79.

(14) Hobbs EJ. 1982. Letter with attachments submitted by Dow Corning Corp. December 16, 1982.

(15) Isquith AJ, Annelin RB. 1976. Biochemical oxygen demand of octamethylcyclotetrasiloxane. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(16) Isquith AJ, Siddiqui WH, Miller BJ, Stanton E. 1982. Evaluation of octamethylocyclotetrasiloxane in the rodent dominant lethal assay. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(17) Isquith AJ, Whaley DP. 1979. Mutagenicity evaluation of Dow Corning 344 Fluid in the Ames bacterial assay. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(18) Jagannath DR and Brusick DJ. 1978. Mutagenicity evaluation of octamethylcyclotetrasiloxane Part I microbial assays, Part II cell culture assays. Unpublished report submitted by R.C. Gerlach, Industrial Health Foundation, Inc. July 6, 1982.

(19) Janssen L. 1974. 90-Day Subacute Aerosol Inhalation Toxicity Study with TX–1015, TS–997 and TX–1013 in Cynomolgus Monkeys. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(20) McHard J. 1961. Results of range finding toxicological tests on dimethyl cyclic tetramer. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(21) Myers RC, DePass LR, Frank FR. 1982. Organosilicone fluid VS–7207, acute inhalation toxicity studies. Unpublished report submitted by D.L. Heywood, Union Carbide Corp. July 22, 1982.

(22) Pellenbarg R. 1979. Environmental poly(organosiloxanes) (silicones). Environ. Sci. Technol. 13:565–573.

(23) Rausina G. 1976. Four-day static aquatic toxicity with TX–1283 in freshwater and saltwater species. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(24) Rowe VK, Spencer HC, Bass SL. 1948. Toxicological Studies on certain commerical silicones and hydrolyzable silane intermediates. J. Indust. Hyg. Toxicol. 30(6):332–353.

(25) Rowe VK, Spencer HC, Bass SL. 1950. Toxicological Studies on certain commercial silicones. II. Two year dietary feeding of "DC Antifoam A" to rats. Arch. Ind. Hyg. Occup. Med. 1:539–544.

(26) Scarbel MP. 1982. Letter with attachments submitted by General Electric Co. July 15, 1982.

(27) Statt WH, Bennett DR. 1974. Pharmacokinetic and metabolic studies on Dow Corning© Antifoams A and M in mice, monkeys and humans. Appendix I. Polydimethylsiloxane—13th Report of FAO/WHO Food Additives Committee. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(28) Watanabe N, Nakamura T, Watanabe E, Sato E, Ose Y. 1984. Distribution of organosiloxanes (silicones) in water, sediments and fish from the Nagara River watershed. Sci. Total Environ. 35:91–97.

(29) Wolf MA. 1956. The results of range finding toxicological tests on octamethylcyclotetrasiloxane. Unpublished report submitted by E.J. Hobbs, Dow Corning Corp. December 16, 1982.

(30) Weil CS, Condra NI, Geary DL, Jr., DeMary LJ. 1972. Silicone Y-7207 range finding toxicity studies. Unpublished report submitted by D.L. Heywood, Union Carbide Corp. July 22, 1982.

2.2.f *Pentabromoethylbenzene.*

Summary of recommended studies. It is recommended that pentabromoethylbenzene be tested for the following:

A. Health Effects:

Two-year chronic bioassay
Teratogenicity study

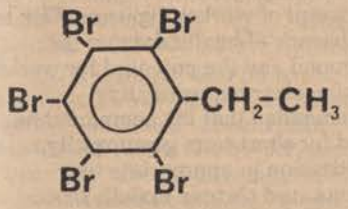
B. Ecological Effecats:

Acute and chronic toxicity to fish, aquatic invertebates, and plants

Physical and Chemical Information

CAS Number: 85–22–3.

Structural Formula:



Empirical Formula: $C_8H_5Br_5$.

Molecular Weight: 501.

Melting Point: 135–138 °C (Ref. 3, Great Lakes, 1984a).

Boiling Point: 371 °C (estimated; Ref. 5, Lyman et al., 1982).

Vapor Pressure: $2–4 \times 10^{-8}$ mmHg at 25 °C (estimated; Ref. 5, Lyman et al., 1982).

Specific Gravity: Approximately 2.7 at 25 °C.

Log Octanol/Water Partition Coefficient: 7.3 (estimated; Ref. 5, Lyman et al., 1982).

Water Solubility: 8 ppb (estimated; Ref. 5, Lyman et al., 1982).

Decription of Chemical: White/off-white powder

Rationale for Recommendations

I. *Exposure information*—A. *Production/use/disposal.* The TSCA Inventory (public portion) reported the 1977 production of pentabromoethylbenzene (PEB) to be between 100,000 and 1,000,000 pounds (Ref. 1, EPA, 1977). Current production data are not publicly available; however, two manufacturers reported publicly that they are currently producing the compound.

PEB is an additive-type flame retardant. Suggested applications include thermoset polyester resins for circuit boards, textiles, adhesives, wire and cable coatings, polyurethanes, and thermoplastic resins (Refs. 2, 3, and 4, Ethyl, 1984; Great Lakes, 1984a, 1984b). A typical concentration level in thermoplastic resins is 12 parts of PEB by weight per 100 parts of resin (Ref. 3, Great Lakes, 1984a). One manufacturer recently reported that production process wastes are disposed of offsite in secure landfills (Ref. 2, Ethyl, 1984).

B. *Evidence for exposure.* Two manufacturers reported limited opportunity for worker exposure because most of the manufacturing process is enclosed; however, they reported that a small number of workers may be exposed to PEB dust during packaging and shipping operations. Consequently, they recommend or require protective equipment for these workers (Refs. 4 and 2, Great Lakes, 1984a; Ethyl, 1984). Consumer exposure to low levels of PEB is possible through direct contact with finished products (e.g., treated textiles) or environmental media contaminated with the compound.

II. *Chemical fate information*—A. *Transport.* PEB's high estimated octanol/water partition coefficient and low water solubility suggest that the compound partitions from water into sediments and has a strong tendency to bioaccumulate. Its low volatility suggests no partitioning into air except as dust particles.

B. *Persistence.* PEB's structure suggests that it is highly resistant to biodegradation and hydrolysis.

III. *Biological effects of concern to human health*—A. *Toxicokinetics and metabolism.* No information was found.

B. *Genotoxicity.* PEB was negative when tested for mutagenicity in *Salmonella* strains TA98, TA100, TA1535, and TA1537 with and without activation (Ref. 8, NTP, 1984).

C. *Short-term effects.* In primary skin irritation and sensitization studies, PEB was not a primary skin irritant or sensitizer (Refs. 3 and 2, Great Lakes, 1984a; Ethyl, 1984). In an inhalation study, rats exposed to PEB for 1 hour at a 2 mg/L concentration in air exhibited increased and then decreased respiration, prostration, salivation, lacrimation, erythema, and decreased motor activities. At 200 mg/L, dyspnea was also observed; no deaths occurred at either concentration (Ref. 3, Great Lakes, 1984a). The oral LD_{50} in unspecified animals has been reported to be greater than 5,300 mg/kg; the inhalation LC_{50}, greater than 200 mg/L; and the dermal LD_{50}, greater than 8,000 mg/kg (Ref. 2, Ethyl, 1984). In a 28-day feeding study, no compound-related effects (except for slightly reduced weight gain) were observed in rats fed 1,000 and 100 ppm of PEB (Ref. 3, Great Lakes, 1984a).

D. *Long-term (chronic) effects.* No information was found.

E. *Reproductive effects and teratogenicity.* No information was found.

F. *Rationale for health effects recommendations.* There is concern for worker exposure to PEB dust during manufacture of the compound, and especially during processing of products treated with PEB. Also, consumers and downstream workers may be dermally exposed to the compound via migration from treated polymeric products and textiles. The extent of these exposures, however, cannot be assessed due to the lack of current publicly available production information. Because of the lack of information on the chronic effects of PEB, and the known toxic effects observed in compounds having a polyhalogenated aromatic moiety, a 2-year chronic bioassay and a teratogenicity study are recommended. The chronic bioassay is recommended rather than short-term tests because the latter do not, in general show a positive association with carcinogenicity for polyhalogenated compounds (Refs. 9, 7, and 6, Rinkus and Legator, 1979; McCann et al., 1975; McCann and Ames, 1976). In addition, teratogenicity testing is recommended because of lack of information.

IV. *Ecological effects of concern*—A. *Short-term (acute effects).* No information was found.

B. *Long-term effects.* No information was found.

C. *Bioconcentration.* PEB's high estimated log P suggests a strong tendency to bioaccumulate. A

structurally related compound, pentabromomethylbenzene (PMB), in a study with juvenile Atlantic salmon (*Salmo salar*) (Ref. 10, Zitko and Carson, 1977), exhibited a fairly low uptake from water (96 hours) and from food (14, 28, and 42 days). Depuration half-lives were 32 and 83 days for uptake from water and food, respectively. It should be noted that 96 hours is a fairly short time for evaluating chemical uptake from water, and that an extended period of testing may have resulted in much higher accumulation. The relatively long depuration half-lives create some concern for the potential for chronic effects.

D. *Rationale for ecological effects recommendations.* Acute and chronic toxicity to aquatic organisms and plants are recommended for the following reasons:

1. The purported and potential uses of PEB are evidence of its probable wide distribution.

2. Data on a structurally related compound pentabromomethylbenzene) indicate that, although low levels of PEB are likely taken up by aquatic organisms, its residence time in the body may be relatively long. This provides presumptive evidence that PEB may have the potential to produce chronic effects.

3. PEB is structurally similar to many halogenated compounds that have appreciable toxicity.

4. The chemical is expected to partition into soils, sediments, and biota after release.

References

(1) EPA. 1977. TSCA Chemical Substances Inventory (public portion). Washington, DC: Environmental Protection Agency.

(2) Ethyl. 1984. Unpublished information on PMB submitted by R.L. Smith, Ethyl Corp. February 1, 1984.

(3) Great Lakes. 1984a. Unpublished information on PEB and PMB submitted by D.L. McFadden, Great Lakes Chemical Corp. January 11, 1984.

(4) Great Lakes. 1984b. Unpublished information on PEB and PMB submitted by D.L. McFadden, Great Lakes Chemical Corp. February 14, 1984.

(5) Lyman WJ, Reehl WF, Rosenblatt DH. 1982. Handbook of Chemical Property Estimation Methods. New York: McGraw-Hill Book Co. Chapters 1, 2, 12, and 14.

(6) McCann J, Ames B. 1976. Detection of carcinogens as mutagens in the *Salmonella*/microsome test: Assay of 300 chemicals: Discussion. Proc. Nat. Acad. Sci. 73:950–954.

(7) McCann J, Choi E, Yamasaki E, Ames B. 1975. Detection of carcinogens as mutagens in the *Salmonella*/microsome test: Assay of 300 chemicals. Pros. Nat. Acad. Sci. 72:5135–5139.

(8) NTP. 1984. National Toxicology Program. NTP testing status on 18 compounds submitted by V. Fung. January 1, 1984.

(9) Rinkus SJ, Legator MS. 1979. Chemical characterization of 465 known or suspected carcinogens and their correlation with mutagenic activity in the *Salmonella typhimurium* system. Cancer Res. 39:3289–3318.

(10) Zitko V, Carson WG. 1977. Uptake and excretion of chlorinated diphenyl ethers and brominated toluenes by fish. Chemosphere 6(6):293–301.

2.2.g. *Sodium N-Methyl-N-Oleoyltaurine.*

Summary of recommended studies. It is recommended that sodium *N*-methyl-*N*-oleoyltaurine be tested for the following:

A. Health Effects:

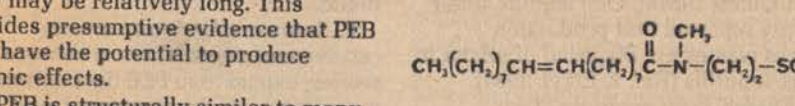
Short-term genotoxicity
Sensitization
Chronic toxicity to include oncogenicity (testing conditional upon results of short-term tests)

Physical and Chemical Information

CAS Number: 137–20–2.

Synonyms: Sodium oleoylmethyltauride; Ethanesulfonic acid, 2-[methyl(1-oxo-9-octadecenyl)amino]-, sodium salt, (Z) (9 CI).

Structural Formula:



Empirical Formula: $C_{21}H_{40}NO_4S\cdot Na$.

Molecular Weight: 426.

Melting Point: No information was found.

Boiling Point: No information was found.

Vapor Pressure: No information was found.

Specific Gravity: No information was found.

Solubility in Water: No information was found.

Description of Chemical: Fine, white powder (Ref. 5, Hawley, 1981).

Rationale for Recommendations

I. *Exposure information*—A. *Production/use.* It was reported that in 1983 there were nine manufacturers of sodium *N*-methyl-*N*-oleoyltaurine (Ref. 7, SRI 1983). In 1977, the production/importation volume listed in the public portion of the TSCA Inventory was 300,000 to 3.1 million pounds (Ref. 3, EPA, 1984). Current production volumes are not publicly available.

The compound is an anionic surfactant that is widely used as a detergent and wetting agent in pesticidal formulations (Refs. 4, and 5, GAF, 1984; Hawley, 1981). It is also used in textile applications to wash prints and fabrics (Ref. 1, CNC Chemical, 1984), in rug shampoos, and in laundry soaps (Ref. 4, GAF, 1984).

B. *Evidence for exposure.* There is a potential for worker exposure in the textile and pesticide formulation industries. Consumers may be exposed to the salts via the compound's use in products such as household detergents, rug shampoos, laundry soaps, and surface coatings. Consumer exposure is expected to be principally via dermal contact.

II. *Chemical fate information.* Chemical fate testing of sodium *N*-methyl-*N*-oleoyltaurine is not being recommended at this time, since the petinent chemical fate data allowing decisions to be made with regard to ecological effects testing are known. The compound partitions to the surface of aquatic bodies where it is rapidly biodegraded. In one of several studies, the chemical was found to be degraded by 75 pecent in Chesapeake Bay water within 1–4 days (Ref. 2, Cook and Goldman, 1974).

III. *Biological effects of concern to human health*—A. *Toxicological information.* In mice, the acute LD_{50} via the intravenous route was reported to be 350 mg/kg. At a concentration of 1 pecent in water, the compound caused "severe irritation" when applied to the eyes of rabbits (Ref. 6, Hopper et. al., 1949). No other toxicological information was found.

B. *Rationale for recommendations.* The use of sodium *N*-methyl-*N*-oleoyltaurine in household detegents, rug shampoos, and laundry soaps (Refs. 1 and 4, CNC Chemical, 1984; GAF, 1984) indicates the possibility of widespread, repeated exposure of consumer to the compound. Industrial releases to the atmosphere as fugitive dust from manufacturing and pesticide formulation may also be important from the standpoint of worker exposure. Due to the absence of health data on the compound and the potential for worker and consumer exposure, it is recommended that the compound be tested for short-term genotoxicity, sensitization in appropriate test systems, and chronic toxicity/oncogenicity (conditional upon the results of the short-term tests).

IV. *Ecological effects.* No information was found. The compound is expected to be released to surface waters, where it will partition to air/water, soil/water, and sediment/water interfaces. However, since rapid biodegradation of the compound is expected, testing for ecological effects is not being recommended at this time.

References

(1) CNC Chemical. 1984. Unpublished information of the production and use of N/methyl-N-oleoyltaurine submitted by P. O'Neil, CNC Chemical Co. May 1, 1984.

(2) Cook TM, Goldman CK. 1974. Degradation of anionic detergents in Chesapeake Bay. Chesapeake Sci. 15(1) 52–55.

(3) EPA. 1984. TSCA Chemical Substances Inventory (public portion). Washington, DC: Environmental Protection Agency.

(4) GAF. 1984. Unpublished information on the production and use of N-methyl-N-oleoyltaurine submitted by M. Rybka and H. Feigenbaum, GAF Corp. May 3, 1984.

(5) Hawley GG. 1981. The Condensed Chemcial Dictionary, 10th ed. New York: Van Nostrand Reinhold Co. p. 945.

(6) Hopper SS, Hulpieu HR, Cole VV. 1949. Some toxicological properties of surface-active agents. J. Am. Pharm. Assoc. 38:428–432.

(7) SRI. 1983. Directory of Chemical Producers, USA, 1983. Stanford Research Institute, Menlo Park; CA: SRI International . p. 907

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BILLING CODE 6560–50–M

[OPTS–53065; TSH–FRL 2694–1]

Premanufacture Notices; Monthly Status Report for August 1984

Correction

In FR Doc. 84–27139 beginning on page 40200 in the issue of Monday, October 15, 1984, make the following corrections:

1. On page 40201, first column, **ADDRESS**, third line "[OPTS–5305]" should read "[OPTS–53065]"

2. On the same page "Table 1. "should read "Table I".

3. On the same page Table I, PMN No. 84–1050, the third column should read "49 FR 33718 (33720) (8–24–84); and PMN No. 84–1065, third column, "do" should read "49 FR 33718 (33722) (8–24–84)".

4. On page 40202, Table II, PMN No. 84–905, second column, insert "resin". after "phenolic"; PMN No. 84–907, second column, insert "resin." after "phenolic"; PMN No. 84–913, second column, "thiazoline" should read "thiasoline"; PMN No. 84–916, second column, "substitued" should read "substituted"; PMN No. 84–927, second column "Do" should be removed; PMN No. 84–929, second column, "mono-Methyl" should read "mono-methyl"; PMN No. 84–936, second column, "Keto-ester" should read "keto-ester"; PMN No. 84–941, fourth column, "Do" should read "October 8, 1984"; PMN No. 84–952, fourth column, "Do" should read "October 13, 1984"; and PMN No. 84–958, fourth column, "Do" should read "October 14, 1984".

5. On page 40203, Table II, PMN No. 84–968, second column, "alkyl" should read "Alkyl"; PMN No. 84–986, second column, first line, "naphthylazo)" should read "naphthylazo)]"; PMN No. 84–988, second column, "salt-" should read "salt="; PMN No. 84–990, second column, second line, "(0, 0'(5)]" should read" (0, 0')(5-)]"; and PMN No. 84–996, second column, "Polyalkyl" should read "Poly alkyl".

6. On the same page, Table III, PMN No. 84–274, "[(1–OXO–2–propenyl) OXY]" should read "[(1-OXO-2-propenyl) OXY]-".

7. On page 40205, Table IV, PMN No. 82–259, fourth column, "1984" should be removed.

8. On page 40206, Table V, PMN No. 84–376, second column, "Do" should read "Generic name: Aryl esters of alkyl dithiocarbamates."; and PMN No. 84–558, third column, "(4803)" should read "(14803)".

