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Tuesday
December 11, 1984

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Federal Home Loan Bank Board

Trade Practices
Federal Trade Commission

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Presidential Documents

Title 3—

The President

Executive Order 12494 of December 6, 1984

Amending Executive Order No. 11157 as It Relates to Pay for Hazardous Duty

By the authority vested in me as President of the United States of America by Section 301(a) of Title 37 of the United States Code, and in order to define the scope of one category of hazardous duty, it is hereby ordered as follows:

Section 1. Executive Order No. 11157 of June 22, 1964, as amended, is further amended by striking out subsection (b) of Section 109 of Part I and inserting in lieu thereof the following:

"(b) The term 'duty involving the demolition of explosives' shall be construed to mean duty performed by members who, pursuant to competent orders and as a primary duty assignment (1) demolish by the use of explosives objects, obstacles, or explosives, or recover and render harmless, by disarming or demolition, explosives which have failed to function as intended or which have become a potential hazard; (2) participate as students or instructors in instructional training, including that in the field or fleet, for the duties described in clause (1) hereof, provided that live explosives are used in such training; (3) participate in proficiency training, including that in the field or fleet, for the maintenance of skill in the duties described in clause (1) hereof, provided that live explosives are used in such training; or (4) experiment with or develop tools, equipment, or procedures for the demolition and rendering harmless of explosives, provided that live explosives are used."

Sec. 2. This Order shall be effective immediately.

Ronald Reagan

THE WHITE HOUSE,
December 6, 1984.

[FR Doc. 84-32338
Filed 12-7-84; 12:21 pm]
Billing code 3195-01-M

Rules and Regulations

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FEDERAL HOME LOAN BANK BOARD

12 CFR Part 506a

[No. 84-703]

Eurodollar Bonds; Printed or Engraved Form

Dated: December 4, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending 12 CFR 506a.1 to permit the printing or engraving of Federal Home Loan Bank ("Bank") registered securities that are targeted to markets outside the United States. In the absence of these changes, the Board's regulations would require that these securities be issued in book-entry form. The inability of the Banks to issue securities in printed or engraved form could effectively reduce their ability to participate in the Eurodollar market, because participants in that market are accustomed to holding securities in physical form. The Board is also making conforming changes to Part 506a with regard to conversions and delivery of registered foreign-targeted bonds.

EFFECTIVE DATE: December 4, 1984.

FOR FURTHER INFORMATION CONTACT: Moira Donohue, Attorney, Office of General Counsel, (202-377-6465), Federal Home Loan Bank Board, Office of General Counsel, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: In the past, participation by quasi-governmental entities in the Eurodollar market, which operates primarily through the trading of physical certificates, was effectively prohibited by a provision of the Internal Revenue Code of 1954 requiring a 30-percent withholding tax on U.S.-source interest payments to foreigners. However, on July 18, 1984, Congress amended the Internal Revenue Code of 1954 to repeal the 30-percent withholding tax in certain circumstances. Deficit Reduction Act of 1984, Pub. L. 98-369, section 127, 98 Stat. 648 ("DRA"). The Department of the Treasury issued temporary regulations regarding the new statutory provision, and the reporting and "backup" withholding required with respect to issuers of obligations held by foreign persons and payors of interest on such obligations. 49 FR 33239 (to be codified at 26 CFR Part 35a) (August 22, 1984). This regulatory change permits, among other things, the issuance by quasi-governmental entities, as well as private corporations, of a registered, foreign-targeted obligation, the beneficial owner of which need not be named, but merely certified to be a foreigner. By virtue of this regulatory provision, quasi-governmental corporations, such as the Banks, may avail themselves of the Eurodollar market by issuing foreign-targeted securities.

Participation in this market, subject to compliance with the Department of the Treasury regulations, may require the issuance of a tangible, printed or engraved security. The Board's current regulations, however, restrict the Banks to the issuance of securities in book-entry form. 12 CFR 506a.1(c) (1984). The book-entry limitation was adopted originally to eliminate losses and reduce costs and paperwork that were more likely to occur with transactions involving printed or engraved securities. 42 FR 56316 (October 25, 1977). At the time the regulation was promulgated, however, the Board did not contemplate the need for an exception concerning issuances targeted to foreign markets because Bank participation in the Eurodollar market was effectively prohibited. In light of the recent change made by the DRA and in Treasury regulations, the Board finds that it is necessary to amend the book-entry restriction in Part 506a to provide for the issuance of Eurodollar obligations in physical form, thereby enabling the Banks to compete in this market as contemplated in the Department of the Treasury regulations. In addition, the amendment revises the conversion provisions of Part 506a to permit conversions between book-entry and definitive form for these registered securities, to the extent permitted by the terms of the bonds. Conforming changes to Part 506a with regard to delivery of registered foreign-targeted securities issued in definitive form have also been made.

The Board finds that observance of the notice and comment procedures prescribed by 5 U.S.C. 553(b) and 12 CFR 508.12 and 508.13, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, is unnecessary for the following reasons: (1) The amendments are minor and conforming in nature, and (2) the revisions relate to internal agency procedures regarding securities issuance by the Banks.

List of Subjects in 12 CFR Part 506a

General, Savings and Loan Associations.

Accordingly, the Board hereby amends Part 506a of Subchapter A of Chapter V, Title 12 of the Code of Federal Regulations, as set forth below.

Subchapter A—General

PART 506a—BOOK-ENTRY PROCEDURES FOR FEDERAL HOME LOAN BANK SECURITIES

§ 506a.1 [Amended]

1. Amend § 506.1(c) by inserting, before the final period at the end thereof, the following: ", or registered securities targeted to markets outside the United States in accordance with applicable Department of the Treasury regulations".

§ 506a.2 [Amended]

2. Amend § 506a.2(b) by inserting after the phrase "November 25, 1977" the following: ", or registered securities targeted to markets outside the United States, to the extent permitted by the terms of the securities".

§ 506a.4 [Amended]

3. Amend § 506a.4(d) by inserting after the phrase "November 25, 1977" the following: ", or registered securities targeted to markets outside the United States, to the extent permitted by the terms of the securities,".

§ 506a.5 [Amended]

4. Amend § 506a.5(a) by inserting after the phrase "November 25, 1977" the following: ", or registered securities targeted to markets outside the United States," and by inserting at the end thereof the following new sentence: "Nothing in this provision shall be construed to permit withdrawal of registered securities targeted to markets

outside the United States in definitive form if not permitted by the terms of the securities.".

§ 506a.6 [Amended]

5. Amend § 506a.6 by inserting in the second sentence thereof after the words "November 25, 1977," the following: "registered securities issued in definitive form targeted to markets outside the United States,".