BILLING CODE 1505–01–M

[FRL–2727–7]

Notice of Public Meeting on 1984 RCRA Amendments

The Environmental Protection Agency (EPA) will hold a public briefing on December 11, 1984, which will be in the form of a video teleconference to discuss and receive comments on the 1984 amendments to the Resource Conservation and Recovery Act (RCRA). The videoconference will originate in Washington, D.C. and be simultaneously televised to 10 regional satellite sites around the country, as well as a Washington, D.C. site.

A panel of EPA experts in Washington will discuss the major provisions of the bill and provide an opportunity for questions from the audiences. The videoconference will originate from the Biznet Studio in Washington, D.C.

The new law is even more extensive than the original RCRA statute. Among other provisions, it will for the first time, add many small businesses to those which must meet Federal guidelines for managing hazardous wastes.

EPA is inviting national, State and regional environmental officials, together with representatives of industry, environmental interest groups, and the general public to take a closer look at how the new bill will work and how it will affect the management of hazardous waste in this country.

In addition to summarizing the major provisons of the bill, the panel will describe a rule that EPA plans to publish in December. That rule codifies in regulations those requirements specified in the sections which, by their own term, take effect immediately following or shortly after enactment of the 1984 Act. The following provisions covered by the Codification Rule will be discussed:

1. The ban on placement of bulk liquid hazardous waste and non-hazardous liquids in landfills;

2. The permitting and interim status requirements for double-liners and leachate collection systems at surface impoundments and landfills;

3. The re-definition of "regulated unit" for purposes of the ground-water monitoring and response program;

4. The obligation to institute corrective action for solid waste management units at permitted facilities;

5. The requirement to take corrective action beyond a facility's property boundary where needed;

6. The elimination of the double-liner variance from the ground-water monitoring and response program allowed for landfills, surface impoundments and waste piles;

7. The variance from ground-water monitoring allowed for certain engineered structures;

8. The ban on disposal in certain salt dome formations, caves and underground mines;

9. The ban on use of materials mixed with dioxin or other hazardous waste for dust suppressions;

10. The interim measures (i.e., manifest and destination requirements) for small quantity generators producing between 100 and 1000 kilograms of waste per month;

11. The preconstruction ban with the variance for PCB facilities having EPA approvals under TSCA;

12. The restrictions on a facility's permit life;

13. The authority to add conditions to a permit beyond those provided for in regulations;

14. The extension of interim status to facilities that become subject to permitting requirements because of new regulatory requirements;

15. The loss of interim status for facilities failing to submit Part B applications within specific deadlines;

16. The ban on the placement of hazardous wastes in certain cement kilns;

17. The requirement to label hazardous waste fuels;

18. The exclusion for certain wastes burned at resource recovery facilities;

19. The requirements for submission of exposure information about

individual landfills and surface impoundments;

20. The additional criteria (i.e., other constituents or factors) that must be evaluated before a waste can be delisted;

21. The authority to foster innovative research and development by the issuance of special treatment permits;

22. Extending the life of interim authorization for State programs by one year;

23. The requirement that State programs assure the public availability of information;

24. The identification of the new requirements that will go into effect in authorized States prior to State authorization;

25. The requirements concerning recordkeeping for hazardous waste exports;

26. The requirments for generators and owners or operators of treatment, storage and disposal facilities to certify that they have instituted a waste minimization program; and

27. The ban on installation of unprotected steel underground tanks.

A summary of the above provisons will be available at each of the satellite sites. Oral and written comments on these provisions are requested and will be made a part of the Docket for the Codification Rule. EPA also plans to solicit public comment upon publication of the Codification Rule and may revise portions of that rule based on those comments.

A recording (tape) of the public briefing will be made and copies will be available at EPA Headquarters and in each of EPA's 10 Regional Offices (see addresses and contact persons below). The tapes will also be made available for purchase at cost.

Addressees

The location of the satellite sites for viewing and participating in the videoconference are listed below. The meetings are open to the public, but will be limited to the seating capacity of the meeting rooms.

Washington, D.C.: Henry Lay Auditorium, 1615 H Street, NW., Washington, D.C.

EPA Region 1: Sheraton Tara, Massachusetts Turnpike at Rte. 9, Framingham, MA 01701, (617) 879–7200

EPA Region 2: (For New York location please contact EPA Coordinator listed below for Region 2)

EPA Region 3: Philadelphia Marriott, City Line Avenue and Monument Rd., Philadelphia, PA 19131, (215) 667–0200

EPA Region 4: Ramada Inn Airport, 845 N. Central Avenue, Atlanta, GA 30354, (404) 763–3551

EPA Region 5: Westin O'Hare, 61 N. River Rd., Rosemont, IL 60018, (312) 698–6000

EPA Region 6: The Westin Galleria Dallas, 13340 Dallas Pkwy, Dallas, Texas 75240, (214) 934–9494

EPA Region 7: The Marriott (Airport), Kansas City International Airport, Kansas City, MO 64195, (816) 464–2200

EPA Region 8: Marriott Denver West Hotel, 1717 Denver West Blvd., Golden, CO, (303) 279–9100

EPA Region 9: For location in San Francisco please contact EPA coordinator listed below for Region 9

EPA Region 10: Seattle Marriott, SEA–TAC, 3201 South 176th Street, Seattle, WA 98188, (206) 241–2000.

Most of the hotel properties listed above have blocked sleeping rooms for the EPA Video teleconference.

Time

The video conference will begin at 11:00 a.m. Eastern Standard Time (EST). On-air will be from 11:00 a.m. to 1:00 p.m. and 2:00 p.m. to 4:00 p.m. The panel of EPA staff in Washington will move from the studio at 4:00 p.m. to the Henry Lay Auditorium and will continue a general discussion on the provisions of the 1984 amendments. The Agency specifically solicits comments from the attendees on the provisions in the Codification Rule. EPA staff will continue discussions at each of the regional sites as well. Discussions will continue until 5:30 p.m. (EST).

For Further Information on the Videoconference Contact

Gerri Wyer, Office of Solid Waste (WH–562), U.S. EPA, 401 M Street, SW., Washington, DC 20460, (202) 382–4676

Robert J. Knox, Office of Solid Waste (WH–562), U.S. EPA, 401 M Street, SW., Washington, DC 20460, (202) 382–3345

For information and attendance at one of the 10 regional satellite sites contact:

EPA Region 1—Boston, MA: Janet Moebes, Waste Management Branch, U.S. EPA—Region I, John F. Kennedy Federal Bldg., Boston, MA 02203, (617) 223–1911

EPA Region 2—New York, NY: Terry Romas, Air and Waste Mgmt. Division, U.S. EPA—Region 2, 26 Federal Plaza, New York, NY 10278, (212) 264–3083

EPA Region 3—Philadelphia, PA: Rowland Schrecongost, Waste Management Division, U.S. EPA—Region 3, 6th and Walnut Streets, Philadelphia, PA, (215) 597–9492

EPA Region 4—Atlanta, GA: Allan Antley, Waste Management Branch, U.S. EPA Region 4, 345 Courtland Street, NE., Atlanta, GA 30308, (404) 881–3016

EPA Region 5—Chicago, IL: Judy Kertcher, Waste Management Branch, U.S. EPA—Region 5, 230 So. Dearborn Street, Chicago, IL 60604, (312) 353–8512

EPA Region 6—Dallas, TX: Pat Hull, Waste Management Branch, U.S. EPA Region 6, 1201 Elm Street, Dallas, TX 75270, (214) 767–9736

EPA Region 7—Kansas City, MO: Mike Sanderson, Waste Management Division, U.S. EPA Region 7, 324 E. 11th Street, Kansas City, MO 64106, (816) 374–5082

EPA Region 8—Denver, CO: Doris Sanders, Office of External Affairs, U.S. EPA Region 8, 1860 Lincoln Street, Denver, CO 80295, (303) 844–5927

EPA Region 9—San Francisco, CA: Lucy Mlenar, Waste Management Branch, U.S EPA Region, 215 Fremont Street, San Francisco, CA 94105, (415) 454–7472

EPA Region 10—Seattle, WA: Lisa L. Wyer, Waste Management Branch, U.S. EPA Region 10, 1200 6th Avenue, Seattle, WA 98101, (206) 442–2777

For Technical Information on the Codification Provisions Contact: Susan Hughes, Characterization and Assessment Division, Office of Solid Waste (WH–562), U.S. EPA, 401 M Street, SW., Washington, DC 20460, (202) 382–4670.

Additional Information

In addition to the above sites where the videoconference can be viewed, anyone having access to satellite reception equipment can pick up the signal and view the teleconference.

Satellite Transponder Specifications

Name of Program: EPA Teleconference.

Day of Program: December 11, 1984.

Test Time: 8:00 a.m.–9:00 a.m. (EST).

Countdown: 10:30 a.m.–11:00 a.m. (EST). Identified as EPA Teleconference.

Test Program: Biznet News.

Transponder Number: Westar V, Transponder #12X (4180 MH_x/V).

Lee M. Thomas,

Assistant Administrator, Solid Waste and Emergency Response.

[FR Doc. 84–31287 Filed 11–28–84; 8:45 am]

BILLING CODE 6560–50–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Commercial Activity Preview Schedule

ACTION: Notice of Commercial Activity Review Schedule.

SUMMARY: Beginning 30 days from the date of this notice, the motor pool operations at Headquarters EEOC, 2401 E Street, NW., Washington, D.C., will undergo a cost comparision study required by Office of Management and Budget (OMB) Circular Number A-76, subject, "Performance of Commercial Activities," and its Supplement, dated Auguat 4, 1983. This notice is issued in compliance with Part I, Chapter 1, paragraph C1b of the Supplement.

FOR FURTHER INFORMATION CONTACT: Robert P. Hill (202) 634-6971 or Natalie M. Werber (202) 634-7661, Equal Employment Opportunity Commission, Office of Management, Performance Management Division, Room 210, 2401 E Street, NW., Washington, D.C. 20507.

John Seal,

Management Director.

[FR Doc. 84-31265 Filed 11-28-84; 8:45 am]

BILLING CODE 5000-01-M

FEDERAL LABOR RELATIONS AUTHORITY

Senior Executive Service; Performance Review Board Membership

AGENCY: Federal Labor Relations Authority.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

EFFECTIVE DATE: November 29, 1984.

FOR FURTHER INFORMATION CONTACT: Clyde B. Blandford, Jr., Director of Personnel, Federal Labor Relations Authority, 500 C St., SW., Washington, DC 20424, (202) 382-0751.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5, United States Code, requries each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor—along with any recommendations, including recommendations with respect to bonuses—to the appointing authority relative to the performance of the senior executive.

The members of the FLRA performance review board are:

1. Jan K. Bohren, Executive Director/ Administrator, FLRA (Chairman of the PRB)
2. David Feder, Assistant General Counsel (Field Mgmt/Legal Policy), FLRA
3. Ernest Russell, National Labor Relations Board
4. Michael D. Sherwin, Civil Aeronautics Board
5. Jacqueline Bradley, Merit Systems Protection Board

Dated: November 20, 1984.

Federal Labor Relations Authority.

Clyde B. Blandford, Jr.,

Director of Personnel.

[FR Doc. 84-31011 Filed 11-28-84; 8:45 am]

BILLING CODE 6727-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-010684.

Title: Newark Marine Terminal Agreement.

Parties:

The Port Authority of New York and New Jersey (Authority)

Maher Terminals, Inc. (Maher)

Synopsis: Agreement No. 224-010684 provides for the lease of berthing area and an adjacent 48-acre area by the Authority to Maher at Berth No. 17, Port Newark. Maher will use the premises for the handling of vessels carrying lumber, steel and other general cargo. The term of the agreement is for five years and five months.

Agreement No.: 224-010688.

Title: Tampa Marine Terminal.

Parties:

The Tampa Port Authority (TPA)

Tampa Export Company (Tampa Export)

Synopsis: Agreement No. 224-010688 provides for the lease by the TPA to Tampa Export for 6.5 acres at Hooker Point, Tampa. The premises are to be used as a terminal operation for the purpose of processing scrap metal for export by Tampa Export using common carriers by water. The agreement also provides for a two year option for the lease of an additional 3.5 acres of adjacent property. The term of the agreement is for five years. The parties have requested a shortened review period for the agreement.

By Order of the Federal Maritime Commission.

Dated: November 26, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-31314 Filed 11-28-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Application Solicitation

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Request for public comment on draft FY 1985 Program Guidelines/ Application Solicitation.

SUMMARY: The Federal Mediation and Conciliation Service is publishing the draft Fiscal Year 1985 Program Guidelines/Application Solicitation for the Labor-Management Cooperation Program to inform the public and receive public comments. The program is supported by Federal funds authorized by the Labor-Management Cooperation Act of 1978, subject to annual appropriations.

DATE: Comments are due on or before December 31, 1984.

ADDRESS: Send comments to: Peter L. Regner, Director, Labor-Management Grant Programs, FMCS, 2100 K Street, NW., Washington, DC 20427.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, 202/653-5320.

Labor-Management Cooperation Program Application Solicitation—FY 1985

A. Introduction

The following is the draft announcement for the Fiscal Year 1985 cycle of the Labor-Management Cooperation Program. These guidelines present the fifth year of efforts of the

Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was approved in October 1978.

The Act generally authorized FMCS to:

provide assistance in the establishment and operation of plant, area, public sector, and industrywide labor and management committees which—(A) have been organized jointly by employers and labor organizations representing employees in that plant, area, government agency, or industry; and (B) are established for the purpose of improving labor management relationships, job security, organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.

The Act also prohibited FMCS from awarding any grants or contracts under the following three circumstances:

(1) No assistance can be given for plant labor-management committees unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement;

(2) no assistance can be given for an area, public sector, or industrywide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of the employees of an employer participating in such a committee. However, employers whose employees are not represented by a labor organization may participate on such area or industrywide committees; and

(3) no assistance can be given to any committee which FMCS finds to have as one of its purposes the discouragement of the exercise of rights contained in section 7 of the National Labor Relations Act (29 U.S.C. 157) or the interference with collective bargaining in any plant or industry.

With respect to item (2) above, applicants for area, public sector, or industrywide grants should offer committee memberships to every labor organization having a collective bargaining contract with any employer participating on the committee. Any labor organization so desiring may voluntarily elect not to participate on the Committee. Documentation of all this (i.e., the listing of each participating employer and corresponding labor organizations and written declinations by those labor organizations not electing to participate on the committee) should be included as part of the application.

The Program Description and other sections that follow as well as a separately published FMCS Financial and Administrative Grants Manual make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a plant, areawide, industry, or public sector labor-management committee. Directions for obtaining an application kit may be found in Section F.

B. Program Description

Objectives

The Labor Management Cooperation Act of 1978 identified the following seven general areas for which financial assistance would be appropriate:

(1) To improve communications between representatives of labor and management;

(2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;

(3) To assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;

(4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the plant, area, or industry;

(5) To enhance the involvement of workers in making decisions that affect their working lives;

(6) To expand and improve working relationships between workers and managers; and

(7) To encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal assistance to the formation and operation of labor-management committees.

The primary objective of this program is to encourage and support the establishment and operation of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria and conform to the restrictions noted in Section A (Introdction). These committees may be found at either the plant (worksite), area, industry, or public sector levels. A plant or worksite committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple employers of diverse industries as well as multiple labor unions operating within and focusing upon city, county, contiguous multicounty, or statewide jurisdictions. An industry committee generally consists of a collection of agencies or enterprises and related labor unions producing a common product or service in the private sector on a local, state, regional, or nationwide level. A public sector committee consists of government employees and managers in one or more units of a local or state government. In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

In FY85, competition will be open to plant, area, private industry, and public sector committes. In-plant committee applications must offer an innovative or unique effort.

Required Program Elements

1. *Problem Statement*—The application, which should have numbered pages, must discuss in detail what specific problem(s) face the plant, area, government, or industry and its workforce that will be addressed by the committee. Applicants must document the problems using as much relevant data as possible and discuss the full range of impacts these problems could have or are having on the plant, government, area, or industry. An industrial or economic profile of the area and workforce might prove useful in explaining the problems. This section basically discusses WHY the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application must discuss in detail WHAT the labor-management committee as a demonstration effort will accomplish during the life of the grant. While a goal of "improving communication between employers and employees" may suffice as one overall goal of a project, the objectives must, whenever possible, be expressed in measurable terms. Applicants should focus on the impacts or changes that the committee's efforts will have. Existing committees should focus on *expansion* efforts/results expected from FMCS funding. The goals, objectives, and projected impacts will become the foundation for future monitoring and evaluation efforts.

3. *Approach*—This section of the application specifies HOW the goals and objectives will be accomplished. At a minimum, the following elements must be included in all grant applications:

(a) A discussion of the strategy the committee will employ to accomplish its goals and objectives;

(b) A listing, by name and title, of all existing or proposed members of the labor-management committee. The

application should also offer a rationale for the selection of the committee members (e.g. members represent 70% of the area or plant workforce).

(c) a discussion of the number, type, and role of all committee staff persons. Include proposed position descriptions for all staff that will have to be hired as well as resumes for staff already on board;

(d) in addressing the proposed approach, applicants must also present their justification as to why Federal funds are needed to implement the proposed approach;

(e) a statement of how often the committee will meet as well as any plans to form subordinate committees for particular purposes; and

(f) for applications from existing committees (i.e., in existence at least 12 months prior to the submission deadline), a discussion of the past efforts and accomplishments and how they would integrate with the proposed future expanded effort.

4. *Major Milestones*—This section must include an implementation plan that indicates what major steps, operating activities, and objectives will be accomplished as well as a timetable for WHEN they will be finished. A milestone chart must be included that indicates what specific accomplishments (process and impact) will be completed by month over the life of the grant. The chart should identify months as "month 1, 2" etc., rather than by name of month as the grant start date will not be determined until all applications are reviewed. The accomplishment of these tasks and objectives, as well as problems and delays therein, will serve as the basis for quarterly progress reports to FMCS.

5. *Evaluation*—Applicants must provide for an external evaluation or internal assessment of the project's success in meeting its goals and objectives.

An evaluation plan must be developed which will briefly discuss what basic questions or issues the assessment would examine and what baseline data the committee staff would already have/or will gather for the assessment. This section should be written with the application's own goals and objectives clearly in mind and the impacts or changes that the effort is expected to cause.

6. *Letters of Commitment*—Applications must include current letters of commitment from all proposed or existing committee participants and chairpersons. These letters should indicate that the participants support the application and are willing to personally attend scheduled committee meetings.

7. *Other Requirements*—Applicants are also responsible for the following:

(a) The submission of data indicating how many employees will be covered or represented through the labor-management committee;

(b) from existing committees, a copy of the existing staffing levels, a breakout of annual operating costs and identification of all sources and levels of financial support;

(c) a detailed budget narrative based on policies and procedures contained in the FMCS Financial and Administrative Grants Manual;

(d) an assurance that the labor-management committee will not interfere with any collective bargaining agreements; and

(e) an assurance that written minutes of all committee meetings will be prepared and made available to FMCS.

Selection Criteria

The following criteria will be used in the scoring and selection of applications for award:

(1) The extent to which the application has clearly identified the problems and justified the needs that the proposed project will address.

(2) The degree to which appropriate and measurable goals and objectives have been developed to address the problems/needs of the area. For existing committees, the extent to which the committee will focus on expanded efforts.

(3) The feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results. For inplant applicants, this section will address the degree of innovativeness or uniqueness of the proposed effort.

(4) The appropriateness of committee membership and the degree of commitment of these individuals to the goals of the application.

(5) The feasibility and thoroughness of the implementation plan in specifying major milestones and target dates.

(6) The cost effectiveness and fiscal soundness of the application's budget request, as well as the application's fiscal feasibility vs. its goals and approach.

(7) The overall feasibility of the proposed project in light of all of the information presented for consideration and quality of the application; and,

(8) The cost value to the government of the application in light of the overall objectives of the Labor-Management Cooperation Act of 1978. This includes such factors as innovativeness, site location, and other qualities that enhance an applicant's value in encouraging the labor-management committee concept.

C. Eligibility

Eligible grantees include State and local units of government, private non-profit labor-management committees, or a labor or management entity on behalf of a committee that will be created through the grant, and certain third party private non-profit entities on behalf of one or more committees to be created through the grant. Federal government agencies are not eligible.

Third party private non-profit entities which can document that a major purpose or function of their organization has been the improvement of labor relations are eligible to apply. However, all funding must be directed to the functioning of the labor-management committee, and all requirements under Part B must be followed. Applications from third-party entities must document particularly strong support and participation from all labor and management parties with whom the applicant will be working. Applicants from third-parties which do not directly support the operation of a new or expanded committee will not be deemed eligible.

Applicants who received funding under this program in the past for committee funding are not eligible to apply for funding to continue or expand their prior efforts.

D. Allocations

FMCS has received an FY85 appropriation of $1 million for the Labor-Management Cooperation Program. Specific funding levels will not be established for each type of committee. Instead, the review process will be conducted in such a manner that a least two awards will be made in each category (inplant, industry, public sector, and area), providing that FMCS determines that at least two outstanding applications exist in each category. After these aplications are selected for award, the remaining applications will be awarded according to highest score without regard to category.

FMCS reserves the right to retain up to 5 percent of the FY85 appropriation to contract for program support purposes. In addition, $60,000 will be reserved for support of the Third National Labor-Management Conference.

E. Dollar Range and Length of Grants and Continuation Policy

Awards to continue and expand existing labor-management committees (i.e., in existence at least 12 months prior to the submission deadline) will be

for a period of 12 months. If succcessful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 12 months at double the initial cash match ratio. The total project period will thus normally be no more than 24 months.

Initial awards to establish new labor-management committees (i.e., not yet established or in existence less than 12 months prior to the submission deadline), will be for a period of 18 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 18 months at double the initial cash match ratio. The total project period will thus normally be no more than 36 months.

The dollar range of awards is as follows:

—Up to $35,000 in FMCS funds per annum for existing in-plant applicants; up to $50,000 over 18 months for new in-plant committee applicants;
—Up to $75,000 in FMCS funds per annum for existing area, industry and public sector committees applicants;
—Up to $100,000 per 18-month period for new area, industry, and public sector committee applicants.

Applicants are reminded that these figures represent maximum Federal funds only. If total costs to accomplish the objectives of the application exceed the maximum allowable Federal funding level and grantee match, applicants may supplement these funds through voluntary contributions from other sources.

F. Match Requirements and Cost Allowability

In FY85, applicants for new labor-management committees must provide at least 10 percent of the total allowable project costs. Applicants of existing committees must provide at least 25 percent of the total allowable project costs. All matching funds must be in cash rather than in-kind goods for services. Matching funds may come from state or local government sources or private sector contributions, but may generally not include other Federal funds. Funds generated by grant-supported efforts are considered "project income," and may not be used for matching purposes.

It will also be the policy of this program to reject all requests for indirect or overhead costs. In addition, grant funds must not be used to supplant private or local/state government funds previously made available for these purposes. Also, under no circumstances will business or labor officials participating on a labor-management committee be paid or otherwise compensated out of grant funds for time spent at committee meetings or time spent in training sessions.

For a more complete discussion of cost allowability, applicants are encouraged to consult the FY85 FMCS Financial and Administrative Grants Manual which will be included in the application kit.

G. Application Submission and Review Process

Applications must be postmarked no later than May 10, 1985. No applications or supplementary materials can be accepted after the deadline. An originial application, containing numbered pages, plus three copies should be addressed to the Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW., Washington, DC 20427.

After the deadline has passed, all eligible applications will be reviewed and scored initially by an FMCS Grant Review Board. The Director, Labor-Management Grant Programs, will finalize the scoring and place the application in one of the following three categories: (a) unacceptable for funding, (b) potentially acceptable for funding but funds are unavailable, and (c) recommended for funding.

All FY85 grant applicants will be notified of results, and all grant awards will be made, prior to September 30, 1985. Applications submitted after the deadline dates or that fail to adhere to eligibility or other major requirements will be administratively rejected prior to the convening of the Grant Review Board.

H. Contact

Individuals wishing to apply for funding under this program should contact the Federal Mediation and Conciliation Service as soon as possible to obtain an application kit. These kits, as well as additional information or clarification, can be obtained by contacting Peter L. Regner, Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW., Washington, DC 20427, or calling 202/653–5320.

Kay McMurray,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 84–31269 Filed 11–28–84; 8:45 am]

BILLING CODE 6732–01–M

FEDERAL RESERVE SYSTEM

Manufacturers Hanover Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 18, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation*, New York, New York; to engage *de novo* through its subsidiary, Manufacturers Hanover Leasing Corporation, New York, in providing data processing and data transmission services, facilities, data bases, and access to such services, facilities and data bases. All such data processing

services would be restricted to financial, banking and economic data in accordance with written agreements so describing and limiting the services. The facilities would be designed, marketed and operated for the processing and transmission of such data, and any hardware provided in connection with these services would be offered only in conjunction with software that had been designed and marketed for the processing and transmission of such data. In addition, the general purpose hardware would not constitute more than 30 percent of the offering package.

Board of Governors of the Federal Reserve System, November 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-31290 Filed 11-28-84; 8:45 am]

BILLING CODE 6210-01-M

Sweetwater Valley Corp.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than December 20, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Sweetwater Valley Corporation*, Sweetwater, Tennessee; to acquire 80 percent of the voting shares of City and County Bank of McMinn, Athens, Tennessee.

Board of Governors of the Federal Reserve System, November 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-31289 Filed 11-28-84; 8:45 am]

BILLING CODE 6210-01-M

United Community Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 20, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *United Community Financial Corporation*, Wayland, Michigan; to acquire A.H. Johnson Agency, Inc., Wayland, Michigan, thereby engaging in general insurance sales in a town with a population not exceeding 5,000.

Board of Governors of the Federal Reserve System, November 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-31291 Filed 11-28-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 84-0986—Triton Group Limited's proposed acquisition of voting securities of Simplicity Pattern Company, Incorporated, (Maxxam Group Incorporated, UPE).	Nov. 2, 1984.
(2) 84-1064—Mueller Company's proposed acquisition of assets of Valley Industries, Incorporated.	Do.
(3) 84-1085—Jostens, Incorporated's proposed acquisition of voting securities of Hazel, Incorporated, (Ernest Hazel, III, UPE).	Do.
(4) 84-1099—Dawn Chemical Company's proposed acquisition of assets of The Sherwin-Williams Company.	Do.
(5) 84-1100—Sealed Power Corporation's proposed acquisition of voting securities of Owatonna Tool Company.	Do.
(6) 84-1119—Blue Bell, Incorporated's through the Blue Bell Savings Profit Sharing and Retirement Plan proposed acquisition of voting securities of Blue Bell Incorporated.	Do.
(7) 84-1076—Republic Health Corporation's proposed acquisition of voting securities of Health Resources Corporation of America.	Nov. 6, 1984.

Transaction	Waiting period terminated effective
(8) 84-1079—CBS Incorporated's proposed acquisition of voting securities of Tri-Star Pictures, Incorporated, a newly formed joint venture corporation.	Do.
(9) 84-1080—Time Incorporated's proposed securities of Tri-Star Pictures, Incorporated, a newly formed joint venture corporation.	Do.
(10) 84-1082—The Coca-Cola Company's proposed acquisition of voting securities of Tri-Star Pictures, Incorporated, a newly formed joint venture corporation.	Do.
(11) 84-1086—Houston Natural Gas Corporation's proposed acquisition of voting securities of Zapata Gulf Marine Corporation, a joint venture.	Nov. 7, 1984.
(12) 84-1087—Zapata Corporation's proposed acquisition of voting securities of Zapata Gulf Marine Corporation, a joint venture.	Do.
(13) 84-1088—Halliburton Company's proposed acquisition of voting securities of Zapata Gulf Marine Corporation, a joint venture.	Do.
(14) 84-1044—Massachusetts Fund's proposed acquisition of voting securities of Keystone Custodian Fund, Series K-1.	Do.
(15) 84-1090—Lankenau Hospital Foundations's proposed acquisition of assets of Bryn Mawr Hospital Foundation.	Do.
(16) 84-1105—Royal Dutch Petroleum Company's proposed acquisition of assets of United States Steel Corporation.	Do.
(17) 84-1129—Triton Group, Limited's proposed acquisition of voting securities of Republic Corporation.	Do.
(18) 84-1137—Raffinere Tirlemontoise, S. A's proposed acquisition of voting securities of Joan of Arc Company.	Do.
(19) 84-0987—Maxxam Group Incorporated's proposed acquisition of voting securities of Triton Group, Ltd., Palmas del Mar Company and assets of Triton.	Nov. 8, 1984.
(20) 84-1117—Blue Cross and Blue Shield of Georgia/Columbus, Incorporated's proposed acquisition of assets and voting securities of Blue Cross and Blue Shield of Georgia/Atlanta, Incorporated.	Do.
(21) 84-1056—Schlumberger Limited's proposed acquisition of voting securities of Pogo Producing Company.	Nov. 9, 1984.
(22) 84-1103—Home Owners Federal Savings & Loan's proposed acquisition of voting securities of Knutson Mortgage and Financial Corporation, The Knutson Companies, Inc., (Donald T. Knutson, UPE).	Do.
(23) 84-1106—Price Communications Corporation's proposed acquisition of assets of TV Broadcasting Stations, Week-TV, Peoria and KRCF-TV, Jefferson City, (Kansas City Southern Industries, Incorporated, UPE).	Do.
(24) 84-1134—Foseco Minsep PLC's proposed acquisition of voting securities of Gibson-Homans Company.	Do.
(25) 84-1136—Goldblatt Bros., Incorporated's proposed acquisition of assets of Household International, Incorporated.	Do.
(26) 84-1138—Macmillan Incorporated's proposed acquisition of assets of The School Division of Harper & Row Publishers, Incorporated.	Do.
(27) 84-1140—Holiday Inns, Incorporated's proposed acquisition of assets of San Francisco Chatmar Associates.	Do.
(28) 84-1068—Great Northern Nekoosa Corporation's proposed acquisition of voting securities of The Chatfield Paper Company, (Alan E. Lang, UPE).	Nov. 15, 1984.
(29) 84-1133—Eastman Kodak Company's proposed acquisition of voting securities of Sun Microsystems, Inc..	Do.
(30) 84-1091—Graham Resources Incorporated's proposed acquisition of assets of Texas International Company.	Nov. 16, 1984.
(31) 84-1115—Exxon Corporation's proposed acquisition of assets of certain oil and gas producing properties in Yoakum County, TX., and carbon dioxide producing properties in New Mexico and Colorado, Cornell Oil Company, (Nancy C. McGee, UPE).	Do.
(32) 84-1124—Whitbread and Company, PLC's proposed acquisition of voting securities of The Buckingham Corporation, Beatrice Companies, Incorporated, UPE).	Do.
(33) 84-1126—Allied Corporation's proposed acquisition of voting securities of Amex Systems, Incorporated, (Manuel R. Caldera, UPE).	Do.
(34) 84-1148—Unocal Corporation's proposed acquisition of voting securities of NEC Acquisition Company, (Diamond Shamrock Company, UPE).	Do.
(35) 84-1160—The Home Depot Incorporated's proposed acquisition of voting securities of Bowater Home Center, Incorporated, (Bowater, Incorporated, UPE).	Do.
(36) 84-1170—Masco Corporation's proposed acquisition of voting securities of Acqua Glass Corporation, (E. Benard Blasingame, UPE).	Do.
(37) 84-1171—E. Benard Blasingame's proposed acquisition of voting securities of Masco Corporation.	Do.

Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-31281 Filed 11-28-84; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Office of Federal Supply and Services

Federal Hotel/Motel Discount Directory, January 1985 Edition; Notice of Availability

The General Services Administration (GSA) announces the seventh edition of the Federal Hotel/Motel Discount Directory, which is scheduled for publication in January 1985. The directory will include over 4,300 hotels and motels in more than 1,448 domestic and foreign cities (an increase of 857 establishments and 248 cities over the January 1984 directory), and will provide information to Federal travelers to assist them in securing the most economical lodging available. The directory will include:

1. Discount lodging rates effective for 1 year;

2. Types of accommodations and facilities available to Federal travelers, such as accommodations for handicapped persons, free parking, free limousine service, and whether restaurants are located on the facility's premises;

3. Whether establishments accept the Diners Club charge cards;

4. Whether establishments guarantee the published discount rates; and

5. Information on where agencies or individual Federal travelers may obtain tax exemption certificates.

Agencies are encouraged to "ride" GSA's printing requisition and to order a sufficient supply of directories to satisfy their headquarters and field office needs for 1985. This **Federal Register** notice will be the only announced opportunity to "ride" GSA's printing requisition for the 1985 directory.

Agencies should submit a Standard Form (SF) 1, Consolidated Printing and Binding Requisition, citing the title of the directory, quantity desired, and a reference to GSA's printing requisition number 5-00204. The completed SF 1 should be sent to the Government Printing Office (GPO), Planning Service, Room 836, Washington, DC 20402, no later than December 7, 1984.

Single copies may be obtained over-the-counter at GPO bookstores, by calling the GPO order desk at (202) 783-3238 (FTS not available), or by writing to the Superintendent of Documents, Government Printing Office, Washington, DC 20402. The cost of the directory will be announced by GPO at the time of publication.

By promoting and supporting the GSA Hotel/Motel Discount Directory program within your agency, you will help to reduce significantly the lodging costs to Federal travelers. GSA will continue its effort to constantly expand the number of discount lodging establishments and the number of cities where discount lodgings are available and to seek greater discounts for the Federal travelers.

Dated: November 20, 1984.

James J. Grady, Jr.,

Director of Policy and Agency Assistance, Office of Federal Supply and Services.

[FR Doc. 84-31284 Filed 11-28-84; 8:45 am]

BILLING CODE 6820-24-M

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Executive Committee of the Advisory Committee on Preservation will meet on Tuesday, January 22, 1985, from 10:00 a.m. to 5:00 p.m. in Room 105 of the

National Archives Building, Washington, D.C.

The agenda for the meeting will be:

1. Review of the Archivist's comments on the Committee's recommendations concerning preservation policies and practices at the National Archives.

2. Review of conservation program.

The meeting will be open to the public. For further information, call Alan Calmes on 202–523–3159.

Dated: November 14, 1984.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 84–31263 Filed 11–28–84; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for Aid to Families With Dependent Children, Medicaid, and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 1985 Through September 30, 1987

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: This notice announces the "Federal percentages" and "Federal medical assistance percentages" that we will use in determining the amount of Federal matching in State welfare and medical expenditures. The table gives figures for each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Title XIX of the Social Security Act (the Act) exists in each jurisdiction, title IV–A in all jurisdictions except American Samoa and the Northern Mariana Islands, titles I, X, and XIV operate only in Guam and the Virgin Islands, while title XVI (AABD) operates only in Puerto Rico. The percentages in this notice apply to State expenditures for assistance payments and medical services (except family planning which is subject to a higher matching rate). The statute provides separately for Federal matching of administrative costs.

Sections 1101(a)(8) and 1905(b) of the Act require the Secretary of Health and Human Services to publish these percentages each even-numbered year. The Secretary is to figure the percentages, by formulas in those sections of the Act, from the Department of Commerce's statistics of average income per person in each State and in the Nation as a whole. The percentages are within upper and lower limits given in those two sections of the Act. The statute specifies the percentage to be applied to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

The "Federal percentages" are for Aid to Families with Dependent Children (AFDC) and aid to needy aged, blind, or disabled persons, and the "Federal medical assistance percentages" are for Medicaid. However, under section 1118 of the Act, States with approved Medicaid plans may claim Federal matching funds for expenditures under approved State plans for these other programs using either the Federal percentage or the Federal medical assistance percentage. These States may claim at the Federal medical assistance percentage without regard to any maximum on the dollar amounts per recipient which may be counted under paragraphs (1) and (2) of section 3(a), 403(a), 1003(a), 1403(a), and 1603(a) of the Act.

DATES: The percentages listed will be effective for each of the eight quarter-year periods in the period beginning October 1, 1985 and ending September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Emmett Dye, Office of Family Assistance, Social Security Administration, Room 2227, Switzer Building, 330 C Street SW., Washington, D.C. 20201, Telephone (202) 245–9234.