(Sec. 11, 47 Stat. 733, as amended; sec. 17, 47 Stat. 736, as amended, 12 U.S.C. 1431, 1437; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-32280 Filed 12-10-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2752]

TEAC Corporation of America; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This Order grants the request of a Montebello, California supplier of high fidelity audio components to reopen the proceeding and delete entirely from the Commission's October 24, 1975, Consent Order, 40 FR 56658, Paragraph I(11), which had been modified on November 25, 1983, 48 FR 54969, so as to permit the firm to prevent transshipment of its products to dealers who did not meet non-discriminatory standards of promotion, service and display. After considering company's arguments and other relevant information, the Commission concluded that the public interest warranted reopening and modifying the order as requested. The transshipment provision had served its remedial purpose. There was no indication that the firm had engaged in resale price maintenance or breached the transshipment provision. Nor was there anything in the record to suggest a need to retain the provision as a fencing-in mechanism, or as a means of preventing anticompetitive effects from nonprice vertical restraints. Accordingly, the Commission ordered that the matter be reopened and Paragraph I(11) of the order deleted.

DATES: Modified Order issued on November 25, 1983; Modifying Order issued November 16, 1984.

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

SUPPLEMENTARY INFORMATION: In the Matter of TEAC Corporation of America, a corporation. Codification appearing at 40 FR 56658 remains unchanged.

List of Subjects in 16 CFR Part 13

Audio components, High fidelity, Trade practices.

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

Before the Federal Trade Commission

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

[Docket No. C-2752]

Order Reopening and Modifying Order Issued on October 24, 1975

In the matter of TEAC Corporation of America, a corporation.

On June 6, 1984, respondent TEAC Corporation of America ("TEAC") filed its "Request to Reopen Proceedings and to Modify Consent Order" ("Request"), pursuant to section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), and § 2.5 of the Commission Rules of Practice. The Request asked the Commission to reopen the proceeding in Docket No. C-2752 and modify the order issued by the Commission in this case on October 24, 1975—as modified by an order issued November 25, 1983—to remove a provision that restricts TEAC's ability to limit transshipment of its products. TEAC's Request was placed on the public record for thirty days and no comments were received.

After reviewing TEAC's request and other available information, the Commission has concluded that the public interest warrants reopening and modifying the order in the manner requested by TEAC. The transshipment provision of the order (Paragraph I(11)) was adopted principally as a "fencing in" restraint ancillary to the order's ban on resale price maintenance ("RPM"). TEAC has shown that it does not fix the prices at which its authorized dealers resell TEAC products, that TEAC product prices vary from dealer to dealer, and that the transshipment provision therefore has encouraged the emergence of intrabrand price competition in TEAC products. Consequently, Paragraph I(11) need not be retained for that purpose.

To the extent that Paragraph I(11) was also intended to remedy alleged anticompetitive effects of vertical practices other than RPM, the Supreme Court decision in *Continental T.V., Inc.* v. *GTE Sylvania, Inc.*, 433 U.S. 36 (1977)—issued after the original order in this matter—makes further analysis necessary. As the Court explained, non-price vertical restraints may either enhance or impede economic efficiency and consumer welfare, depending upon whether the fundamental purpose or effect of the restraints is on balance to enhance or exploit market power or instead to promote a more efficient form of distribution. It follows that devices that facilitate the imposition of non-price vertical restraints—such as transshipment restrictions—similarly may be beneficial in some situations and harmful in others. These practices are not inherently suspect or so plainly anticompetitive that they can be condemned without more extensive analysis under the rule of reason. The Commission has relied upon *Sylvania* to conclude that it will only prohibit non-price vertical restraints that have "a probable adverse effect on *inter*brand competition" at either the manufacturer or the dealer level.[1]

The foregoing cases establish the need to evaluate the likely consequences of non-price vertical restraints in the recording equipment industry under the rule of reason in considering TEAC's petition. Vertically imposed transshipment restrictions such as those at issue here are most likely to be used in conjunction with a program of other non-price vertical restraints that effectively limits the entities with whom the manufacturer will deal. TEAC apparently seeks authority to use transshipment restrictions to facilitate a distribution program involving only carefully selected dealers. If TEAC's petition is granted, TEAC could use transshipment restrictions to facilitate the imposition and enforcement of other non-price vertical restraints.

I

When market power either does not exist or cannot be sustained, anticipated efficiency gains are the only rational basis for a manufacturer to impose a vertical restraint. Only procompetitive practices will survive the market test when the creation or enhancement of

[1] *Beltone Electronics Corp.*, 100 F.T.C. 68, 208 (1982). The Commission identified two different adverse effects upon interbrand competition that could satisfy this standard. First, the Commission indicated that non-price vertical restraints might in some circumstances support or increase the likelihood of collusion among competing firms. *Id.* at 206-07. Second, the Commission indicated that non-price vertical restraints might in some circumstances create or enhance the market power of one or more competing firms. *Id.* at 207.

market power is unlikely; the market does not reward inefficient distribution practices. Thus, when the exercise of market power in a properly defined relevant market is unlikely,[2] we consider non-price vertical restraints to be efficiency enhancing in purpose and effect, and therefore lawful, without further inquiry.

Market power can be exercised either by a dominant firm or through the action of competitors acting in concert. Because no firm can claim dominance in the recording equipment market (*see* pp. 6-8, *infra*), we will focus our attention on the possibility of collusive activities in this market.[3] In this context, our concerns are: (1) Whether the firms that use the questioned non-price vertical restraints constitute a significant competitive threat; and (2) whether such a threat is effectively constrained by the remainder of the market.

In general, the likelihood of collusion depends on the expected gains from and costs of forming and enforcing a collusive scheme. Collusion is attractive only to the extent that there are potential gains from cooperation, such as when market demand is inelastic at the competitive price. As the elasticity of market demand at the competitive level increases, the potential gains from collusion decline. Collusion becomes less likely as the costs of forming or enforcing a collusive agreement increase. The likelihood of collusion is directly related to, among other things, the overall level of market concentration, the distribution and aggregate value of the market shares of the firms using the challenged practice, and the presence and significance of barriers to entry. The likelihood of collusion is inversely related to, among other things, the number of fringe firms and the diffusion of their market shares.[4]

The factors that affect the feasibility of successful collusion often can be used to conclude that it is probably not a threat to consumer welfare in a given market. For example, collusion is unlikely to be successful in an unconcentrated market.[5] Moreover, even in a somewhat concentrated market, if the firms actually using the vertical restraint at issue do not collectively possess and are not likely to secure market power, then the restraint is unlikely to facilitate the creation or maintenance of market power. In particular, non-price vertical restraints implemented by new entrants or small established firms are unlikely to threaten consumer welfare. The absence of barriers to entry is also likely to prevent successful collusion. On the facts in this case, we need go no further than to determine that successful collusion in the recording equipment market is highly unlikely. We do not confront a market in which non-price vertical restraints may create both market power and consumer benefits, and we therefore do not need to balance positive and negative effects upon competition and consumer welfare.

II

We commence our analysis of the TEAC request by evaluating the threat of the exercise of market power. TEAC competes in the home and professional recording equipment segments of the high fidelity audio components market. The facts pertaining to the recording equipment industry indicate that no firm has a dominant position and that the chance of successful collusion is remote. TEAC's share of the home recording market fell substantially between 1974 and 1983, so that it is now only the sixth largest firm in the industry. Moreover, only one firm has more than 8 percent of the home recording market. The structure of the distribution and retailing segments of the home recording equipment market is even more diffuse. Thus, existing levels of concentration in this market at the manufacturer, distributor, and retailer levels are significantly lower than the threshold level that should trigger concern with the possibility of successful collusion.

In addition, since the original order was entered, at least twenty manufacturers have entered and/or increased their participation in the high fidelity audio components market and its tape recording equipment segment, indicating the absence of significant impediments to entry. There is similarly no evidence of barriers to entry into the distribution or retailing of home recording equipment. For example, the typical TEAC dealer carries as many as seven competing lines of tape recording equipment. The professional recording segment is similarly competitive. There are at least twelve manufacturers of professional recording equipment. Moreover, professional equipment is sold to knowledgeable buyers on a bid basis by geographically dispersed dealers, making successful collusion among manufacturers even more difficult and unlikely.

In summary, the low levels of concentration and the absence of barriers to entry into the manufacture, distribution, and retailing of recording equipment make the creation of market power in this industry an extremely remote possibility.

Conclusion

The transshipment provision in question has served its remedial purpose. There is no indication that TEAC has engaged in RPM (or has breached the transshipment provision) from October 24, 1975 to date, and nothing in the record suggests that there is a need to retain the transshipment provision as a fencing in mechanism to ensure that TEAC does not reinstitute RPM.

The transshipment provision does not appear to be needed to prevent anticompetitive effects from non-price vertical restraints either. Because the recording equipment market and its constituent segments are unconcentrated at the manufacturer, distributor and retailer levels, and because there has been substantial entry, we conclude that neither market dominance nor successful collusion is likely. The record presented by TEAC and other information indicate that transshipment restraints imposed by TEAC would pose no threat to interbrand competition. At the same time, Paragraph I(11) imposes unnecessary costs by requiring TEAC to prospectively specify and apply qualification standards for all dealers who seek to secure TEAC products transshipped by TEAC's authorized dealers, including dealers not served directly by TEAC. We therefore conclude that an effort by TEAC to

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[2] The Commission adheres to the principles of relevant market definition it adopted in 1982. *Statement of Federal Trade Commission Concerning Horizontal Mergers ("FTC Merger Statement")*, Trade Reg. Rep. (CCH) No. 546 (June 16, 1982), at 71, 84-85.

[3] The imposition of vertical restraints as a result of collusive activities in the recording equipment market might arise in one of two forms. First, distributors or retailers might act in concert to coerce manufacturers to impose vertical restraints on their competitors in order to limit competition in distribution or retailing. Second, manufacturers might impose vertical restraints in concert in order to facilitate the monitoring of a collusive agreement or otherwise to enhance the exercise of collusive market power.

[4] *E.g.*, R. Posner, *Antitrust Law: An Economic Perspective* 58-59 (1976). The Commission has recognized that other factors, in addition to those enumerated, also affect the likelihood of successful collusion. *FTC Merger Statement, supra* note 2, at 71, 75-80.

[5] In the context of horizontal mergers, the Justice Department has broadly characterized markets with Herfindahl-Hirschman Indexes ("HHIs") below 1000 as "unconcentrated," and markets with HHIs equal to or above 1000 as "moderately concentrated." *Justice Department Merger Guidelines*, 49 FR 26823, 26830-31 (1984). An HHI of 1000 or less certainly indicates an unconcentrated market; however, for the purpose of analyzing non-price vertical restraints, it may also be appropriate to characterize markets with somewhat higher HHIs as unconcentrated.

control transshipment is very unlikely to harm competition.

Accordingly, it is ordered that this matter be, and it hereby is, reopened and that Paragraph I(11) of the order be, and it hereby is, deleted.

By the Commission. Commissioner Bailey voted in the negative.

Dated: November 16, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84-32249 Filed 12-10-84; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9158]

American Medical International, Inc., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modified Order.

SUMMARY: This Modified Order revises the Commission's final order issued on July 2, 1984, 49 FR 29568, which requires a Beverly Hills operator of a chain of proprietary hospitals to divest French Hospital located in San Luis Obispo, California and provide the Commission, for a period of ten years, with advance notification of its intention to acquire any hospital costing $1 million or more in the 13-state area specified in the order. As revised, the modified order retains the advance notification requirement of the original order, but sets forth in detail the manner in which the firm must prepare and submit the notification to the Commission and the supplemental information that should be included.

DATES: Final Order issued on July 2, 1984; Modified Order issued November 9, 1984.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P-852, L. Barry Costilo, Washington, D.C. 20580, (202) 724-1208.

SUPPLEMENTARY INFORMATION: In the Matter of American Medical International, Inc., a corporation, and Amisub (French Hospital), a corporation. Codification appearing at 49 FR 29569 remains unchanged.

List of Subjects in 16 CFR Part 13

Hospitals, 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)

[1] Copies of the Order and Opinion of the Commission Granting in Part and Denying in Part Complaint Counsel's Petition for Reconsideration filed with the original documents.

Before Federal Trade Commission

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

[Docket No. 9158]

Modified Order

In the Matter of American Medical International, Inc., a corporation, and AMISUB (French Hospital), a corporation.

I

Complaint Counsel has filed a Petition for Reconsideration of the Commission's order in this matter issued on July 2, 1984. Respondents have replied in opposition thereto. The Commission has determined upon review of the matter that its order of July 2, 1984 should be modified, for the reasons set forth in the accompanying opinion. Therefore,

It is ordered that for purposes of this Order the following definitions shall apply:

A. "Acquire any hospital" means to directly or indirectly acquire all or any part of the stock or assets of any hospital, or enter into any arrangement by which AMI obtains ownership, management, or contol of any hospital, including the right to lease or manage any hospital.

B. "AMI" means American Medical International, Inc., a corporation organized under the laws of Delaware with its principal executive offices at 414 North Camden Drive, Beverly Hills, California 90210, and its directors, officers, agents, and employees, and its subsidiaries, divisions, affiliates, successors, and assigns.

C. "AMISUB (French Hospital)" means the wholly-owned subsidiary corporation of AMI that was established for the purpose of acquiring and operating French Hospital located in San Luis Obispo, California.

D. "County" also means a county equivalent such as a parish in Louisiana.

E. "General acute care hospital," herein referred to as "hospital(s)," means a health facility, other than a federally-owned facility, having a duly organized governing body with overall administrative and professional responsiblity and an organized professional staff that provides 24-hour inpatient care, and whose primary function is to provide inpatient services for medical diagnosis, treatment, and care of physically injured or sick persons with short-term or episodic health problems or infirmities.