(Catalog of Federal Domestic Assistance Program Nos. 13.808—Assistance Payments—Maintenance Assistance (State Aid); 13.714—Medical Assistance Program)

Dated: November 26, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

FEDERAL PERCENTAGES AND FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCTOBER 1, 1985–SEPTEMBER 30, 1987 (FISCAL YEARS 1986 AND 1987)

State	Federal percentages	Federal medical assistance percentages
Alabama	65.00	72.30
Alaska	50.00	50.00
American Somoa	50.00	50.00
Arizona	58.08	62.28
Arkansas	65.00	73.83
California	50.00	50.00
Colorado	50.00	50.00
Connecticut	50.00	50.00
Delaware	50.00	50.00
District of Columbia	50.00	50.00
Florida	51.29	56.16
Georgia	62.27	66.05
Guam	50.00	[1] 50.00
Hawaii	50.00	51.00
Idaho	65.00	69.36
Illinois	50.00	50.00
Indiana	58.69	62.82
Iowa	54.34	58.90
Kansas	50.00	50.00
Kentucky	65.00	70.23

FEDERAL PERCENTAGES AND FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCTOBER 1, 1985–SEPTEMBER 30, 1987 (FISCAL YEARS 1986 AND 1987)—Continued

State	Federal percentages	Federal medical assistance percentages
Louisiana	59.79	63.81
Maine	65.00	68.86
Maryland	50.00	50.00
Massachusetts	50.00	50.00
Michigan	51.99	56.76
Minnesota	50.00	53.41
Mississippi	65.00	78.42
Missouri	56.24	60.62
Montana	62.64	66.38
Nebraska	52.35	57.11
Nevada	50.00	50.00
New Hampshire	50.00	54.92
New Jersey	50.00	50.00
New Mexico	65.00	68.94
New York	50.00	50.00
North Carolina	65.00	69.18
North Dakota	50.13	55.12
Northern Mariana Islands	50.00	[1] 50.00
Ohio	53.66	58.30
Oklahoma	52.89	57.60
Oregon	57.26	61.54
Pennsylvania	51.91	56.72
Puerto Rico	50.00	[1] 50.00
Rhode Island	51.48	56.33
South Carolina	65.00	72.70
South Dakota	64.24	67.82
Tennessee	65.00	70.20
Texas	50.00	53.56
Utah	65.00	72.62
Vermont	63.40	67.06
Virgin Islands	50.00	[1] 50.00
Virginia	50.00	53.14
Washington	50.00	50.06
West Virginia	65.00	71.53
Wisconsin	52.82	57.54
Wyoming	50.00	50.00

[1] For purposes of section 1118 of the Social Security Act, the percentage used under titles I, X, XIV, and XVI and Part A of title IV will be 75 per centum.

[FR Doc. 84–31256 Filed 11–28–84; 8:45 am]

BILLING CODE 4190–11–M

Health Resources and Services Administration

Availability of Funds for Maternal and Child Health Projects

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that funds are now available for grants for carrying out the following activities: special Maternal and Child Health (MCH) projects of regional and national significance which contribute to the improvement of services for mothers, children and handicapped children; MCH research and training projects; genetic disease testing, counseling and information projects; and hemophilia diagnostic and treatment centers. Awards will be made under the program authority of section 502(a) of the Social Security Act, as

amended by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), which is known as the Maternal and Child Health Federal Set-Aside Program. Because of the diverse nature of the section 502(a) grants and of their varying funding cycles, HRSA, through this notice, invites potential applicants to inquire about program guidelines and specific application requirements for the particular grant in which they are interested and then to make their applications for funding.

DATE: Dates by which applications must be received differ for the several categories of grants, but range from March 1 to August 1, 1985, with most deadlines occurring in March and April. Specific information on filing deadlines will be included in the program guidelines which will be mailed to interested applicants as part of the application materials. Interested applicants should make their inquiries to the address above as soon as possible.

FOR FURTHER INFORMATION CONTACT: Potential applicants wishing to inquire about possible grant support should address their inquiries *in writing* to the Office of the Director, Division of Maternal and Child Health, Bureau of Health Care Delivery and Assistance, Room 6–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2170.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981 revised Title V of the Social Security Act to establish the Maternal and Child Health Services Block Grant. Between 10 and 15 percent of the funds appropriated for Title V in each fiscal year are to be retained by the Secretary for the award of grants for the purposes specified above. These programs were previously supported under sections 503(2), 504(2), 511 and 512 of the Social Security Act and under sections 1101 and 1131 of the Public Health Service Act as in effect prior to the enactment of Pub. L. 97–35.

Approximately $15.0 million is anticipated to be available for the support of new and competitive renewal projects. Of the total available, approximately $4.0 million has been allocated for training, $2.0 million for research, $1.6 million for genetics, $.6 million for hemophilia and $6.8 million for special MCH improvement projects.

Consistent with the statutory purpose of improving maternal and child health, the Department will examine applications for funds under the above categories (with the exception of hemophilia) to determine the extent to which they will promote improvements in maternal and infant health care and will deal with associated problems, including the unacceptably high rates of low birth weight, neonatal and postneonatal mortality, and the barriers to initiation and continuation of breastfeeding. Funds also will be available for the development of health promotion and prevention activities for children, adolescents and their families, social services in support of the needs of severely handicapped children, and improvements in services for the handicapped and chronically ill child and young adult.

In terms of what types of entities may apply for the various types of set-aside grants, it should be noted that the statute at section 502(a)(2) provides that training grants may be made only to public or nonprofit private institutions of higher learning and that research grants may be made only to public or nonprofit private institutions of higher learning or to nonprofit agencies and organizations engaged in research or in maternal and child health or crippled children's programs. Under the applicable provisions of 42 CFR Part 51d, governing comprehensive hemophilia diagnostic and treatment center grants, only public and nonprofit private entities are eligible to receive such grants (see 42 CFR 51d.101). Similarly, with respect to genetic diseases testing and counseling program grants, only public and nonprofit private entities are eligible to receive such grants (see 42 CFR 51f.103). There are no statutory or regulatory limitations on the type of entity which may apply for special MCH improvement project grants.

All requests for application information must be in writing and must specify clearly the type of applicant organization or agency and the specific type of project for which information is desired. It is essential that all interested applicants responding to this announcement specify one of the following activities as the primary interest of their request:

(1) research;
(2) training;
(3) genetic disease testing, counseling and information;
(4) hemophilia diagnostic and treatment centers; or
(5) special MCH improvement projects, e.g., those which test or show the effectiveness of a given approach or technique in the provision of maternal and child health care.

A Notice of Proposed Rulemaking (NPRM) proposing rules for implementing this program was published on January 12, 1983 (48 FR 1323). That NPRM proposes revising 42 CFR Part 51a (Grants for Maternal and Child Health and Crippled Childrens Services), Part 51d (Grants for Hemophilia Treatment Centers), and Part 51f (Project Grants for Genetics Diseases Testing and Counseling Programs) by eliminating repetitive and unnecessary provisions in those regulations and by providing for a single regulation to govern the various project activities included in the set-aside program. The comment period on the NPRM ended on February 11, 1983.

On June 25, 1982, 42 CFR Parts 51a, 51d and 51f, which were initially issued under the authorities of Title V of the Social Security Act and sections 1101 and 1131 of the Public Health Service Act, as in effect prior to the 1981 Public Law 97–35 amendments, were amended to make them applicable to projects awarded under the new section 502(a) authority (see 47 FR 27824). The preamble to that amending document states that until a concise new regulation governing the set-aside program can be developed, the amended regulations issued under the former categorical authorities (42 CFR Parts 51a, 51d and 51f) are to govern the award of set-aside funds. However, the Department notes that 42 CFR Part 51a was removed from the Code of Federal Regulations effective October 1, 1982 (see 47 FR 48593).

The MCH program is listed as No. 13.110 in the OMB *Catalog of Federal Domestic Assistance.*

Dated: November 21, 1984.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 84–31296 Filed 11–28–84; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Clear Creek Shale Oil Project; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of record of decision.

SUMMARY: The purpose of this notice is to announce the availability of the Record of Decision (ROD) for the Clear Creek Shale Oil Project. The decision is to implement the Agency's Preferred Alternative as designated in the Final EIS.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management has decided to approve the Agency's Preferred Alternative as designated in the FEIS dated October 28, 1983. The preferred alternative is the Fruita I

configuration at a 100,000 barrel-per-day production rate. The ROD summarizes the EIS scoping process, alternatives considered, components of the preferred alternative, decision rationale, mitigation, and monitoring.

Availability: Single copies of the ROD may be obtained from: Chevron EIS Team Leader, Bureau of Land Management, 764 Horizon Drive, Grand Junction, CO 81504, (303) 243-6552, FTS 323-0011.

Dick Freel,

Associate District Manager, Grand Junction District.

[FR Doc. 84-31278 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-JB-M

[W-15468 (WY)]

Wyoming; Partial Termination of Classification of Public Lands for Multiple Use Management

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice.

SUMMARY: This action partially terminates a classification of public land for multiple use management published December 9, 1970, insofar as it affects 10 acres located in the Pryor Mountain Wild Horse Range.

FOR FURTHER INFORMATION CONTACT: James Binando, Chief, Branch of Land Resources, Bureau of Land Management, Montana State Office, P.O. Box 36800, Billings, Montana 59107, (406) 657-6082.

SUPPLEMENTARY INFORMATION: Pursuant to the authority delegated by Appendix 1 of Bureau of Land Management Manual 1203 dated January 3, 1983, the Bureau of Land Management classification for multiple use management is hereby partially terminated insofar as it affects the following described lands:

Sixth Principal Meridian

T. 58 N., R. 95 W.,
Sec. 22: S½NW¼SW¼SW¼ and N½SW¼SW¼SW¼.

The area described contains 10.00 acres in Big Horn County, Wyoming.

The above referenced classification segregated the described public land from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and from appropriation under the mining laws (30 U.S.C. 21). The lands have been and remain open to mineral leasing.

At 8 a.m. on November 30, 1984, the segregative effect imposed by the classification will terminate insofar as they affect the above described public lands. The lands described above shall be open to operation of the public land laws generally, subject to valid existing rights and provisions of existing withdrawals and the requirements of applicable laws. All valid applications received prior to 8 a.m. on November 30, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing. Appropriation of the lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by state law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such deteminations in local courts.

Marvin LeNoue,

Acting State Director.

[FR Doc. 84-31306 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-DN-M

[N-39140]

Notice of Realty Action—Competitive Sale; Nevada

The Notice of Realty Action published in the **Federal Register** on August 9, 1984, identified 342.85 acres as suitable for disposal through sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701, 1713.

The Notice of Realty Action is amended to include the following: Immediately following the legal description, the statement, "The lands described are hereby segregated from appropriation under the public land laws including the mining laws, pending disposition of this action," is inserted.

The following information is included under Paragraph 10 as Items 4 and 5:

(4) An easement 60 feet in width to accommodate the existing highway frontage road within the NE¼S½ Lot 1 SW¼, E½NW¼NW¼SE¼ and the SW¼NW¼SE¼.

(5) Easements 33 feet in width along the:

(a) Southern boundary of the E½SW¼N½ Lot 1 SW¼

(b) Eastern boundary of Lot 11

(c) Northern boundary of the N½SW¼S½ Lot 1 SW¼

(d) Southern boundary of the NE¼S½ Lot 1 SW¼

(e) Southern boundary of the E½NE¼NW¼SE¼

(f) Southern boundary of the E½NW¼NW¼SE¼

(g) Northern boundary of the S½NW¼SE¼ beginning at the right-of-way for U.S. Highway 395

(h) Northern boundary of the SW¼SW¼SE¼.

The last paragraph of the Notice of Realty Action will be amended as follows: Tracts of public land not sold at the first offering will remain available for purchase on a continuing, over-the-counter, "first-come first-served" basis at the appraised fair market value until sold or until other designation or disposition.

For a period of 45 days from the first publication of this notice amendment, interested parties may submit comments to the District Manager, Carson City District Office of the Bureau of Land Management, 1050 E. William Street, Suite 335, Carson City, Nevada 89701. The lands will be offered for sale no sooner than 60 days after the date of this notice amendment. Any adverse comments will be evaluated by the District Manager and forwarded to the Nevada State Director, Bureau of Land Management, who may vacate or modify the realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated this 21st day of November 1984.

Thomas J. Owen,

District Manager, Carson City District.

[FR Doc. 84-31368 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-HC-M

[W-86259 and W-86262]

Wyoming; Reality Action; Modified Competitive Sale of Public Lands in Weston County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Modified Competitive Sale of Land Parcels in Weston County, Wyoming.

SUMMARY: The Bureau of Land Management has determined that the land described below is suitable for public sale and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2750; 43 U.S.C. 1713) requires the BLM to receive fair market value for the land sold and any bid for

less than fair market value will be rejected. The BLM may accept or reject any and all offers, or withdraw any land or interest on the land for sale if the sale would not be consistent with FLPMA or other applicable law.

The planning document, environmental assessment/land report, and memorandum and letters of Federal, state, and local contacts concerning the sale are available for review at the Bureau of Land Management, Newcastle Resources Area Office. All bids and requests for information should be sent to BLM, Newcastle Resources Area, 1501 Highway 16 Bypass, Newcastle, Wyoming 82701 (Phone (307) 746–4453).

The land described below is hereby segregated from all appropriation under the public land laws including the mining laws after publication in the **Federal Register.** The segregative effect will terminate when the patent is issued or 270 days from the date of publication of this notice.

Parcels

Serial No.	Legal description	Acreage	Appraised value
W-86259	T. 47 N., R. 61 W., 6th P.M. sec. 14, NE¼NW¼	40.00	$6,000
W-86262	T. 47 N., R. 61 W., 6th P.M. sec. 19, NE¼NW¼	40.00	3,000

Sale Procedures

1. The sale will be conducted by modified competitive bidding, and each parcel will be offered by a sealed bid process to adjoining landowners. The apparent high bidder will be required to submit evidence of adjoining landownership before the high bid can be accepted or terminated.

2. All bidders must be U.S. citizens, 18 years of age or older, corporations authorized to own real estate in the State of Wyoming, a State, State instrumentality or political subdivision authorized to hold property, or an entity legally capable of conveying and holding lands or interests in Wyoming.

3. Sealed bidding is the only acceptable method of bidding. All bids must be received in the Newcastle Resource Area Office by 4:30 p.m. on February 27, 1984, at which time the sealed bid envelopes will be opened and the high bid announced. The high bidder will be notified in writing within 30 days whether or not the BLM can accept the bid. The sealed bid envelope must be marked in the front lower left-hand corner with the words, "Public Land Sale, W–86259, Sale Held February 27, 1985" or "Public Land Sale, W–86262, Sale Held February 27, 1985."

4. All sealed bids must be accompanied by a payment of not less than ten (10) percent of the total bid. Each bid and any final payment must be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to: DEPARTMENT OF THE INTERIOR-BLM.

5. Failure to pay the remainder of the full price within 180 days of the sale will disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of the sale. If the apparent high bidder is disqualified, the next high bid will be honored or the land will be reoffered under competitive procedures. If two (2) or more envelopes containing valid bids of the sale amount are received, supplemental sealed bidding will be used to determine the high bid. Additional sealed bids will be submitted to resolve all ties.

6. If any parcels fail to sell, they will be reofferd for sale under competitive procedures. For reoffered land, bids must be received in the Newcastle Resource Area Office by 11:00 a.m., on the fourth (4th) Wednesday of each month beginning March 27, 1985. Reoffered land will remain available for sale until sold or until the sale action is cancelled or terminated.

Patent Terms and Conditions

Any patent issued will be subject to all valid existing rights. Specific patent reservations include:

1. A reservation for ditches or canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at the BLM Newcastle Resource Area Office.

3. Oil and Gas lease W–75184 will remain in effect until terminated by the operation of the existing laws.

4. The successful bidder on W–86259 agrees that he takes the real estate subject to the authorized permanent range improvements of David E. Rawhouser, holder of range improvement project authorizations No. 4263 (a fence) and No. 4271 (2 reservoirs). David E. Rawhouser shall receive compensation from the successful bidder for the adjusted value of the terminated range improvements. Compensation shall not exceed the fair market value of the terminated portion of the permittee's interest (100 percent) therein. If the successful bidder and David E. Rawhouser are unable to agree on the compensation for the permanent range improvements, then the authorized officer shall determine the adjusted value. David E. Rawhouser may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value. If David E. Rawhouser so elects, he shall be allowed 180 days from the date of cancellation of range improvement project authorization No. 4263 to salvage material owned by him and perform rehabilitation measures necessitated by removal.

5. The patentee on W–86262 takes the real estate subject to the grazing use of David M. Nahrgang, holder of grazing authorization No. GR–8246. The rights of David M. Nahrgang to graze livestock on the real estate according to the conditions and terms grazing authorization No. GR–8264 shall cease two (2) years from the date of this Notice of Realty Action. The patentee is entitled to receive annual grazing fees from David M. Nahrgang in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the **Federal Register.**

6. The successful bidder on W–86262 agrees that he takes the real estate subject to the authorized permanent range improvement of David M. Nahrgang, holder of range improvement project authorization No. 4260 (a fence). David M. Nahrgang shall receive compensation from the successful bidder for the adjusted value of the terminated range improvement. Compensation shall not exceed the fair market value of the terminated portion of the permittee's interest (100 percent) therein. If the successful bidder and David M. Nahrgang are unable to agree on the compensation for the permanent range improvement, then the authorized officer shall determine the adjusted value. David M. Nahrgang may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value. If David M. Nahrgang so elects, he shall be allowed 180 days from the date of cancellation of range improvement project authorization No. 4260 to salvage material owned by him and perform rehabilitation measures necessitated by removal.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 North Poplar Street, Casper, Wyoming 82601. Any adverse comments will be

evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: November 21, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-31287 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-22-M

Roswell District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Advisory Council Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Advisory Council.

DATE: January 9, 1985, beginning at 10:00 a.m. A public comment period will be held at 2:00 p.m..

Location: Roswell Public Library, 301 N. Pennsylvania Avenue, Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Richard Bastin, Associate District Manager, or Guadalupe Martinez, Public Affairs Specialist, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201 (505) 622-7670.

SUPPLEMENTARY INFORMATION: The proposed agenda will include: (1) Hunter Access Program Update, (2) Volunteer Program, (3) Planning Update, West Roswell EIS and West Carlsbad EIS, (4) Impact of the Federal Oil and Gas Royalty Mangement Act, (5) Current Status of the Grazing Fee Study, Subleasing Issue and CMA Pogram, (6) Brantley Dam Land Exchange, (7) Loco Hills Update, (8) Trespass on Stock Grazing Homestead Act Lands, (9) Fort Stanton Airport Update, and (10) Report on Realty Actions Proposed for FY 1985 (Exchanges, Withdrawals, and Sales).

The meeting is opened to the public. Interested persons may make oral statements to the Council during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the District Manager by January 2, 1985. Summary minutes will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting. Copies will be available for the cost of duplication.

Earl Cunningham,

District Manager, Roswell, New Mexico.