F. "Operate a hospital" also means to own, manage or lease a general acute care hospital.

G. "MSA" and "PMSA" mean, respectively, a Metropolitan Statistical Area and a Primary Metropolitan Statistical Area, as defined as of July 1, 1983 by the Office of Management and Budget, Office of Information and Regulatory Affairs.

II

It is ordered that within twelve (12) months from the date this Order becomes final, AMI shall divest, absolutely and in good faith, all stock, assets, properties, licenses, leases, and other rights and privileges, tangible and intangible, that AMI acquired from Central Coast Hospital Company, French Hospital Corporation and French Medical Clinic Inc., together with any subsequent improvements. The purpose of the divestiture is to reestablish French Hospital as a viable competitor in San Luis Obispo County. The divestiture shall be subject to the prior approval of the Federal Trade Commission.

Pending divestiture, AMI shall take all measures necessary to maintain French Hospital in its present condition and to prevent any deterioration, except for normal wear and tear, of any of the assets to be divested so as not to impair French Hospital's present operating abilities or market value.

III

It is further ordered that for a period of ten (10) years from the date this Order becomes final, AMI shall not, without providing advance notification to the Federal Trade Commission, directly, or indirectly acquire any hospital located in the states of Oregon, California, Texas, Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, or North Carolina, if:

A. The hospital to be acquired is within an MSA or a PSMA in which AMI already operates a hospital and in which AMI, immediately after the acquisition, would operate hospitals that combined have a twenty (20) percent or more share of the licensed general acute care hospital beds within that MSA or PMSA; or

B. The hospital to be acquired is not within an MSA or a PMSA but is within a county in which AMI already operates a hospital and in which AMI, immediately after the acquisition, would operate hospitals that combined have a twenty (20) percent or more share of the licensed hospital beds within that county; or

C. The hospital to be acquired is (1) not within an MSA or a PMSA of a county in which AMI already operates a hospital, but is within thirty (30) miles of a hospital which AMI already operates in another MSA or PMSA or county, and (2) the hospital to be acquired and any hospital(s) that AMI operates combined have a twenty (20) percent or more share of the licensed hospital beds in the area within thirty (30) miles of the midpoint between the hospital to be acquired and any hospital operated by AMI.

Provided, however, that no acquisition shall be subject to this section III: (1) if the consideration to be paid for the purchase of the hospital, including assumption by AMI of liabilities of its present owners, does not exceed one

million dollars ($1,000,000); or (2) if notification of the acquisition is required to be made, and in fact is made, pursuant to section 7A of the Clayton Act, 15 U.S.C. 18a. Such advance notification shall be provided when AMI's Board of Directors or Executive Committee, or any entity that is authorized to act on AMI's behalf in such acquisitions, authorizes issuance of a letter of intent or enters into a purchase agreement to make such an acquisition, whichever is earlier.

IV

The notification required by section III shall be the Notification and Report Form set forth in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations, as amended, and shall be prepared and transmitted in accordance with the requirements of that part. The notification required by section III of this Order shall apply to AMI and shall not apply to any party that AMI seeks to acquire. However, AMI shall provide at the same time of the filing of the Notification and Report Form supplemental information, either in AMI's possession or reasonably available to AMI, relating to the hospital to be acquired, the AMI hospital in that geographic area, and identification and assessment of the area hospital market. Such supplemental information should include, where available, patient flow data, annual management and strategic plans, hospital utilization and revenue data, and documents relating to market share, formulation of hospital prices, competitive interaction among area hospitals, implementation of certificate of need standards in the area, planned efficiencies, relations with third-party payers, and physician admitting patterns.

AMI shall comply with reasonable requests by the Commission staff for additional information within fifteen (15) days of service of such requests.

Any acquisition subject to section III of this Order, involving an arrangement to lease, manage, or control a hospital, shall be fully described in the notification regardless of whether the acquisition involves the acquisition of any stock or assets of a hospital.

V

It is further ordered that AMI shall, within sixty (60) days after the date this Order becomes final and every sixty (60) days thereafter until it has fully complied with the provisions of section II of this Order, submit a report in writing to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying, and has complied with these provisions.

Such compliance reports shall include a summary of all contacts and negotiations with potential purchasers of the stock and assets to be divested under this Order, the identity and address of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

AMI also shall submit such further written reports as the staff of the Federal Trade Commission may from time to time request in writing to assure compliance with this Order.

VI

It is further ordered that AMI shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed corporate change, 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 corporation that may affect compliance with the obligations arising out of this Order.

By the Commission. Commissioner Bailey voted in the negative.

Issued: November 9, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84-32248 Filed 12-10-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Reg. No. 4]

Federal Old-Age, Survivors, and Disability Insurance Benefits; Nonpayment of Benefits to Prisoners

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: Section 339 of the Social Security Amendments of 1983, Pub. L. 98-21, suspends payments of old-age, survivors, and disability insurance benefits to persons in prison for conviction of a felony. Benefits will continue to be paid to family members entitled to benefits as dependents of prisoners. This provision extends to all other title II Social Security benefits the statutory prohibition against payment of benefits to prisoners which already applied to disability insurance benefits and childhood disability benefits.

DATES: These regulations are effective December 11, 1984.

FOR FURTHER INFORMATION CONTACT: W. Ziegler, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone 301-594-7415.

SUPPLEMENTARY INFORMATION: In section 339 of Pub. L. 98-21, enacted April 20, 1983, Congress amended section 202 of the Social Security Act (the Act) to eliminate all monthly benefit payments under section 202 or 223 of the Act to any person for any month during which that person is confined in a jail, prison, or other penal institution or correctional facility pursuant to his or her conviction of a felony. This provision of the law extends to the other title II insurance benefits the basic restriction on payment of benefits to prisoners that already applied to disability insurance benefits and childhood disability benefits under section 5(c) of Pub. L. 96-473, which was effective with monthly benefits payable beginning October 1, 1980. The new nonpayment provision, which applies to title II insurance benefits including disability and childhood disability benefits, is effective for benefits payable for months beginning on or after May 1, 1983.

To conform with this change in the law, we are amending 20 CFR 404.468 to explain that if a person is confined in a jail, prison, or other penal institution or correctional facility for conviction of a felony committed at any time, monthly Social Security benefits to which he or she is otherwise entitled, on his or her own earnings record or on another person's earnings record, will not be paid for any month after April 1983 (or after September 1980 in the case of disability or childhood disability benefits), during all or part of which the person is so confined. The only exception to the nonpayment of a prisoner's benefits will be if the person is entitled to benefits on the basis of a disability and is actively and satisfactorily participating in a vocational rehabilitation program which is specifically approved by a court of law for that person and which the Secretary of Health and Human Services expects will result in the person's being able to do substantial gainful work upon release and within a reasonable time.

Although benefits are not payable to the prisoner during confinement, payment of benefits will be made to other persons entitled to benefit payments on the prisoner's earnings record (who are not themselves subject

to the prisoner provision) as if the prisoner were still receiving benefits.

Benefits will be restored to the prisoner effective with the first full month after release from prison if he or she is otherwise still entitled to these benefits.

These rules implementing section 339 of Pub. L. 98–21 generally follow the rules adopted in the implementation of section 5(c) of Pub. L. 96–473 except that the nonpayment provision will now apply to all monthly Social Security benefits and not just to certain benefits based on disability. Those rules, 20 CFR 404.468, were published in the **Federal Register** (48 FR 5711) on February 8, 1983.

Thus, a crime will be considered a felony if it is an offense which constitutes a felony under applicable law. In jurisdictions which do not classify any crime as a felony, such as the State of New Jersey, the U.S. military under the Uniform Code of Military Justice, and some foreign countries, an offense punishable by death or imprisonment for a term exceeding one year will be considered a felony for purposes of these regulations. (See 20 CFR 404.468(b).) This latter rule is the same as the definition of a felony in 18 U.S.C. 1(1), the U.S. Criminal Code.

A jail, prison, or other penal institution or correctional facility includes any facility which is under the control and jurisdiction of the agency in charge of the penal system or any facility in which convicted criminals can be incarcerated. This includes, for example, a mental hospital for the criminally insane which is used as a place for incarcerating convicted criminals, regardless of whether that institution is operated by the correctional authority. A person under sentence of confinement to any of these facilities is considered "confined" even though he or she is temporarily hospitalized outside the facility or is temporarily or intermittently outside the facility to work, attend school, or for some other reason. However, a prisoner who is released on parole or because his or her sentence has ended, been suspended or overturned would no longer be considered confined in the penal facility. (See 20 CFR 404.468(c).)

A Notice of Proposed Rulemaking explaining the change in the regulations was published in the **Federal Register** (49 FR 3672) on January 30, 1984. Interested persons, organizations, and groups were invited to submit data, views or arguments pertaining to the proposed amendments within a period of 60 days from the date of the notice. The comment period ended on March 30, 1984. The two comments we received criticized the changes in the law rather than the regulations.

Comments: One commenter opposed the total elimination of monthly benefit payments to prisoners, but did not object to deducting some percentage of the benefits for support of the inmate while incarcerated. This commenter believed that partial payment of Social Security benefits to an incarcerated individual should be made in order to provide that person with funds for support upon release from prison until employment is obtained. Another commenters believed that consideration should be given to paying all the benefits to the institution in which the individual is incarcerated to defray some of the expenses.

Response: Section 339 of Pub. L. 98–21 precludes payment of monthly benefits under section 202 or 223 of the Act to any person for any month during which the person is incarcerated due to his or her conviction of a felony. The law requires us to withhold payment under these circumstances unless the exception relating to participation in an appropriate court approved rehabilitation program applies. The commenters' suggestions would require a change in the law. We are required to issue regulations which implement the law as enacted and have no discretion concerning the issues raised in these comments.

These regulations amend § 404.468 to apply the prohibition against payment of benefits to prisoners to all monthly Social Security benefits.

Executive Order 12291: These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. The implementation of section 339 of Pub. L. 98–21 produces a negligible reduction in benefit payments each year. Program costs are minimal. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act: We certify that these regulations do not have a significant economic impact on a substantial number of small entities because they only affect a small number of beneficiaries.

Paperwork Reduction Act: These regulations impose no reporting/recordkeeping requirements necessitating clearance by the Office of Management and Budget.

(Catalog of Federal Domestic Program Nos. 13.802, Social Security Disability Insurance; 13.803, Social Security Retirement Insurance; 13.805, Social Security Survivors' Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disabled, Old-Age, Survivors and Disability Insurance.

Dated: July 19, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: November 15, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950- ——)

For the reasons set out in the preamble, Part 404, Subpart E, Chapter III of Title 20, Code of Federal Regulations, is amended as set forth below.

Subpart E—Deductions; Reductions; and Nonpayments of Benefits

20 CFR Part 404, Subpart E is amended as follows:

1. The authority citation for Subpart E reads as follows:

Authority: Secs. 205, 207, and 1102; 53 Stat. 1368, as amended, 79 Stat. 379, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 407, 1302, unless otherwise noted.

2. Section 404.468 is revised to read as follows:

§ 404.468 Nonpayment of benefits to prisoners.

(a) *General.* No monthly benefits will be paid to any individual for any month any part of which the individual is confined in a jail, prison, or other penal institution or correctional facility for conviction of a felony. This rule applies to disability benefits (§ 404.315) and child's benefits based on disability (§ 404.350) effective with benefits payable for months beginning on or after October 1, 1980. For all other monthly benefits, this rule is effective with benefits payable for months beginning on or after May 1, 1983. However, it applies only to the prisoner; benefit payments to any other person who is entitled on the basis of the prisoner's wages and self-employment income are payable as though the prisoner were receiving benefits.

(b) *Felonious offenses.* An offense will be considered a felony if—

(1) It is a felony under applicable law; or

(2) In a jurisdiction which does not classify any crime as a felony, it is an offense punishable by death or imprisonment for a term exceeding one year.

(c) *Confinement.* In general, a jail, prison, or other penal institution or

correctional facility is a facility which is under the control and jurisdiction of the agency in charge of the penal system or in which convicted criminals can be incarcerated. Confinement in such a facility continues as long as the individual is under a sentence of confinement and has not been released due to parole or pardon. An individual is considered confined even though he or she is temporarily or intermittently outside of that facility (e.g., on work release, attending school, or hospitalized).

(d) *Vocational rehabilitation exception.* The nonpayment provision of paragraph (a) of this section does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program.

[FR Doc. 84-32274 Filed 12-10-84; 8:45 am]
BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Director, Center for Food Safety and Applied Nutrition, et al.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority pertaining to food standards, food additives, generally recognized as safe (GRAS) substances, and color additives. The amendment clarifies the authorities delegated and adds new authorities relating to advance notices of proposed rulemaking for Codex Alimentarius food standards and affirmation of GRAS status of food substances.

EFFECTIVE DATE: December 11, 1984.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is amending § 5.61 (21 CFR 5.61) by revising paragraph (a) to clarify the authority for issuing notices of filing of petitions for food additives, generally recognized as safe (GRAS) substances, and color additives by including the delegates' authority to issue voluntary withdrawal notices.

The section is further amended by adding a new paragraph (e) which authorizes the Director and Deputy Director of the Center for Food Safety and Applied Nutrition to issue advance notices of proposed rulemaking pertaining to Codex Alimentarius food standards and to terminate those notices when it is concluded that there is neither sufficient interest or need to warrant proposing a U.S. standard for the food product; and adding a new paragraph (f) which authorizes the Director and Deputy Director of the Center for Food Safety and Applied Nutrition and the Director and Deputy Director of the Center for Veterinary Medicine to issue regulations affirming GRAS status of food substances when such affirmations do not involve novel or controversial issues.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such positions in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a) 52 Stat. 1055 (21 U.S.C. 371(a))) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended in § 5.61 by revising paragraph (a) and by adding new paragraphs (e) and (f) to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.61 Food standards, food additives, generally recognized as safe (GRAS) substances, and color additives.