[FR Doc. 84-31270 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-FB-M

[CA 16677]

California: Realty Action; Sale of Public Land in Calaveras County, CA

The following described land has been examined, and through the development of land use planning decisions based on public imput, resource considerations, regulations and Bureau policies, it has been determined that the proposed sale is consistent with the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713). The parcel as described below will be offered by direct sale to the City of Angels at no less than the appraised fair market value of $37,500. The sale will not be offered for at least 60 days after the publication of the notice in the **Federal Register.**

Mount Diablo Meridian, California

T. 2 N., R. 13 E.,
Sec. 10, Lot 13.
Containing 6.1 acres more or less.

The parcel was previously a portion of approximately 22.64 acres under Recreation and Public Purpose (R&PP) Patent 04-83-0016 issued to the City of Angels in 1982. A recent inadvertent violation in a condition of the R&PP patent resulted in a reversion of the lands back to the United States. In order to protect existing uses of the land by the City, the land will be offered by direct sale.

Sale terms and conditions are: A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

Upon publication of this notice in the **Federal Register** as provided in 43 CFR 2440.4, the above land will be segregated from appropriation under the mining laws, but excepting the mineral leasing laws for period of not-to-exceed two years, or until the land is sold, whichever occurs first. The segregation effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

It has been determined that the land is without known mineral interests and a purchase will constitute a simultaneous request for conveyance of the reserved mineral estate. As such, the purchaser will be required to deposit a $50.00 nonreturnable filing fee for conveyance of the mineral estate plus payment of not less than 10 percent or more than 30 percent of the purchase price at the time of the sale; remainder due within 180 days.

Detailed information concerning the sale, including the land report and environmental assessment report, is available for review at the Folsom Resource Area Office, 63 Natoma Street, Folsom, California 95630. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Bakersfield District, Bureau of Land Management, 800 Truxton Avenue, Room 311, Bakersfield, California 93301; (805) 861-4191. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination.

D.K. Swickard,

Area Manager.

[FR Doc. 84-31286 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-40-M

[A-19339]

Arizona; Correction, Proposed Withdrawal and Opportunity for Public Hearing

November 21, 1984.

In FR Doc. 84-28776 appearing on page 44027, in the issue of Thursday, November 1, 1984, 3rd column, 1st paragraph, at the end of the word "land" add "from appropriation under the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws, subject to valid existing rights:"

Don R. Mitchell,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-31271 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-32-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the Receipt of the Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the Grand Isle Block 16 Field Federal

Unit Agreement No. 14–08–0001–2932, submitted on November 14, 1984, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Grand Isle Block 16 Field Federal unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations..

Dated: November 19, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico Region.

[FR Doc. 84–31282 Filed 1–28–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document, Koch Exploration Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Koch Exploration Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4213, Block 289, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on November 21, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans,* Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: November 21, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84–31274 Filed 11–28–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Pennzoil Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2045, Block 270, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on November 21, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Emile H. Simoneaux, Jr., Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: November 21, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84–31275 Filed 11–28–84; 8:45 am]

BILLING CODE 4310–MR–M

Information Transfer Subgroup of the Scientific Committee, Outer Continental Shelf (OCS) Advisory Board; Notice and Agenda of Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 5 U.S.C. App. I and the Office of

Management and Budget's Circular A-63 Revised.

The Scientific Committee of the Outer Continental Shelf Advisory Board will convene a meeting of its Information Transfer Subgroup on Thursday, December 13, 1984, in the La Concha Room, Sheraton Hotel, 1111 East Cabrillo Boulevard, Santa Barbara, California 93103. The Information Transfer Subgroup will meet during the period 9:00 a.m. to 5:00 p.m.

Agenda for the meeting will include the following subjects:

- Review of present procedures of the Environmental Studies Program for publication and dissemination of information
- Discussion of areas of concern with respect to the present procedures followed in exchange of information
- Plans for improving the present system of information exchange

The meeting of this committee is open to the public. Approximately 15 visitors can be accommodated on a first-come/first-served basis. All inquiries concerning this meeting should be addressed to: Dr. Don V. Aurand, Chief, Branch of Environmental Studies, Offshore Environmental Assessment Division (644), Minerals Management Service, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240; telephone: (202) 343-7744.

Dated: November 27, 1984.

John B. Rigg,

Associate Direction for Offshore Minerals Management.

[FR Doc. 84-31456 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Availability of Plan of Operations and Environmental Analysis for the Purpose of Drilling the Dunn-McCampbell A-8 Exploratory Well; Sun Exploration and Production Company, Padre Island National Seashore, TX

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Sun Exploration and Production Company a Plan of Operations for the purpose of drilling the Dunn-McCampbell A-8 Exploratory Well with Padre Island National Seashore, Kleberg County Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent, upon request, to individuals or groups at a charge of $10.30 per copy, pursuant to the Freedon of Information Act. The document is 103 pages in length.

Dated: November 19, 1984

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 84-31276 Filed 11-28-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Docket No. 332-199]

Probable Economic Effect of Providing Duty Free Treatment for U.S. Imports of Certain High Technology Products

Correction

In an ITC document in the issue of Wednesday, October 31, 1984, appearing on page 43811, in the third column, the document number in the heading should have appeared as set forth above.

BILLING CODE 1505-01-M

[Investigation No. 731-TA-164; Final]

Import Investigations; Stainless Steel Sheet and Strip From Spain; Determination

Correction

In an ITC document in the issue of Wednesday, October 31, 1984, appearing on page 43810, in the first column, the document number in the heading should have appeared as set forth above.

In addition, in the file line at the end of the document, "FR Doc. 84-28626" should have read "FR Doc. 84-28628".

BILLING CODE 1505-01-M

[Investigation No. 337-TA-187]

Certain Glass Construction Blocks; Initial Determination Termination Respondents on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Vereinigte Glaswerke GMBH, Euroglass Glasrep Corp., and Glas Und Spiegel Manfactur A.G. Schalke.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on November 26, 1984.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion therof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: November 26, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-31315 Filed 11-28-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30521]

Cimarron River Valley Railway Co.; Exemption for Lease, Operation, and Purchase of Line

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts (1) Cimarron River Valley Railway Company (CRVR) and MBF Industries, Inc. (MBF) from 49 U.S.C. 10901, for the lease, operation, and purchase of a 25.47-mile line; and (2) CRVR from 49 U.S.C. 10746.

DATES: This exemption is effective on November 28, 1984. Petitions to reopen must be filed by December 19, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30521 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: Peter A. Greene, Thompson, Hine and Flory, 1920 N St. NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTAL INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC metropolitan area) or toll free (800) 424–5403.

Decided: November 7, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio. Commisioner Lamboley, concurring, would emphasize that in his view, sections 10901 and 11343 are not mutually exclusive.

James H. Bayne,

Secretary.

[FR Doc. 84-31304-11-28-84: 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-18)]

Intrastate Rail Rate Authority—Montana; Certification

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Certification.

SUMMARY: The Commission grants final certification to the Montana Public Service Commission under 49 U.S.C. 11501(b) to regulate intrastate rail transportation, subject to a condition precedent that it modify its standards and procedures as noted in the full decision.

DATE: If the necessary changes are made, certification will begin on December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: November 20, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 84-31305 Filed 11-28-84: 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collection(s) Under Review

November 26, 1984.

The Office of Management and Budget (OMD) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available;

(2) The office of the agency issuing the form;

(3) The title of the form;

(4) The agency form number, if applicable;

(5) How often the form must be filled out;

(6) Who will be required or asked to report;

(7) An estimate of the number of responses;

(8) An estimate of the total number of hours needed to fill out the form;

(9) An indication of whether Section 3504(h) of Public Law 96–511 applies; and,

(10) The name and telephone number of the person or office responsible for the OMB review.

Copies of the proposed form(s) and the supporting documentation may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the items contained in this list should be directed to the reviewer listed at the end of each entry *AND* to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer: Larry E. Miesse, 202/633–4312

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Larry E. Miesse, 202/633–4312
(2) Federal Bureau of Investigation, Department of Justice
(3) AGE, SEX, RACE, AND ETHNIC ORIGIN OF PERSONS ARRESTED
(4) DO–62
(5) Monthly
(6) State or local governments. Needed to collect information regarding number of persons arrested by law enforcement agencies throughout the United States. Data are published in comprehensive annual "Crime in the United States."
(7) 1,371 respondents
(8) 8,226 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

Revision of a Currently Approved Collection

(1) Larry E. Miesse, 202/633–4312
(2) Bureau of Justice Statistics, Department of Justice
(3) NATIONAL CRIME SURVEY (NCS)
(4) NCS—1, NCS–2, NCS–3, NCS–7, NCS–500
(5) Semi-annually
(6) Individuals or households. The National Crime Survey is a program for gathering, analyzing, publishing and disseminating statistics on the kinds and amount of crime committed against households and individuals throughout the Country. Respondents include persons 12 years of age or older living in 62,000 households in 309 PSU's.
(7) 151,500 respondents
(8) 91,186 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

New Collection

(1) Larry E. Miesse, 202/633–4312
(2) Bureau of Justice Statistics, Department of Justice
(3) *Testing of Screening and Incident Form Components for the National Crime Survey (NCS)*
(4) n/a
(5) One-time
(6) Individuals or households. New protype for screening techniques for the National Crime Survey.
(7) 1,500 respondents

(8) 760 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

Larry E. Miesse,

Agency Clearance Officer. Department of Justice.

[FR Doc. 84–31247 Filed 11–28–84; 8:45 am]

BILLING CODE 4410–1–M

NUCLEAR REGULATORY COMMISSION

Proposed Availability of FY 1985 Funds for Financial Assistance To Enhance Technology Transfer and Dissemination of Nuclear Energy Process and Safety Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Regulatory Research announces proposed availability of FY 1985 funds to support professional meetings, symposia, conferences, national and international commissions and publications for the expansion, exchange and transfer of knowledge, ideas and concepts directed toward the research necessary to provide a technology base to assess the safety of nuclear power (hereinafter called project).

Projects will be funded through grants.

EFFECTIVE DATE: October 1, 1984 through September 30, 1985.

ADDRESS: U.S. Nuclear Regulatory Commission, ATTN: Grants Officer, Division of Contracts, Office of Administration, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: The cognizant NRC grant official is Mr. Paul Edgeworth, telephone (301) 492–4291.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Pursuant to section 31.a. and 141.b. of the Atomic Energy Act of 1954, as amended, the NRC, Office of Nuclear Regulatory Research proposes to support educational institutions, nonprofit institutions, state and local Governments, and professional societies through providing funds for expansion, exchange and transfer of knowledge, ideas and concepts directed toward the research program. The program includes, but is not limited to, support of professional meetings, symposia, conferences, national and international commissions, and publications. The primary purpose of this will be to stimulate research to provide a technological base for the safety assessment of systems and subsystems technologies used in nuclear power applications. The results of this program will be to increase public understanding relating to nuclear safety, to enlarge the funds of theoretical and practical knowledge and technical information, and ultimately to enhance the protection of the public health and safety.

B. Eligible Applicants

Educational institutions, nonprofit entities, state and local Governments and professional societies are eligible to apply for a grant under this announcement.

C. Research Proposals

A research proposal should describe: (i) The objectives and scientific significance of the proposed meetings, symposium, conference, or commission; (ii) the methodology to be proposed or discussed, and its suitability; (iii) the qualifications of the participants and the proposing organization; and (iv) the level of financial support required to perform the proposed effort.

Proposals should be as brief and concise as is consistent with communication to the reviewers. Neither unduly elaborate applications nor voluminous supporting documentation is desired.

State and local Governments shall submit proposals utilizing the standard forms specified in Office of Management and Budget (OMB) Circular A–102, Attachment M. Nonprofit organizations, universities, and professional societies shall submit proposals utilizing the standard forms stipulated on OMB Circular A–110, Attachment M.

The format used for project proposals should give a clear presentation of the proposed project and its relation to the specific objectives contained in this notice. Each proposal should follow the format outlined below unless the NRC specifically authorizes exception.

1. *Cover Page.* The Cover Page should be typed according to the following format (submit separate cover pages if the proposal is multi-institutional):

Title of Proposal—To include the term "conference," "symposium," "workshop," or other similar designation to assist in the identification of the project;
Location and Dates of Conferences, Symposium, Workshop, etc.;
Names of Principal Participants;
Total Cost of Proposal;
Period of Proposal;
Organization or Institution and Department;
Required Signatures:

Principal Participants:
Name _____
Date _____
Address _____
Telephone Number _____

Required Organization Approval:
Name _____
Date _____
Address _____
Telephone Number _____

Organization Financial Officer:
Name _____
Date _____
Address _____
Telephone Number _____

2. *Project Description.* Each proposal shall provide, in ten pages or less, a complete and accurate description of the proposed project. This section should provide the basic information to be used in evaluating the proposal to determine its priority for funding.

Applicant must identify other proposed sources of financial support for a particular project.

The information provided in this section must be brief and specific. Detailed background information may be included as supporting documentation to the proposal.

The following format shall be used for the project description:

(a) Project Goals and Objectives.

The project's objectives must be clearly and unambiguously stated.

The proposal should justify the project including the problems it intends to clarify and the development it may stimulate.

(b) Project Outline.

The proposal should show the project format and agenda, including a list of principal areas or topics to be addressed.

(c) Project Benefits.

The proposal should indicate the direct and indirect benefits that the project seeks to achieve and to whom these benefits will accrue.

(d) Project Management.

The proposal should describe the physical facilities required for the conduct of the project. Further, the proposal should include brief biographical sketches of individuals responsible for planning the project.

(e) Project Costs.

Nonprofit organizations shall adhere to the cost principles set forth in OMB Circular A–122; Educational Institutions shall adhere to the cost principles set forth in OMB Circular A–21; and state and local Governments shall adhere to the cost principles set forth in OMB Circular A–87.

The proposal must provide a detailed schedule of project costs, identifying in particular:

(1) Salaries—in proportion to the time or effort directly related to the project.

(2) Equipment (rental only);

(3) Travel and Per Diem/Subsistence in relation to the project;

(4) Publication Costs;

(5) Other Direct Costs (specify)—e.g., supplies or registration fees;

Note—Dues to organizations, federations or societies, exclusive of registration fees, and not allowed as a charge.

(6) Indirect Costs (attach negotiated agreement/cost allocation plan); and

(7) Supporting Documentation. The supporting documentation should contain any additional information that will strengthen the proposal.

D. Proposal Submission and Deadline

This program announcement is valid for the period of October 1, 1984 to September 30, 1985. Proposal submissions shall be one signed original and six copies.

E. Funds

For Fiscal Year 1985, the U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research anticipates making $75,000–$100,000 available for funding the project(s) mentioned herein.

The NRC anticipates that approximately 5 to 10 projects will be funded. Further, the NRC anticipates that its average support will be $5,000–15,000 per project.

F. Evaluation Process

All proposals received as a result of this announcement will be evaluated by an NRC review panel.

G. Evaluation Criteria

The award of NRC grants is discretionary. Generally, projects are supported in order of merit to the extent permitted by available funds.

Evaluation of proposals will employ the following criteria:

1. Potential usefulness of the proposed project for the advancement of scientific knowledge;

2. Clarity of statement of objectives, methods, and anticipated results;

3. Range of issues covered by the meeting agenda;

4. Qualifications and experience of project speakers; and

5. Reasonable of estimated cost in relation to anticipated results.

H. Disposition of Proposals

Notification of award will be made by the Grants Officer and organizations whose proposals are successful will be so advised.

I. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations shall be obtained from or submitted to:

U.S. Nuclear Regulatory Commission, Attn: Grants Officer, Division of Contracts, AR–2223, Office of Administration, Washington, DC 20555

The address for hand-carried applications is:

U.S. Nuclear Regulatory Commission, Attn: Grants Officer, Division of Contracts, Office of Administration, Room 2223, 4550 Montgomery Lane, Bethesda, MD 20814.

Nothing in this solicitation should be construed as committing the NRC to dividing available funds among all qualified applicants.

Dated at Washington, DC this 13th day of November, 1984.

For the U.S. Nuclear Regulatory Commission.

Paul Edgeworth,

Chief, Contract Administration Section, Technical Contracts Branch, Division of Contracts, Office of Administration.

[FR Doc. 84–31322 Filed 22–28–84; 8:45 am]

BILLING CODE 7590–01–M

Documents Containing Reporting or Record Keeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget (OMB) review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the 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).

1. Type of submission, new revision or extension: Revision.

2. The title of the information collection: Certificate of Medical Examination by Facility License.

3. The form number if applicable: NRC Form 396.

4. How often the collection is required: Upon application for an initial operator license, and every five years for the renewal of operator or senior operator licenses.

5. Who will be required or asked to report: Facility employers of applicant's for operators' licenses.

6. An estimate of the number of responses: 1000 annually.

7. An estimate of the total number of hours needed to complete the requirement or request: .35 hours per form.

8. An indication of whether Section 3504(h), Pub. L. 9696–511 applies: Not applicable.

9. Abstract: NRC Form 396 establishes the procedure for transmitting information to the Commission regarding the medical condition of applicants for initial and renewal operator licenses.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 16th day of November 1984.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 84–31323 Filed 11–28–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–413]

Duke Power Co., et al, Catawba Nuclear Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering granting of relief from certain requirements of Section XI of the ASME Boiler and Pressure Vessel Code, as allowed by 10 CFR 50.55a(g)(6)(i) and issuance of partial exemptions from the requirements of Appendices A, E, and J to 10 CFR Part 50 to Duke Power Company, North Carolina Electric Membership Corporation and Saluda River Electric Cooperative, Inc., (the licensees) for the Catawba Nuclear Station, Unit 1, located at the licensees' site in York County, South Carolina.

Environmental Assessment

Identification of Proposal Actions: The first of the proposed actions would provide relief to the licensees, pursuant to 10 CFR 50.55a(g)(6)(i), from meeting certain requirements of the ASME Code for certain pumps and valves primarily in nuclear safety systems. The specific relief requests are identified in Section D of the Catawba Nuclear Station (Unit 1) Pump and Valve Inservice Testing Program submitted by letter dated March 9, 1983, and revised by submittals dated July 10, 13, 18, 23, 27, October 1, and November 6, 1984. Each such request proposes alternative tests and/

or test frequencies for identified pumps and valves.