(a) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the Federal Food, Drug, and Cosmetic Act (the act) regarding the issuance of notices of proposed rulemaking pertaining to food standards; and notices of filing, and voluntary withdrawal, of petitions on food additives, generally recognized as safe (GRAS) substances, and color additives that relate to the assigned functions of the respective Center:

(1) The Director and Deputy Director, Center for Food Safety and Applied Nutrition (CFSAN).

(2) The Director and Deputy Director, Center for Veterinary Medicine (CVM).

* * * * *

(e) The Director and Deputy Director, CFSAN, are authorized to issue advance notices of proposed rulemaking pertaining to Codex Alimentarius food standards, and notices terminating consideration of such standards when comments fail to support the desirability and need for proposing their adoption, under § 130.6 of this chapter.

(f) The following officials are authorized to issue notices of proposed rulemaking and issue or amend regulations affirming generally recognized as safe (GRAS) status of food substances under §§ 170.35 or 570.35 of this chapter where the affirmations relate to the assigned functions of the respective Center and do not involve novel or controversial issues:

(1) The Director and Deputy Director, CFSAN.

(2) The Director and Deputy Director, CVM.

Effective date. This regulation shall become effective December 11, 1984.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: December 4, 1984.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-32231 Filed 12-10-84; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Parts 436 and 442

[Docket No. 83N-0210]

Antibiotic Drugs; Cefazolin Sodium Injection; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, cefazolin sodium injection.

EFFECTIVE DATE: December 11, 1984.

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

SUPPLEMENTARY INFORMATION: In FR Doc. 83-19535, appearing on page 33478

in the **Federal Register** of Friday, July 22, 1983, the following correction is made:

§ 442.2116 [Corrected]

On page 33480, in the first column, in § 442.211b *Cefazolin sodium injection*, paragraph (b)(3) is corrected to read as follows: "Proceed as directed in § 436.32(a) of this chapter, except inject a sufficient volume of the undiluted solution to deliver 50 milligrams of cefazolin per kilogram."

Dated: December 4, 1984.

Sammie R. Young,

Acting Director, Office of Compliance.

[FR Doc. 84-32228 Filed 12-10-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 555

Chloramphenicol Drugs for Animal Use; Chloramphenicol Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by International Multifoods providing for safe and effective oral use of 50-milligram and 1-gram chloramphenicol tablets for treating dogs for certain bacterial infections.

EFFECTIVE DATE: December 11, 1984.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: International Multifoods, Multifoods Tower, Box 2942, Minneapolis, MN 55402, filed a supplement to NADA 55-059 which provides for use of 50-milligram and 1-gram chloramphenicol tablets in addition to currently approved 100-, 250-, and 500-milligram tablets for treating dogs for bacterial gastroenteritis associated with diarrhea, bacterial pulmonary infections, and bacterial urinary tract infections. The supplemental application is approved and the regulations are amended to reflect the approval.

Approval of the 100-milligram tablet was not previously published. Accordingly, the approval is added to the regulations at this time.

Because this application was originally approved before July 1, 1975 (40 FR 26273; June 23, 1975) and because this supplement does not change the approved use of the drug, the sponsor is not required to submit a summary of the safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii). However, a summary of the basis for approval is available upon request in accordance with 21 CFR 514.11(e)(2)(i).

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

List of Subjects in 21 CFR Part 555

Animal drugs; Antibiotics, chloramphenicol.

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

§ 555.110a [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), § 555.110a *Chloramphenicol tablets* is amended in paragraph (c)(2)(i) by revising the phrase "250 milligrams or 500 milligrams" to read "50, 100, 250, or 500 milligrams, or 1 gram."

Effective date. December 11, 1984.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360 (i) and (n)))

Dated: December 4, 1984.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-32229 Filed 12-10-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary for International Affairs

31 CFR Part 129

Foreign Portfolio Investment Survey

AGENCY: Treasury.

ACTION: Notice of reporting requirements and availability of forms.

SUMMARY: By this notice the Treasury Department is informing the public that it is conducting a survey of foreign portfolio investment in the United States. All persons who meet the reporting requirements set forth in this Notice must report. Survey data is based on foreign holdings as of December 31, 1984, and reports are due at the Treasury by March 31, 1985. Any United States issuer of securities that meets the benchmark survey asset test for a routine large issuer and any United States holder of record that exceeds the exemption level for aggregate foreign holdings should contact the Treasury Department at the telephone number listed below to obtain a copy of the Forms and Instructions if its Chief Financial Officer has not yet received a copy.

FOR FURTHER INFORMATION CONTACT: Bertram Wolfe, Foreign Portfolio Investment Project, Office of the Assistant Secretary, International Affairs, U.S. Department of the Treasury, Washington, D.C. 20220, Telephone: (202) 566-5507.

SUPPLEMENTARY INFORMATION: The International Investment Survey Act of 1976 (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101, et seq.) as amended, [the "Act"], and E.O. 11961 of January 19, 1977, (42 FR 4321), as amended, require the Department of the Treasury to conduct periodic comprehensive surveys of foreign portfolio investment in the United States. Regulations governing the current Survey were published in the **Federal Register**, April 9, 1984, on pp. 14054-14057 (31 CFR Part 129 at pp. 339-344). The preamble to those regulations stated that the exemption levels would subsequently be published in the **Federal Register.**

Who Must Report and Exemption Levels

United States Issuers of Securities. The reporting obligations of United States issuers are governed by the following classifications:

Routine Large Issuer Reporters—Asset Test. A report is required on Form FPI-1 (Report for United States Issuers of Securities) from every United States business enterprise issuer (irrespective of whether it has evidence of foreign investment in its securities) which, as of the latest available closing date of its accounting records, had:

(1) Total consolidated assets of more than *$1 billion*, if it is a nonbanking business enterprise;

(2) Total consolidated assets of more than *$2 billion*, if it is a banking business enterprise.

Selective Small Issuer Reporters—Response Required When Contacted. A report on Form FPI-1 is also required from every United States issuer with total consolidated assets of at least $100 million that is informed by the Treasury Department that it must report.

Total Exemption—Asset Test. A report on Form FPI–1 is not required from any United States issuer who, as of the latest available closing date of its books, had total consolidated assets of less than $100 million.

Exempted Holders of Record. A report on Form FPI–2 (Report for United States Holders of Record) is not required from any holder of record who held, for all its foreign customers, combined investments in securities of United States issuers aggregating $10 million or less based on the fair market value as of December 31, 1984. This exemption does not apply to holders of record under common management or control, except where aggregate holdings of all holders of record under a single parent institution total $10 million or less.

Charles Schotta,

Deputy Assistant Secretary for Arabian Peninsula Affairs.

[FR Doc. 84-32419 Filed 12-10-84; 10:07 am]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-2734-4; EPA No. 1163]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: The State of Kansas submitted amendments to its State Implementation plan (SIP) pertaining to prevention of significant deterioration (PSD) on May 5, 1983. These Kansas regulations are contained in K.A.R. 28–19–17 through K.A.R. 28–19–17l. On October 28, 1983 (48 FR 49874), EPA published a notice in the **Federal Register** proposing to approve these rules except for K.A.R. 28–19–17l. EPA believes the Kansas regulations are approvable with the exception of part of K.A.R. 28–19–17a and K.A.R. 28–19–17l. The purpose of today's action is to approve the Kansas PSD regulation. The EPA received no public comments on the October 28, 1983, proposed rulemaking.

EFFECTIVE DATE: This action is effective January 10, 1985.

ADDRESSES: Copies of the State submission are available during normal business hours at the following locations:

Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Room 1415, Kansas City, Missouri 64106;

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

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

FOR FURTHER INFORMATION CONTACT: Robert J. Chanslor, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, at 816/374–3791, (FTS 758–3791).

SUPPLEMENTARY INFORMATION: The State of Kansas adopted regulations K.A.R. 28–19–17 through K.A.R. 28–19–17l relating to PSD for new and modified sources on December 13, 1982. These regulations were adopted after a public hearing on November 30, 1982, and a 30-day public notice of the hearing. These regulations were officially submitted by the Secretary of the Kansas Department of Health and Environment as a revision to the Kansas SIP on May 5, 1983. The State provided evidence that the public notification and public hearing requirements of 40 CFR 51.4 have been satisfied.

A detailed discussion of the provisions of the Kansas PSD regulations may be found at 48 FR 49874 (October 28, 1983). That **Federal Register** notice discussed two minor problems with the Kansas regulations. K.A.R. 28–19–17a(d) incorrectly attributes area classifications for PSD purposes (Class I, II and III) to the Administrator. This regulation should be changed to show that current area classifications for PSD purposes were established under section 162 of the Clean Air Act, as amended. K.A.R. 28–19–17(c) must be changed to reflect the fact that netting calculations must not consider decreases previously relied upon by EPA for PSD permits. This change is required by 40 CFR 52.21(b)(3)(iii). The State of Kansas provided written commitments on June 20, 1984, to make the necessary changes to these State regulations as quickly as possible. Newly adopted State regulations become effective on May 1st of each year; thus, EPA expects the State corrections on or shortly after May 1, 1985.

K.A.R. 28–19–17a contains definitions adopted by reference from 40 CFR 52.21(b) as amended by EPA on June 25, 1982 (47 FR 27554). Among other revisions, that rulemaking excluded vessel activities from the definition of "building, structure, facility or installation" at 52.21(b)(6). On January 17, 1984, the Court of Appeals for the D.C. Circuit overturned this revision. For that reason, EPA cannot fully approve the Kansas PSD regulations as they would apply to loading and unloading operations at marine terminals. In today's action, EPA is retaining authority under 52.21 for permitting terminal facilities and deferring action on the exclusion of vessel activities in the "building, structure, facility or installation" definition included in K.A.R. 28–19–17a until such time as EPA and then the State have an opportunity to revise the definition to conform to the Court ruling.

Action: EPA approves Kansas PSD regulations K.A.R. 28–19–17 and K.A.R. 28–19–17b through 28–19–17k. EPA approves the definitions in K.A.R. 28–19–17a, except for the exclusion of vessel activities in the definition of "building, structure, facility or installation." Applications for permits for marine terminal facilities must be submitted to EPA for approval. EPA will make a case-by-case determination of which emissions from vessel activities must be included in the source definition.

Kansas regulation K.A.R. 28–19–17l contains provisions which would approve the use of innovative control technology in lieu of best available control technology. The provisions of this State rule are inconsistent with 40 CFR 51.24(s) in that there is no provision for consent of the governor(s) of the other affected state(s). Inclusion of an allowance for innovative technology under 40 CFR 51.24(s) is optional for PSD SIPs. However, the regulation provides that, if a plan should allow for innovative technology, the consent of governors provision is a requirement.

Action: EPA disapproves K.A.R. 28–19–17l as part of the Kansas PSD SIP. Applications for permits pertaining to the use of innovative control technology must be submitted to EPA for approval.

40 CFR 52.884 authorizes EPA to regulate PSD sources in the State of Kansas. Today's action rescinds the EPA promulgated PSD regulations except for permit applications for new or modified marine terminals, sources wishing to use innovative control technology in lieu of best available control technology (BACT), and sources locating on Indian lands. These three permitting functions are retained by the EPA.

The proposed rulemaking at 48 FR 49874 proposed retention of 40 CFR 52.21(h) good engineering practice (GEP) stack height authority promulgated as part of the Kansas SIP at 40 CFR 52.884 until such time that the State adopts acceptable stack height regulations. The rationale was that the Kansas general stack height regulations at K.A.R. 28–19–

18 contain exemptions inconsistent with the EPA stack height requirement in the PSD regulations at 40 CFR 52.21(h). EPA is not taking any action on Rule K.A.R. 28–19–18 in this rulemaking. Action on the Kansas stack height regulations will be delayed until EPA's general stack height regulation is revised as required by *Sierra Club and NRDC* v. *EPA*, 719 F 2d 436 (D.C. Cir., 1983).

On October 11, 1983, the U.S. Court of Appeals for the District of Columbia ordered EPA to reconsider portions of the stack height regulations for stationary sources. These regulations, which implemented Section 123 of the Clean Air Act, were published at 47 FR 5864 (February 8, 1982). In its decision, the Court of Appeals struck down two provisions of those regulations and remanded several other provisions to EPA for reconsideration.

EPA has developed an interim stack height policy. Under this program, Kansas will be issuing permits and establishing emission limitations that may be affected by required revisions to the stack height regulations. For this reason, EPA has requested that the State include the following caveat in all potentially affected permit approvals until the stack height regulations are revised by EPA:

> In approving this permit, the Kansas Department of Health and Environment has determined that the application complies with EPA's proposed amended stack height regulations published on November 9, 1984 (49 FR 44878). Once EPA promulgates final amended stack height regulations pursuant to the court remand in *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir. 1983), this permit may be subject to modification. This may result in revised emission limitations or may affect other actions taken by the source owners or operators.

Kansas made a commitment to include this type of caveat in all affected permits by letter dated June 20, 1984. This letter is part of the SIP EPA is approving today.

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

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

This notice of final rulemaking is issued under authority of Section 110, Section 301 and Part C, Subpart 1 of the Clean Air Act, as amended.

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

List of Subjects in 40 CFR Part 52

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

Dated: December 5, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. Section 52.870 is amended by adding new paragraph (c)(16) to read as follows. The introductory text of (c) is shown for the convenience of the reader and remains unchanged.

§ 52.870 Identification of plan.