The remaining proposed actions would provide partial exemptions from certain Commission regulations. The first exemption would relieve licensees from the requirement of conducting a full pressure airlock leakage test, pursuant to paragraph III.D.2(b)(ii) of Appendix J to 10 CFR Part 50, whenever airlocks are opened during periods when containment integrity is not required. Licensees would rely, instead, on the seal leakage test described in paragraph III.D.2(b)(iii) when the reactor is in cold shutdown (mode 5) or refueling (mode 6) and when no maintenance has been performed on the airlock. The second exemption would relieve the licensees from complying with paragraph III.B of Appendix J insofar as it requires that a type B leakage rate test be performed, at full pressure (Pa, peak calculated accident pressure), on piping penetrations fitted with expansion bellows. The third exemption would allow licensees to exclude certain piping which penetrates the containment from the venting and draining requirements in paragraph III.A.(d) of Appendix J. The fourth exemption would grant delays (until the first refueling outage) in implementing the upgrade to safety-related of the pressurizer power operated relief valves (PORVs) and steam generator PORVs to bring them into compliance with GDC–1 of Appendix A. The fifth exemption would relieve Duke Power Company from the requirements of 10 CFR Part 50, Appendix E, Section IV. F., insofar as it requires the active participation of all Crisis Management Center (CMC) personnel for the Catawba Station emergency preparedness exercises.

Licensees' requests for exemptions and the bases therefor are contained in letters dated April 5, July 11 and 13, September 19 and 21, and October 3, 1984. The details of licensees' evaluation of environmental impacts of the requested relief and exemptions are contained in their letters dated November 8, and October 16, 1984, respectively.

The Need for the Proposed Actions: The ASME Code requires that the pumps and valves identified by licensees be tested at certain frequencies. However, limitations of design, geometry and accessibility make it impractical for licensees to meet certain of these requirements. Some of the required tests simply cannot be performed, while others would either place the unit in a mode of operation that could lead to equipment damage or to unit shutdown. However, testing of these pumps and valves in accordance with the proposed alternative methods or at the proposed alternative frequencies will adequately ensure the operability of the equipment.

As described in the staff's Safety Evaluation Report, Supplements 3 and 4, for Catawba Nuclear Station, performance of the leakage rate tests required by paragraph III.D.2(b)(ii) of 10 CFR Part 50, Appendix J, takes at least 6 hours per airlock. Exemption from type B leakage rate tests on airlocks opened during a period when containment integrity is not required would provide the licensees with greater plant availability over the lifetime of the plant. Exemption from type B leakage rate tests on piping penetrations fitted with expansion bellows is required because the bellows design for mechanical penteration will not allow the space to be pressurized to peak accident pressure, Pa, as required by paragraph III.B of Appendix J. Exemption of certain piping penetrations from the Appendix J venting and draining requirements is needed to prevent leakage, during Integrated Leak Rate Tests, through process containment isolation valves which receive a sealing fluid. A limited-period exemption from the requirement to upgrade the pressurizer and steam generator PORVs to safety-related would allow licensees to begin ascension to power while awaiting delivery of components to modify the pressurizer and steam generator PORVs. Finally, partial exemption from 10 CFR Part 50, Appendix E, paragraph IV.F., is needed to avoid requiring all Duke Power Company CMC personnel to participate in two full-scale exercises each year.

Environmental Impacts of Proposed Actions: The proposed relief for testing of certain pumps and valves in accordance with the proposed alternative test frequencies or methods will adequately ensure the operability of the equipment. Imposition of the ASME Code requirements would result in hardships or unusual difficulties without a compensating increase in the level of quality or safety. Because the proposed alternative test frequencies or methods will ensure operability of the equipment, the probability of an accident has not been increased and the post-accident radiological releases will not be greater than previously determined due to the proposed relief, nor does the proposed relief otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise the relief does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with this proposed relief.

The first proposed exemption would permit the substitution of an airlock seal leakage test (paragraph III.D.2(b)(iii) of Appendix J, 10 CFR Part 50) for the full pressure airlock test otherwise required by paragraph III.D.2(b)(ii) when the airlock is opened while the reactor is in a cold shutdown or refueling mode. If the tests required by III.D.2(b)(i) and (iii) are current, no maintenance having been performed on the airlock and with it properly sealed, this exemption will not affect containment integrity and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the relief does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

The second proposed exemption will provide alternative tests of piping penetrations fitted with expansion bellows such that there is adequate assurance that containment integrity is not affected. Appendix J requires that leak testing of expansion bellows assemblies on containment penetrations be conducted at a test pressure of Pa, the peak calculated accident pressure; for the Catawba plant, Pa is 14.7 psig. The bellows assemblies have a two-ply design that allows pressurization between the plies. However, the bellows assemblies cannot be pressurized beyond 3 to 5 psig. The exemption, therefore, is from the requirement that the test pressure equal Pa. During testing of the bellows assemblies, the inner ply is pressurized in a direction opposite to that which would be imposed in the event of an accident. Testing at Pa would jeopardize integrity of the inner ply. Alternatively, stiffening of the inner ply to better accommodate an increased test pressure would necessitate engineering compromises contrary to overall safety. Since the expansion bellows must flex during plant heat-up and cooldown, additional rigidity would increase the likelihood of inner ply failure. However, the proposed test pressure (3 to 5 psig) is sufficient for monitoring bellows assembly integrity. Therefore, from the standpoint of overall safety, plant operation with the

exemption is at least as safe as requiring compliance with the leak testing requirement of the regulations. Consequently, the probability of an accident has not been increased and the post-accident radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

The third proposed exemption will allow the licensees to use an alternative to the vent and drain method for accounting for the leakage of certain containment isolation valves. Granting of this exemption would allow use during Integrated Leak Rate Tests (ILRTs) of the seal water system which has been installed at Catawba. Containment isolation valves served by this system will not leak containment atmosphere to the environment during an accident and so need not be exposed to test pressure by being vented and drained during ILRTs. Other valves which are not served by the seal water system, but which are in the lines to be exempted from the venting and draining requirements, will be locally leakage rate tested and the results added to the ILRT results. Thus, all leakage will be accounted for. Consequently, the post-accident radiological releases will not be greater with the alternative tests than they would be without the requested exemption, nor does the proposed exemption otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environment impacts associated with the proposed exemption.

The fourth exemption would grant delays (until the first refueling outage) in implementing the upgrade to safety-related of the pressurizer and the steam generator PORVs to bring them into compliance with GDC–1. The consequences of a steam generator tube rupture (SGTR) with the existing PORVs are discussed in Section 15.6.3 of the Catawba Final Safety Analysis Report (FSAR). Therefore, operation of Catawba Unit 1 during the first cycle is addressed by the current FSAR analysis. The staff has evaluated Catawba Unit 1 operation during the first cycle without the upgrade of the pressurizer and the steam generator PORVs in Section 15.4.4 of Supplement 3 to the SER (regarding the SGTR) and in Section 5.4.4.1 of Supplement 2 to the SER (regarding the residual heat removal system). The NRC staff stated in Supplement 2 that there are at least three means available to achieve RCS depressurization: (1) The normal pressurizer spray, (2) three pressurizer PORVs, and (3) an auxiliary pressurizer spray (with safety-related electric motor operator). Additionally, RCS cooldown, using the steam generators, results in an indirect depressurization due to fluid contraction. For the plant to be unable to effect an RCS depressurization, all of the above means would have to be unavailable. Although not specifically quantified, the staff believes the probability of this occurring in the first cycle of operation is low. Similarly, to achieve heat removal, at least the following means are available: (1) Steam dump system and (2) four steam system PORVs. Although the steam system PORVs are not fully safety related, the staff notes the availability of other means for decay heat removal. The staff believes that the likelihood of a simultaneous loss of all these other means is low.

As noted above, the staff believes the likelihood of total unavailability of the means for depressurization and heat removal during the first cycle of plant operation to be small. Consequently, the probability of an accident has not significantly increased and the post-accident radiological releases will not be significantly greater than previously determined with issuance of this proposed exemption, nor does the proposed exemption significantly affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with this proposed exemption.

The fifth proposed exemption, which would exempt Duke Power Company CMC personnel from full-scale participation in yearly execise of the Catawba emergency plans, otherwise required by paragraph IV.F. of Appendix E, 10 CFR Part 50, is consistent with a similar exemption granted on January 6, 1984, relating to participation in emergency preparedness exercises at Oconee and McGure. Participation by all Duke Power Company CMC personnel twice annually is deemed to be unnecessary. In the October 3, 1984, request, Duke Power Company committed to continue to provide adequate support by General Office personnel to ensure that effective annual exercises are conducted at each of its nuclear stations. Duke Power also committed to activate the Crisis Management Team fully in any full-scale exercise involving full state participation. If there are no such full-scale exercises planned for Duke Power nuclear stations in a calendar year, Duke will choose one of the local exercises in which all the CMC personnel will fully participate. Thus, the proposed exemption will, as described in the Duke Power request, provide an alternate method for training all the CMC personnel such that there is reasonable assurance of training adequacy consistent with the purpose of the subject Appendix E requirement. Consequently, the probability of an accident has not been increased and the post-accident radiological releases will not be greater than they would be were the proposed exemption not granted, nor does the proposed exemption otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Actions: Because we have concluded that there is no measurable environmental impact associated with the proposed relief and exemptions, any alternatives to the relief and exemptions will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested relief and exemptions. Such action would not reduce envirnomental impacts of Catawba Unit 1 operations and would result in reduced operational flexibility and unwarranted delays in power ascension.

Alternative Use of Resources: These actions do not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to Operation of Catawba Nuclear Station, Units 1 and 2," dated January 1983.

Agencies and Persons Consulted: The NRC staff reviewed the licensees'

requests that support the proposed relief and exemptions. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed actions will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed relief and exemptions.

For further details with respect to the actions, see the licensees' requests for relief and their assessment of environmental impact of such relief, dated March 9, 1983, July 10, 13, 18, 23, 27, October 1, and November 6 and 8, 1984, and the requests for the exemptions and their assessment of the environmental impacts, dated April 5, July 11 and 13, September 19 and 21, and October 3 and 16, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Bethesda, Maryland, this 23rd day of November 1984.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Acting Assistant Director for Licensing, Division of Licensing.

[FR Doc. 84-31321 Filed 11-28-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co. (San Onofre Nuclear Generating Station, Unit 1); Contingent Rescission of Suspension

I

The Southern California Edison (SCE) and San Diego Gas and Electric Company (the licensees) hold Provisional Operating License No. DPR-13, which authorizes Southern California Edison Company to operate the San Onofre Nuclear Generating Station, Unit 1 (the facility) at power levels not in excess of 1347 megawatts (thermal) rated power. The facility, which is located at the licensees' site in San Diego County, California, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The seismic design basis upon which San Onofre Unit 1 was initially licensed for structures, systems and components important to the safety of the plant was what, in today's terminology, would be consistent with a 0.25g Housner response spectra Operating Basis Earthquake (OBE) and a 0.5g Housner response spectra Safe Shutdown Earthquake (SSE). A number of actions have been taken in recent years, however, to upgrade the plant to 0.67g, the peak ground acceleration used as the seismic criteria applied to Units 2 and 3 that were later built on the same site.

Analyses of the seismic capability of the plant at 0.67g and submitted in the April-May 1982 time period as part of the ongoing seismic reevaluation program, indicated high stress values for certain equipment, piping and supports and, therefore, raised questions as to whether this equipment met the original licensing basis (0.5g Housner spectra SSE). The staff informed the licensee that further information demonstrating that the plant met its initial licensing design basis would be necessary before the plant, which was then shut down, would be permitted to restart. In letters dated June 15 and June 24, 1982, the licensee informed the staff that undertaking analyses to reconfirm that the plant met its original design basis would consume significant resources and would not contribute to the overall goal of upgrading the plant to 0.67g. Therefore, the licensee instead proposed to establish an implementation plan for upgrading the plant to 0.67g and committed itself to keeping the plant shut down until necessary reanalyses and plant modifications were completed. The statff agreed with the licensee that its program to upgrade the facility to 0.67g would resolve the staff's concerns about the ability of the plant to meet its licensed design basis, *i.e.*, 0.5g. However, in view of the staff's conclusion that the plant should not restart until the concerns about the plant's capability to shut down after the 0.5g design basis earthquake were resolved, the staff issued an order on August 11, 1982, to confirm the licensee's commitments to suspend operation of the plant and to undertake the plant modifications. The "Order Confirming Licensee Commitments on Seismic Upgrading" required that the licensees "[m]aintain San Onofre Unit 1 in the shutdown condition until modifications described in their submittal dated June 15, 1982 as supplemented by letter dated June 24, 1982 are completed and NRC approval is obtained for restart." 47 Fed. Reg. 36058, 36059 (Aug. 18, 1982).

Since the August 1982 Order was issued, the licensee has continued to make modifications to upgrade the capability of many plant structures, systems and components to 0.67g. Although not all the potentially necessary modifications are complete to assure that the plant could be brought to a cold-shutdown condition in the event of a postulated 0.67g earthquake, the licensee has proposed to return the plant to service for a limited period of time while the seismic reevaluation program is being completed.

On the basis of the staff's evaluation of the plant modifications and the licensee's analyses, the staff believes that there is reasonable assurance that operation of San Onofre Unit 1 can be resumed prior to completion of the seismic reevaluation program without posing an undue risk to public health and safety. It should be recalled that the suspension of operation imposed by the August 1982 order was based primarily on questions about whether the plant met its licensed design basis, O.5g. Currently, the staff believes that the licensee has reasonably established the seismic capability of the systems which would provide the capability to achieve and maintain a hot standby condition in the event of a 0.67g modified Housner spectrum earthquake. Moreover, with respect to other systems, the staff believes that available information indicates that the plant should withstand a 0.5g seismic event, and may even withstand larger seismic event swithout substantial damage. Thus, the staff believes that plant operation with systems necessary to achieve host standby upgraded to 0.67g is sufficient to assure public health and safety until the overall seismic reevaluation is completed because (1) the seismic integrity of the primary system and its isolation boundaries has been established such that a severe seismic event would not be expected to cause an accident requiring systems that have not been completely upgraded, and (2) there is sufficient time available to manually set up cooling water supplies to achieve and maintain cold shutdown in the event that a severe seismic event were to occur. The bases for the staff's conclusions are discussed in greater detail in the Safety Evaluation Report being issued on this date.

To ensure the safety of long-term operation in terms of providing suitable margins, the seismic reevaluation program and additional modifications necessary to upgrade the plant's seismic capability should be completed in a timely manner. The staff believes that the reevaluation program should be completed before the return to power after the next refueling outage after restart and that the modification should

be completed by the same time unless the licensee provides a case-by-case justification for any extension of time for completion.

III

Based on the staff's evaluation, the public health and safety no longer requires suspension of plant operation. Therefore, the suspension of operation imposed by the Order of August 11, 1982 is hereby rescinded provided that the remainder of the seismic reevaluation program and the resulting plant modifications are completed by the end of the next refueling outage unless the licensee provides to the Director, Division of Licensing, a justification for any extension of time for completion of any modification and the Director is satisfied that continued operation may be permitted. Such justification, if any, should be provided prior to the commencement of the next scheduled refueling outage after this restart.

Dated at Bethesda, Maryland, this 21st day of November, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-31320 Filed 11-28-84; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses to Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory commission has received the following applications for export licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 21st day of November 1984 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director, Export-Import and International Safeguards; Office of International Programs.

NRC EXPORT APPLICATIONS

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Company, Inc. Nov. 2, 1984–Nov. 8, 1984, XSNMO2138, Amend. No. 01.	5.00 percent enriched uranium	Additional 25,377	Additional 997	Additional material for Chinshan No. 2	Taiwan.
	5.00 percent enriched uranium	Additional 44,756	Additional 1,778	Additional material for Kuosheng No. 2	Do.
Westinghouse Electric Co., Nov. 8, 1984–Nov. 8, 1984, XSNMO2181.	3.10 percent enriched uranium	30,200	933	Conversion, pelletizing and fabrication into fuel assemblies and return to U.S. for Catawba Unit 2.	Belgium.
Exxon Nuclear Company, Inc., Nov. 2, 1984–Nov. 9, 1984, XSNMO2097, Amend. No. 01.	Increased to 5.00 percent enriched uranium.	Additional 13,700	Additional 454	Additional material for Oskarshamn 1 extended expiration date to July 1, 1990.	Sweden.
	5.00 percent enriched uranium	New 750	30	Add Barsebaeck-1 to license	Do.
Mitsui & Co (U.S.A.), Inc., Nov. 8, 1984–Nov. 13, 1984, XSNMO2182.	4.00 percent enriched uranium	16,614	504	Reload fuel for Fukushima I, Unit 1	Japan.
GA Technologies, Inc., Nov. 8, 1984–Nov. 16, 1984, XSNMO2183.	19.75 percent enriched uranium	122.0	24.10	To NUKEM for processing into U_3O_8 and return to GA.	West Germany.
Transnuclear, Inc., Nov. 20, 1984–Nov. 20, 1984, XSNMO2187.	3.49 percent enriched uranium	94,190	3,238.40	Reload fuel for Grohnde 1	West Germany.

[FR Doc. 84-31324 Filed 11-28-84; 8:45 am]

BILLING CODE 7590-01-M

POSTAL SERVICE

Domestic Mail Classification Schedule Changes for Special Fourth Class Mail; Correction

AGENCY: Postal Service.

ACTION: Notice; Correction.

SUMMARY: This document corrects a notice of a Domestic Mail Classification Schedule change for special fourth-class mail that appear at page 46222 in the Federal Register of Friday, November 23, 1984 (49 FR 46222). The action is necessary to correct an erroneous effective date.

EFFECTIVE DATE: 12:01 a.m., November 25, 1984.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245–4638.

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 84–30752 appearing on 46222, in the issue of November 23, 1984:

On page 46222, in the middle of the right-hand column, in the first full paragraph, the date "November 15, 1984" is corrected to read "November 25, 1984".

(39 U.S.C. 3625)

W. Allen Sanders,

Associate General Counsel Office of General Law and Administration.

[FR Doc. 84-31302 Filed 11-28-84; 8:45 am]

BILLING CODE 7710-12-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-5338]

Charterway Investment Corp.; Filing of an Application for an Exemption Under the Conflict of Interest Regulation

Notice is hereby given that Charterway Investment Corporation (Charterway), 222 South Hill Street, Suite 800, Los Angeles, California 90012, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to § 107.904(b) of the Regulations governing small business investment companies

(13 CFR 107.904 (1984)) for approval of conflict of interest transactions.

Subject to SBA approval, Charterway proposes to invest in a minority owned bank, American International Bank (American International), 525 S. Flower Street, Los Angeles, California.

The proposed financing is brought within the purview of § 107.904(b) of the Regulations because Mr. Harold Chuang is a member of the Board of Directors of American International, and President of Charterway, and therefore is considered an Associate of Charterway Investment Corp. as defined by Section 107.3 of the Regulations. Completion of the financing as proposed will result in the acquisition of a 16.8 percent interest in American International by Charterway and its Associates.

Notice is hereby given that any interested person may, not later than (15) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: November 23, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-31328 Filed 11-28-84; 8:45 am]

BILLING CODE 8025-01-M

Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.302 (a) and (b) limit the maximum annual Cost of Money (as defined in 13 CFR 107.3) that may be imposed upon a Small Concern in connection with Financing by means of Loans or through the purchase of Debt Securities. The cited regulation incorporates the terms "FFB Rate", which is defined elsewhere in 13 CFR Section 107.3 in terms that require SBA to publish, from time to time, the rate charged by the Federal Financing Bank on ten-year debentures sold by Licensees to the Bank. Notice of this rate is generally published each month.

Accordingly, Licensees are hereby notified that effective *December 1, 1984,* and until further notice, the FFB Rate to be used for computation of maximum cost of money pursuant to 13 CFR 107.302 (a) and (b) is *11.735%* per annum.

13 CFR Section 107.302 does not supersede or preempt any applicable law imposing an interest ceiling lower than the ceiling imposed by its own terms. Attention is directed to Section 308(i) of the Small Business Investment Act, as amended by Section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Dated: November 23, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-31327 Filed 11-28-84; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: Cheryl C. Thomas, Tennessee Valley Authority 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2522, FTS 858-2522.

Type of Request: Regular
Title of Information Collection: Forest Industries Survey—1984
Frequency of Use: Every 4 to 5 years
Type of Affected Public: Businesses
Small Businesses or Organizations Affected: Yes
Federal Budget Functional Category Code: 452
Estimated Number of Annual Responses: 2,500
Estimated Total Annual Burden Hours: 1,667
Estimated Annual Cost to TVA: $236,000

Need for and Use of Information: Forest industries in the Tennessee Valley will be surveyed in early 1985 to collect 1984 data. The purpose is to measure trends in industrial wood use, employment, product value, and number and kinds of industries. These data will be used primarily to evaluate progress in forest industries development and answer requests.

Dated: November 20, 1984.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 84-31283 Filed 11-28-84; 8:45 am]

BILLING CODE 8120-06-M

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supported documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: Cheryl C. Thomas, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2522, FTS 858-2522.

Type of Request: Regular
Title of Information Collection: Farmer Questionnaire-Vicinity of Nuclear Power Plants
Frequency of Use: Annually near Sequoyah, Watts Bar, and Bellefonte Nuclear Plants; Semiannually near Browns Ferry Nuclear Plant.
Type of Affected Public: Individuals and farms
Small Businesses or Organization Affected: No
Federal Budget Functional Category Code: 271
Estimated Number of Annual Responses: 1,200
Estimated Total Annual Burden Hours: 1,200
Estimated Annual Cost to TVA: $40,000

Need For and Use of Information: Used to locate rural residents, home gardens, and milk animals for monitoring purposes around nuclear power plants.

Dated: November 20, 1984.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 84-31284 Filed 11-28-84; 8:45 am]

BILLING CODE 8120-06-M

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: Cheryl C. Thomas, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2522, FTS 858-2522.

Type of Request: Regular
Title of Information Collection: Natural Gas Energy Recovery Questionnaire
Frequency of Use: Nonrecurring
Type of Affected Public: Businesses and non-profit institutions
Small Businesses or Organizations Affected: No
Federal Budget Functional Category Code: 271
Estimated Number of Annual Responses: 180
Estimated Total Annual Burden Hours: 240
Estimated Annual Cost to TVA: $3,080

Need For and Use of Information: The information in the proposed collection is needed to adequately assess a potentially very promising electric power generating concept. Respondents will be natural gas transmission companies and gas distributors.

Dated: November 20, 1984.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 84-31285 Filed 11-28-84; 8:45 am]

BILLING CODE 8120-06-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Prepare an Environmental Impact Statement; Proposed Expansion of Stinson Municipal Airport, San Antonio, TX

The Federal Aviation Administration (FAA) itends to prepare an Environmental Impact Statement (EIS) for the proposed expansion of Stinson Municipal Airport, San Antonio, Texas. The current proposed expansion would consist of a 500-foot extension to Runway 27, acquisition of land for and construction of a new runway (oriented approximately northwest-southeast) and at a length up to approximately 6,200 feet. The runway would be west of the existing Runway 14/32. Related development consists of ground alteration, creek channelization, culverting, and residential and business relocation to allow construction of the new runway; installation of a precision instrument landing system and approach lighting system for the northwest end of the new runway; and proposed taxiway and general aviation development as identified in the 1984 Airport Master Plan, prepared by Cress and Associates, Inc.

Proposed Federal action would include FAA approval of an Airport Layout Plan and possible subsequent Federal funding of airport development under the Airport and Airway Improvement Act of 1982, or successor legislation.

Possible alternatives include no action, alternative development scenarios for Stinson and realignment of the proposed new runway.

A Scoping meeting was held on Tuesday, November 13, 1984, in San Antonio to identify issues which might have significant impacts and to assist FAA in determining if an EIS would be required. At the request of the United States Department of the Interior, National Park Service, the decision to prepare an EIS has been made by FAA so that an adequate review of potential impact to the San Antonio Missions National Historical Park and other related historical property will be thoroughly considered.

The FAA intends to consult and coordinate with Federal, state, and local agencies which have jurisdiciton by law or have special expertise with respect to any environmental impacts associated with the proposed project. The Scoping process will continue through Friday, December 14, 1984. Interested persons and agencies are invited to send written comments on environmental issues related to the proposed expansion of Stinson Municipal Airport to: Mr. Richard Rodine, Supervisor, Planning Section (ASW-611), FAA Airports Division, Southwest Region, P.O. Box 1689, Forth Worth, Texas 76101, telephone (817) 877-2605. Comments should be receives by close of business December 14, 1984.

Dated: November 15, 1984.

Gene L. Faulkner,

Manager, Planning and Programming Branch.

[FR Doc. 84-31245 Filed 11-28-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Dept. Circ. Public Debt Series—No. 36-84]

Notes; AB—1986 Series

November 23, 1984.

The Secretary announced on November 21, 1984, that the interest rate on the notes designated Series AB—1986, described in Department Circular—Public Debt Series—No. 36-84 dated November 15, 1984, will be 10⅜ percent. Interest on the notes will be payable at the rate of 10⅜ percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-31292 Filed 11-28-84; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 231
Thursday, November 29, 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

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m. 8th Floor Hearing Room, Friday, December 7, 1984.

PLACE: 2033 K Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 84–31407 Filed 11–27–84; 2:28 pm]

BILLING CODE 6351–01–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 2:00 p.m. 5th Floor Hearing Room, Thursday, December 13, 1984.

PLACE: 2033 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Oral argument/in the matter of Donald J. Murphy and Keith M. Rudman.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 84–31408 Filed 11–27–84; 2:28 pm]

BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 9:30 a.m. 5th Floor Hearing Room, Thursday, December 20, 1984.

PLACE: 2033 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proposed rules on the audit trail and restrictions on trading for exchange employees.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 84–31409 Filed 11–27–84; 8:45 am]

BILLING CODE 6351–01–M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m. 8th Floor Hearing Room, Thursday, December 20, 1984.

PLACE: 2033 K Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 84–31410 Filed 11–27–84; 2:28 pm]

BILLING CODE 6351–01–M

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, December 4, 1984.

PLACE: Clarence Mitchell Jr., Conference Room No. 200–C on the 2nd floor of the Columbia Plaza Office Building, 2401 "E" Street N.W. Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 84–10–FOIA–215–MK, concerning a request for access to an open investigative file.
4. Freedom of Information Act Appeal No. 84–10–FOIA–117–SL, concerning a request for an ADEA investigative file.
5. Freedom of Information Act Appeal No. 84–9–FOIA–60–PX, concerning a request for information from a closed ADEA charge file.
6. Freedom of Information Act Appeal No. 84–10–FOIA–126–MM, concerning a request for lists of targeted locations, issues and respondents.
7. Analysis of Pre-Complaint Counseling and Complaint Processing Data Submitted by Federal Agencies for Fiscal Year 1983.
8. Use of the Second Exemption of the Freedom of Information Act, 5 U.S.C. § 552(b)(2).
9. Recommended fiscal year 1985 State and Local Agency Program Contract for Lexington-Fayette Urban County Government Human Rights Commission.
10. EEOC Compliance Manual, Section 624, Reproductive and Fetal Hazards, Appendix A.
11. Proposed Contract for Procurement of Legal Materials.

Closed

1. Litigation Authorization; General Counsel Recommendations.
2. Proposed Commission Decisions: ORA Decisions and Guidance Decisions.
3. Proposed Subpoenas.
4. Proposed Withdrawal of Commissioners' Charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register** the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia Matthews, Executive Office at (202) 634–6748.

Dated: November 27, 1984.

Cynthia Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 84–31422 Filed 11–27–84; 2:40 pm]

BILLING CODE 6570–06–M

6

FARM CREDIT ADMINISTRATION

Federal Farm Credit Board

Correction

FR Doc. 84–29901, which announced a meeting of the Federal Farm Credit Board on December 3, 4, and 5, 1984, appeared in the Notices section on page 45250 in the issue of Thursday, November 15, 1984. It should have

appeared in the Sunshine Act Meetings section.

BILLING CODE 1505-01-M

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, December 4, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, December 6, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Draft Advisory Opinion #1984-40, Robert F. Bauer, on behalf of the Democratic Congressional Campaign Committee
Draft Advisory Opinion #1984-56, Michael C. Mahoney, and Donna E. Hanberry, on behalf of Senator David Durenberger
Petition for rulemaking filed by common cause
Finace Committee report
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 84-31411 Filed 11-27-84; 8:45 am]

BILLING CODE 6715-01-M

8

FEDERAL RESERVE SYSTEM

[Board of Governors]

TIME AND DATE: Approximately 10:15 a.m., Wednesday, December 5, 1984, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Studies of (1) futures and options markets, and (2) federal margin regulations (Public Docket No. R-0427). (This item originally announced for a closed meeting on November 26, 1984.)
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-31438 Filed 11-27-84; 3:58 pm]

BILLING CODE 6210-01-M

9

FEDERAL RESERVE SYSTEM

[Board of Governors

TIME AND DATE: 9:30 a.m., Wednesday, December 5, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed adoption of depreciation and capital budgeting for the Board's assets.
2. Proposed Federal Reserve Board budget for 1985.
3. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-31439 Filed 11-27 84; 3:58 pm]

BILLING CODE 6210-01-M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published).

STATUS: Closed meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, November 16, 1984.

CHANGE IN THE MEETING: Additional item.

The following item was considered at a closed meeting held on Tuesday, November 20, 1984, at 10:00 a.m.

Institution of injunctive action.

Chairman Shad and Commissioners Cox, Marinaccio and Peters determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Barry Mehlman at (202) 272-2014.

Shirley E. Hollis,

Acting Secretary.

November 27, 1984.

[FR Doc. 84-31420 Filed 11-27-84; 8:45 am]

BILLING CODE 8010-01-M

11

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of December 3, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Tuesday, December 7, 1984, at 10:00 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Cox, Marinaccio and Peters voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 4, 1984, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of injunctive actions.
Institution of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceeding of an enforcement nature.

At times changes in commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted

or postponed, please contact: Steve Molinari (202) 272–2467.

Shirley E. Hollis,

Acting Secretary.

November 27, 1984.

[FR Doc. 84–31421 Filed 11–27–84; 2:40 pm]

BILLING CODE 8010–01–M

12

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1342]

TIME AND DATE: 10:15 a.m., Monday, December 3, 1984.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda items

Approval of minutes of meeting held on November 14, 1984.

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. Req. 52–834966—Tenant improvements and building modifications for the Chattanooga Office Complex.

D—Personnel Items

D1. Personal services contract with CDI Corporation, Philadelphia, Pennsylvania, for the performance of engineering, design, drafting, and related engineering and field support services, including field inspection services, requested by the Division of Engineering and Technical Services.

D2. Personal services contract with CLB Technical Services, New York, New York, for the performance of engineering, design, drafting, and related engineering and field support services, including field inspection services, requested by the Division of Engineering and Technical Services.

D3. Personnal services contract with Consultants & Designers, Inc., New York, New York, for the performance of engineering, design, drafting, and related engineering and field support services, including field inspection services, requested by the Division of Engineering and Technical Services.

F—Unclassified

F1. Contract No. TV–65518A between TVA and Alabama Department of Economic and Community Affairs, Office of Employment and Training to provide training to unemployed craftpersons.

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 26, 1984.

W. F. Willis,

General Manager.

[FR. Doc. 84–31423 Filed 11–27–84; 8:45 am]

BILLING CODE 8120–01–M

federal register

Thursday
November 29, 1984

Part II

Department of Health and Human Services

Office of Human Development Services

Demonstration Projects of Integrated Service Delivery Systems for Human Service Programs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13.647-851]

Demonstration Projects of Integrated Service Delivery Systems for Human Service Programs

AGENCY: Office of Human Development Services, HHS.

ACTION: Announcement of availability of funds and request for State applications under the HHS Integrated Service Delivery Demonstration Program.

SUMMARY: The Office of Human Development Services (HDS), announces that competing applications will be accepted for new demonstration grants authorized under section 1136 of the Social Security Act.

This program announcement consists of four parts. Part I provides background information and discusses the purpose of the Integrated Service Delivery Demonstration Program. Part II describes the nature and scope of the projects to be funded. Part III defines applicant eligibility and describes in detail the application process. Part IV defines the application review and selection criteria, and process used to transmit the application forms and instructions.

DATE: The closing date for receipt of applications is January 18, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Albarelli, HDS/Division of Research and Demonstration, Room 723E—HHH Bldg., 200 Independence Avenue, SW., Washington, D.C. 20201, Telephone: (202) 245-6233.

Part I—Background Information

A. Scope of This Announcement

With this announcement, the Office of Human Development Services (HDS) implements section 2630 of Pub. L. 98-369, the Deficit Reduction Act, enacted July 18, 1984. Under the Act, Congress established section 1136 of the Social Security Act which authorizes demonstration projects to promote the effectiveness and efficiency of integrated delivery systems for human services programs. The legislation authorizes up to $8,000,000 to support the demonstration projects over a 42 month period.

To receive consideration for funding, applicants must propose projects that include a range of service integration activities as specified in section 1136. The project must demonstrate a comprehensive system of service delivery across broadly defined human service programs and populations including but not limited to those administered by the Office of Human Development Services.

The Office of Human Development Services administers the demonstration program and, in cooperation with other HHS programs and other Federal departments and agencies, is responsible for the solicitation, review, selection, administrative oversight, evaluation, reporting, and coordination of the demonstration projects.

In FY 1985, HDS will approve no fewer than three nor more than five projects (including at least one such project to be operated on a statewide basis) to be assisted over a period not to exceed 42 months. First year activities will be funded under section 1110 of the Social Security Act.

B. Program Purpose

Section 1136 of the Social Security Act is intended to demonstrate ways of improving the delivery of human services to individuals and families through the development of an integrated service delivery system. Such system assures that an applicant for services under any one program is informed of and has access to the services which may be available under other human services programs in the community. Demonstration projects sponsored under this program will involve multiple integration practices intended to increase the effectiveness of human services delivery systems. In this regard, particular attention is placed on the cost-efficiency and service effectiveness that will result from the demonstrations.

Through this demonstration program, HDS seeks to improve the management and delivery of human services to promote the following goals:

1. To adopt and implement national policies or programs aimed at strengthening the capacity of individuals to achieve or maintain self-sufficiency and the capacity of the family to care for all its members;

2. To provide national leadership in: (a) The development of effective methods of addressing human service needs; and (b) The development of State and local capacity to appropriately address social needs;

3. To foster the efficient and effective use of available resources through improved human services management; and

4. To target Federal budgetary support for services to that portion of the population in the greatest need of assistance and protection.

In the past, service integration has been clearly demonstrated under efforts to improve the administration of human services. Under this service integration announcement, HDS seeks to build on this focus and demonstrate improvements aimed at strengthening the ability of States and localities to address social needs, enable individuals and families to achieve self-sufficiency, and bring about a better targeting of resources on those populations for which services are a necessity. In the review and selection of project applicants, *emphasis will be placed on demonstration projects which propose the development of better linkages across human services and related programs that lead to both greater efficiencies in administration and management, and measurable impact on social problems of priority concern to the State.*

The concepts of service integration defined in this announcement are not new. During the last decade considerable attention was directed at the need to simplify the structure and administration of human service programs. The inherent problems associated with Federal categorical assistance programs had made the human service system almost impossible to administer. The resulting intergovernmental burdens and service delivery confusion was perceived as requiring administrative reforms at State and local levels. States were asked to assume the "challenge" of management initiatives intended to minimize the impacts of Federal statutory and regulatory requirements, and bring about better access to and coordination of local service delivery.

In the early and mid-1970's, the Department of Health, Education and Welfare and many States undertook a series of demonstrations known as Service Integration Targets of Opportunity (SITO). The focus of these projects was on changes to administrative structures and practices. The projects addressed innovations in community needs assessment, automated information systems, client pathways, common service directories, common intake forms, co-location of services, etc. Very few SITO projects attempted direct improvements in service delivery, and little emphasis was placed on the need for community participation in the determination of problems and needed reforms. The implicit assumption was that these reforms, developed outside the line agencies, would be adopted and ultimately translate into improved services at the community level.

Generally, this did not happen although the experiences of these and other management initiatives did contribute to the more focused, accountable and professional State administration of human services witnessed today.

In addition, other demonstration projects targeting more directly on local service delivery have been undertaken to promote the coordination and consolidation of program service activities. Recognizing the fragmentation and duplication of local services, the emphasis of these projects was on improving service access, achieving economies of scale through joint program endeavors, and increasing the efficiency of services as measured by reduced unit costs or increased clients served.

The experiences under these State and local service integration projects is important to today's efforts in restoring States to a position of programmatic responsibility, and increasing the flexibility of local governments in determining optional service arrangements. There is general support for a continued emphasis on cost containment, administrative efficiency and program service coordination. However, unlike the earlier initiatives which stressed State performance as the administrative middle-man responsible for a complex array of Federally determined program services, the emphasis of this program announcement is on the more fundamental role of States in effecting service delivery reforms which directly impact social problems in the community. The last decade has produced enough service integration studies and analysis to yield support for virtually any service delivery strategy which focuses on administrative process and efficiencies. The truly essential consideration in weighing the total body of information is what options are likely to produce meaningful reform with maximum advantages to communities and impact on program constituencies. Service delivery reforms must consider the adequacy and appropriateness of the service system to be effective on social problems. Under this announcement, priority consideration will be given to those applications which propose service delivery reforms supportive of measurable progress on human service issues which are: (1) Defined in the context of individual, family and community problems; (2) determined to be of priority concern to the State and communities involved; and (3) supportive of HDS' goal statements.

Part II—Nature and Scope of Projects

A. Demonstration Concept/Activities

Past efforts to coordinate or integrate human services have often been targeted on discrete program operations and services. These efforts include State and Federal research and demonstrations in such areas as: human services taxonomies; unified planning, resource allocation, needs assessment and eligibility determination; standardized purchase of service, billing and accounting techniques; coordinated and consolidated transportation, etc. In addition to these activities, much work has been accomplished and is in progress to reduce the social and economic problems which contribute to the need for publicly supported services. These include efforts designed to bring about the more concerted involvement of public, private and voluntary sectors from within and outside the human service field for purposes of prevention, intervention, and alternative service delivery. These efforts have resulted in a substantial knowledge base on integration techniques. The Department believes that these techniques combined with more recent changes in regulatory reform and block grant programming offer States and communities the opportunity to establish a comprehensive human service delivery system that more fully and creatively responds to individual needs, reduces dependency, and engenders and facilitates the important involvement of community resources. This approach underscores the principle that human service needs are best defined and addressed through institutions and organizations at the level closest to the needs.

As required under section 1136(b), the following activities are minimally expected to be included or involved under each project:

1. Development of a common set of terms for use in all of the human services programs involved;

2. Development for each applicant of a single comprehensive family profile which is suitable for use under all of the human services programs involved;

3. Establishment and maintenance of a single resources directory by which the citizens of the community involved may be informed of and gain access to the services which are available under all such programs;

4. Development of a unified budget and budgeting process, and a unified accounting system, with standardized audit procedures;

5. Implementation of unified planning, needs assessment, and evaluation;

6. Consolidation of agency locations and related transportation services;

7. Standardization of procedures for purchasing services from nongovernmental sources;

8. Creation of communications linkages among agencies to permit the serving of individual and family needs across agency and program lines; and

9. Development, to the maximum extent possible, of uniform application and eligibility determination procedures.

Applicants should show how they plan to use and refine existing technology developed in these areas. In addition, applicants are encouraged to propose any other methods, arrangements and procedures determined necessary or desirable for the establishment and operation of an integrated service delivery system. Finally, the applicant's approach should take account of the activities and outcomes of related research or demonstrations (completed or in progress), as well as applicable State, local and Federal laws.

To ensure that Federal program requirements do not hinder the establishment of the proposed services integration system, any State whose application is approved under this program may submit a request for waiver of those program requirements. The Secretary will review and approve these waiver requests if he/she determines that the waiver authority involved is available and is necessary to provide a useful and effective demonstration of the value of an integrated services delivery system. If the waiver request involves a Federal agency outside HHS, waiver review and approval will be requested by the Secretary of the head of such other agency, who will approve it if waiver authority is available and the waiver is determined necessary to the effectiveness of the project. Waiver requests should not be included with the applications submitted in response to this announcement. Grantees will be notified of the waiver procedures subsequent to the selection process.

B. Scope of Demonstration Projects

In considering and selecting the projects to be sponsored under this program, in accordance with section 1136(c)(2), HDS will take into account the size and characteristics of the populations to be served, the geographic distribution of the projects, and the number and nature of human service programs involved.

Up to five demonstration projects will be funded that include a range of participating human services programs

and populations. For purposes of these projects, the legislation defines "human services programs" to include the following:

1. Aid to Families with Dependent Children (Part A of title IV of the Social Security Act);

2. Supplemental Security Income benefits program (Title XVI of the Social Security Act);

3. Federal food stamp program; and

4. Any other Federal or federally assisted program (other than those under the Rehabilitation Act of 1973) which provides aid, assistance or benefits based wholly or partly on need or on income-related qualifications to specific classes or types of individuals or families or which is designed to help in crisis or emergency situations by meeting the basic human needs of individuals or families whose own resources are insufficient for that purpose.

Under paragraph four above, project applicants are encouraged to include the participation of other HHS assisted programs administered by the Office of Human Development Services, Health Care Financing Administration, Social Security Administration or the Public Health Service; and other human service programs outside HHS, such as those administered by the Department of Housing and Urban Development, Agriculture, and Labor.

At least one demonstration project that proposes to operate on a statewide basis will be funded, and sub-state projects will be selected to achieve a balanced geographic representation of metropolitan, urban, urban/rural mixed, and rural areas.

Part III—Application Process

A. Eligible Applicants

Any State or territory having an approved plan under Title IV–A of the Social Security Act, is eligible to apply under this announcement. (Local, sub-state jurisdictions or agencies are not eligible to apply or receive grant awards under this program announcement.) The proposed project(s) may be statewide in operation or may be limited to one or more political subdivisions of the State. To be considered for funding, the application must provide the following assurances, satisfactory to the Secretary of Health and Human Services:

1. That the project as proposed would be permitted under applicable State and local law;

2. That the project will not lower or restrict the levels of aid, assistance, benefits, or services, or the income or resource standards, deductions, or exclusions under any of the human services programs involved, or services under any of the programs involved;

3. That the State, *prior to its submission of the application,* has published a description of the proposed project and invited comments from interested persons in the community or communities which would be affected; and

4. That, if under the law governing any of the human services programs included under the project, there are provisions establishing safeguards which limit or restrict the use or disclosure of information (concerning applicants for or recipients of benefits or services) and a waiver of such provisions is granted in order to make such information available for purposes of the project, the State shall:

(a) Provide each applicant for and recipient of aid, assistance, benefits or services under the proposed integrated service delivery system with a clear and readily comprehensible notice that such information may be disclosed to and used by project personnel, or exchanged with the other agencies having responsibility for human services programs included within the project; and

(b) Take steps as may be necessary to ensure that the information disclosed will be used only for purposes of, and by persons directly concerned with, the project.

B. Available Funds

In FY 1985, HDS will make up to five awards pursuant to this announcement. Grants will be approved for project periods up to 42 months. Funding over this maximum project period will be accomplished over three fiscal year budget periods. As shown below, and based on the availability of funds totaling $8,000,000 as authorized under section 1136, grantee funding over the 42 month period is expected to range from $1,225,000 to $2,700,000 depending on the scope and complexity of the project.

FUNDING SUMMARY

Fiscal year	Estimated award amount	Anticipated budget period (month)
Statewide Project		
1985	$150,000	12
1986	1,600,000	17
1987	950,000	13
Total	2,700,000	42
Sub-State Project		
1985	$75,000	12
1986	600,000	17
1987	500,000	13
Total	1,225,000	42

In Fiscal Year 1985, up to $500,000 is available to support awards for first year planning costs expected to range from $75,000 to $150,000 among the projects selected. The availability of funds for fiscal years 1986 and 1987 is dependent upon passage of appropriations by the Congress.

The FY 1985 awards will be made pursuant to the authority under Section 1110 of the Social Security Act and may include funds appropriated under other HHS program authorities, and/or other Federal departments and agencies.

C. Federal Share of the Project

Federal funds to support projects will be provided in the following amounts:

1. Up to 90 percent of the project costs incurred by the State and its political subdivisions during the first 18 months of the project;

2. Up to 80 percent of the project costs incurred in the second year of project implementation (beginning with the nineteenth month of the project period); and

3. Up to 70 percent of the project costs incurred in the third year of project implementation (beginning with the thirty-first month of the project period).

The applicant share of the project costs must be in the form of grantee-incurred costs directly supportive of the demonstration activities. These may include expenses related to project personnel, equipment, travel, contractual support services, and any other costs incurred as a direct result of the project activity. HDS strongly encourages applications where the grantee share exceeds the minimum requirements stated above.

D. Eligible Project Expenditures

Project funds can be used to support: (1) Planning and management activities necessary to integrate services in a geographic area; (2) training and technical assistance activities necessary to enhance the services integration activities; and (3) any activity necessary to assist in the management, evaluation, and administration of the project.

This demonstration program is intended to assess the impact of integration activities on *existing* resources and services. Project funds cannot be used to support costs deemed unnecessary or inappropriate to this intent. Project funds cannot support: (1) Capital acquisition or renovation of buildings, land or vehicles; (2) equipment costs in excess of 15% of the total Federal grant Funds; (3) operations of the applicant and participating programs which existed prior to the grant awarded (full maintenance of

efforts is expected); or (4) the costs associated with the actual services or assistance provided under any of the participating programs, or the establishment of new program services where none presently exist.

E. Project Timetable and Design

As required by legislation, the timetable for proposal solicitation, review, award and project start-up is shown below:

—Application receipt deadline—January 18, 1985
—Award notices issued—April 18, 1985
—Project effective date—May 1, 1985

No project funded under this program will be Federally assisted for a period of more than 42 months. Our expectation is that most grantees will use the first 6–12 months for planning purposes, the next 12–18 months as an implementation period, and a minimum of 12 months during which the integrated service system will be in operation. Continuation funding after the first budget period will depend upon availability of funds, satisfactory progress by the grantee, and HDS determination that continuation funding is in the best interest of the government.

During the first year of project activities, an HDS funded evaluation contractor will begin work with each grantee to develop an acceptable evaluation design and methodology to measure the efficiency and effectiveness of the demonstration project in relation to its goals and objectives. The evaluation contractor's responsibility will include the development of a data collection plan, including development of instruments and sampling techniques, training of grantee data collectors, and analysis and progress reporting throughout the demonstration period. Grantees will be responsible for the collection, maintenance, and accurate reporting of evaluation data.

F. Grantee Reporting

As a part of the terms and conditions of the grant award, progress reports shall be submitted by the State agency responsible for administration of the grant at quarterly (three month) intervals through the entire project period. The first progress report shall be submitted no later than—July 31, 1985—three months after the effective project start date of May 1, 1985. The report contents will place particular attention on the cost-effectiveness and improved service delivery of the integrated system. Detailed instructions on the quarterly reporting process and contents will be transmitted to each grantee with the Notice of Financial Assistance Awarded.

Part IV—Application Preparation

A. Availability of Forms

Applications for grants under this announcement must be submitted on the Standard Federal Form for grant assistance (SF 424—Parts I–IV). This form, as well as detailed guidance materials for use in preparing the application, will be mailed directly to the Chief Executive Officer of each State's Human Resource or Public Welfare Agency.

The transmittal of the application kit will occur within two days following the Federal Register publication date of this announcement. A listing of each State's Human Resources/Public Welfare Agency Chief Executive Officer to receive the application kit is included under Part IV (I) of this announcement.

Additional copies of the application kit may be obtained by contacting: HHS Integrated Services Demonstration Program, HDS/Division of Research and Demonstration, 200 Independence Avenue, SW., Room 732E, Washington, D.C. 20201 Telephone: (202)/245–6233.

B. Application Submission

One signed original and a minimum of two copies of the application must be submitted to: HDS/Division of Grants and Contracts Management, Attention HDS Annc. No. 13.647–851, 300 Independence Avenue, SW., Room 1740 North, Washington, D.C. 20201.

Submittal of five additional copies will expedite processing. There is no penalty for not submitting these additional copies.

C. Application Consideration

Complete applications that conform to the requirements of this program announcement will be reviewed competitively and evaluated by Federal officials and qualified persons not employed by the Federal Government. This review will also take into consideration comments and recommendations from HHS Regional officials and other Federal agencies.

The Assistant Secretary for Human Development Services will determine the action to be taken on each application.

D. Criteria for Screening and Review

All applications that meet the deadline will be screened to determine completeness and conformity to the requirements of this announcement. Complete, conforming applications will then be reviewed and evaluated competitively.

E. Screening Criteria

In order for an application to be considered for review, it must meet *all* of the following requirements:

(1) *Number of copies:* An original signed application and two copies must be submitted.

(2) *Standard Form 424:* The application must include all SF 424 forms completed according to instructions.

(3) *Eligibility:* The applicant must be a State or U.S. territory with an approved plan under Title IV–A of the Social Security Act, as amended.

(4) *Assurance:* The application must included or be accompanied by the four assurances identified under Part III–A of this announcement. Applicants are reminded that among the necessary assurances is one requiring public notification and comment *prior* to submission of the application.

(5) *Non-Federal Contribution:* A non-Federal contribution of at least 10% of the total project costs over the first 18 month budget period must be proposed.

APPLICATIONS MUST MEET *ALL* OF THE ABOVE REQUIREMENTS TO BE CONSIDERED.

F. Evaluations Criteria

All proposals, submitted by eligible applicants, will be competitively reviewed by qualified experts from both within and outside the Federal government. Acceptable applications must complete and meet the following criteria:

(a) *Criterion I:* Problem Description/Impact (20 Points).

- The application clearly identifies the problems (reasons for applying) to be addressed by the project in terms of the efficiencies of existing service administration, effectiveness of program services on priority social problems; and the benefits to be derived from the project on specific populations.
- The service integration concepts proposed are clearly identified and decribed in relation to the problems and benefits anticipated.
- The application must clearly describe how the proposed project anticipates significant and measurable improvements in the efficiency (reduced duplication and total system costs) and effectiveness (impact on social problems) of existing service delivery.

(b) *Criterion II:* Innovativeness (25 Points)

The application clearly proposes a *significant improvement upon, or important departure from, existing practices and previous related work* in the field of human services integration.

The proposed project constitutes new activity (on the part of the applicant State) and not a continuation or expansion of existing activity. The application describes and applies the experience of previous work in services integration with emphasis on both administrative efficiency and human service effectiveness. The innovations proposed will bring about lasting impact and change to service delivery.

(c) *Criterion III:* Technical Approach or Methodology (20 Points)

• The technical approach or methodology is realistic and achievable. It includes a well organized, strategic and task-oriented plan of action which if implemented achieves the project goals and objectives. Potential problem areas are identified explicitly and resolution approaches discussed.

• The technical approach or methodology includes a realistic and useful discussion of the evaluation opportunities and anticipated problems (i.e., availability of pre-demonstration data, reporting, etc.), and proposes a means of addressing key evaluation issues in cooperation with the Evaluation Contractor employed by HDS.

(d) *Criterion IV:* Staffing and Management (20 Points)

• The proposed staff are well qualified to carry out the project.

• The involvement of State and local executive officials is clearly evidenced to assure concerted efforts among participating programs and sub-State jurisdictions, and adequate management and oversight of the project.

• The applicant State has adequate facilities, resources, and experience to conduct the project as proposed.

(e) *Criterion V:* Budget Appropriateness and Reasonableness (15 Points)

• The proposed budget is commensurate with the effort needed to accomplish the project objectives. The cost of the project is reasonable in relation to the value of the anticipated results.

• The specific contributions (including but not limited to automated data processing services) of any collaborative agencies or organizations are assured in writing and included with the application when it is submitted. Where the participation of an agency other than the applicant is critical to the proposed project, the agency's agreement to participate is evidenced by a letter.

• The proposed applicant share in project costs exceeds the minimum match requirements.

G. This program is not covered under Executive Order 12372.

H. Closing Date for Receipt of Applications

Deadlines. The closing date for submittal of applications under this program announcement is January 18, 1985. Applications shall be considered as meeting this deadline if they are either:

1. Received on or before the deadline date at the HDS Receiving Office: HDS/Division of Grants and Contracts Management, Attention HDS Annc. No. 13.647–851, 300 Independence Avenue SW., Room 1740 North, Washington, D.C. 20201.

2. Sent on or before January 18, 1985 and received in time to be considered during the competitive review and evaluation process. (Applicants must be cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

Hand Delivered Applications. Hand delivered applications are accepted during the normal working hours of 9:00 A.M. to 5:30 P.M., Monday through Friday.

Late applications. Applications which do not meet these criteria are late and will not be considered in the competition.

Dated: November 23, 1984.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

I. Chief Executive Officers—State and Territorial Human Resource Public Welfare Agencies

Alabama

Leon Frazier, Commissioner, Alabama Dept. of Pension & Security, 64 North Union Street, Montgomery, AL 36130

Alaska

Robert London Smith, Ph.D., Commissioner, Alaska Dept. of Health and Social Services, Pouch H–01, Juneau, AK 99811

Arizona

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James G. Harris, Jr., Commissioner, Conn. Dept. of Human Resources, 1179 Main Street, P.O. Box 786, Hartford, CT 06010

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North Dakota

John A. Graham, Ex. Director, North Dakota Dept. of Human Services, New State Office Building Judicial Wing, Bismarck, ND 58505

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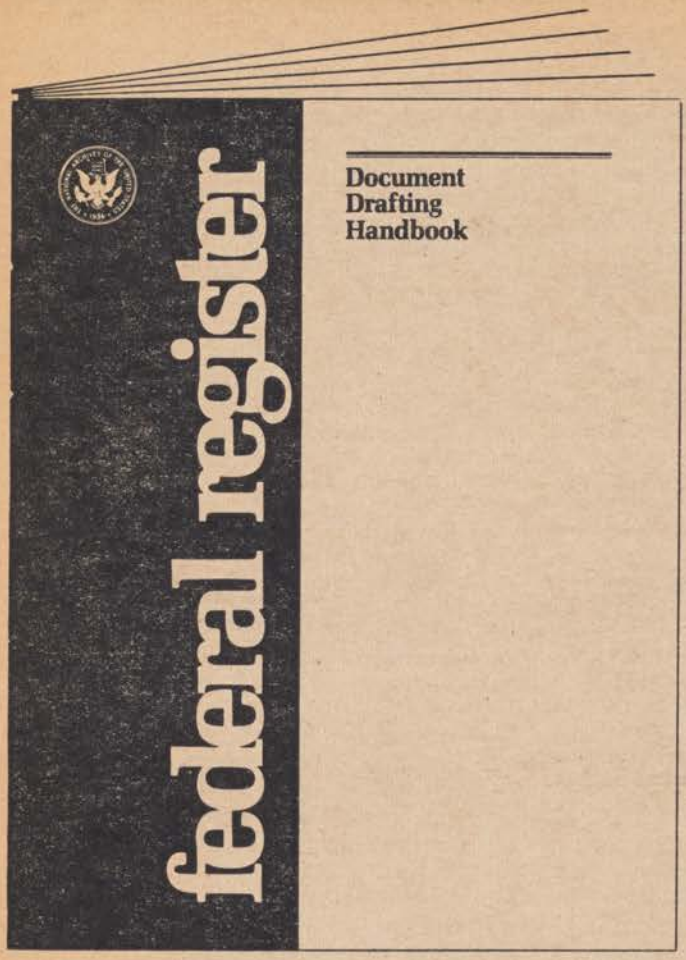

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