* * * * *

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

* * * * *

(16) New regulations K.A.R. 28–19–17 through K.A.R. 28–19–171 applicable to stationary sources subject to prevention of significant deterioration (PSD) permit requirements were submitted on May 5, 1983. Regulation K.A.R. 28–19–171 pertaining to the use of innovative control technology is not approved. By letter dated June 20, 1984, the State of Kansas agrees to follow the EPA interim stack height policy for each PSD permit issued until such time as EPA revises its general stack height regulations.

2. Section 52.884 is revised to read as follows:

§ 52.884 Significant deterioration of air quality.

(a) The requirements of section 160 through 165 of the Clean Air Act, as amended are met; except that:

(1) EPA retains PSD permit authority for Indian lands in the State of Kansas;

(2) Stationary source owners or operators seeking permits using innovative control technology in lieu of best available control technology (BACT) must obtain PSD permits from EPA; and

(3) Owners or operators of marine terminals seeking to obtain PSD permits to build new or modify existing loading or unloading facilities in the State of Kansas must obtain such permits from EPA.

(b) *Regulations for preventing significant deterioration of air quality.* The provisions of § 52.21(h) *Stack heights* are incorporated and made part of the applicable state plan for the State of Kansas for all permitting activities. The provisions of § 52.21 (b) through (w) are incorporated and made part of the applicable state plan for the State of Kansas for purposes of EPA permitting.

[FR Doc. 84–32268 Filed 12–10–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[EC Docket No. 79–265]

Nighttime Power Limitations for Class IV AM Broadcast Stations; Effective Date

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action specifies the effective date for rule changes increasing the maximum nighttime power for Class IV AM stations, thereby making it possible for these stations to overcome interference problems. (April 13, 1984, 49 FR 14742).

EFFECTIVE DATE: December 15, 1984.

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

FOR FURTHER INFORMATION CONTACT: Jonathan David, Mass Media Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Order

In the matter of amendment of Part 73 of the Commission's Rules and Regulations Concerning the Nighttime Power Limitations for Class IV AM Broadcast Stations (BC Docket No. 79–265).

Adopted: November 30, 1984.

Released: December 3, 1984.

By the Chief, Mass Media Bureau.

1. On March 15, 1984, the Commission adopted a *Report and Order* in this proceeding amending the Commission's Rules to permit an increase in nighttime power for Class IV AM stations from the current maximum of 250 watts to 1,000 watts (1 kilowatt).

2. The new rules permit a four-fold nighttime power increase for Class IV stations, most of which now operate with a nighttime power of 250 watts. In addition, the Commission adopted special procedures to simplify the power increase process for most Class IV stations. For most Class IV stations (those that operate non-directionally daytime with 1 kw power) it will not be necessary to file an application to

obtain the power increase. Instead, the Commission issued Show Cause Orders modifying the station licenses to specify the higher nighttime power level. As a result, these stations already are in a position to increase power as soon as the rule change itself goes into effect. For the small group of Class IV stations which operates directionally or with less than 1 kw daytime, it will be necessary to file a minor change application in order to obtain the four-fold increase in nighttime power specified in the new rules. Once the application is granted, these stations will be in a position to increase power when the rules go into effect.

3. In adopting the new rules, the Commission noted that implementation of the power increase had to await completion of ongoing negotiations with Mexico regarding use the higher nighttime power. Once this was accomplished, the Commission needed to coordinate with Canada and Mexico regarding a date when Class IV stations in all three countries could increase power. This was to be announced in a further notice. In the meantime, the rule change was not put into effect.

4. The necessary agreements with Canada and Mexico have now been reached, and arrangements have been made with both countries for the power increase to take effect on December 15, 1984.[1] As a result, we can specify that as the date on which the rule goes into effect.[2] However, it is important to bear in mind that any needed application for power increase must be filed early enough that action on it can be taken before on December 15, 1984.

5. Accordingly, it is ordered, that the amendments to Sections 73.21, 73.27, 73.182 and 73.3571 specified in the *Report and Order* in this proceeding are effective December 15, 1984.

6. For further information on these matters, please call Larry Olson, telephone (202) 632–6955, or Jonathan David, telephone (202) 632–7792.

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

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

[FR Doc. 84–32219 Filed 12–10–84; 8:45 am]

BILLING CODE 6712–01–M

[1] Ten U.S. stations will be briefly delayed in obtaining full power increase. On December 15, 1984, they will be able to double their nighttime power to 500 watts, and no by later than July 15, 1985, they will be able to obtain the full nighttime power increase. This brief delay in the full power increase is necessary in order to provide an opportunity for specified Mexican stations, to which they are linked, to acquire facilities for 1,000 watts of operation.

The stations are as follows:

1240 kHz	KSON	San Diego, California
1240 kHz	KSOX	Raymondville, Texas
1340 kHz	KOLE	Port Arthur, Texas
1400 kHz	KAAP	Santa Paula, California
1400 kHz	KTUC	Tucson, Arizona
1450 kHz	KDAP	Douglas, Arizona
1450 kHz	KFLT	Tucson, Arizona
1490 kHz	KAIR	Tucson, Arizona
1490 kHz	KIBL	Beeville, Texas
1490 kHz	KVOZ	Laredo, Texas

[2] Pursuant to 5 U.S.C. 553(d), it is not necessary to wait 30 days following publication of this *Order* before putting the rule into effect because this rule change relieves a restriction. Moreover, ample notice has been given of the rule change itself by the publication of the *Report and Order* making the change.

47 CFR Part 83

[PR Docket No. 84–29; RM 4559; FCC 84–583]

Update of Commission's Rules Governing Requirements for Radiotelegraph Auto Alarm Receivers, Automatic-Alarm-Signal Keying Devices and Ship Radar Installations in the Maritime Mobile Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action responds to a petition for rulemaking filed by SAIT Incorporated. The petitioner requested that the Commission's rules be amended to bring the requirements of radiotelegraph auto alarm receivers into conformance with those of other maritime nations to preclude dual equipment inventories and production lines. In response to the petition, the Commission is adopting new standards for radiotelegraph auto alarm receivers while permitting equipment currently in service to be used for an indefinite period. This item also changes laboratory test requirements applicable to radiotelegraph automatic-alarm-signal keying devices and specifications for ship radar installations. The intended effect of this action is to establish equipment standards which promote efficient use of the spectrum with no adverse impact upon safety considerations, to establish equipment requirements consistent with modern technology, and to provide for more standardized ship radar specifications.

DATE: Effective January 7, 1985.

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632–7175.

List of Subjects in 47 CFR Part 83

Communication equipment, Marine safety, Radio, Ship stations, Telegraph, Vessels.

Report and Order (Proceeding Terminated)

In the matter of Requirements for radiotelegraph auto alarm receivers, radiotelegraph automatic-alarm-signal keying devices and ship radar installations in the Maritime Mobile Service (PR Docket No. 84–29 RM–4559).

Adopted: November 21, 1984.

Released: November 29, 1984.

By the Commission:

1. In this Report and Order we are amending Part 83 of our rules regarding the requirements for radiotelegraph auto alarm receivers, radiotelegraph automatic-alarm-signal keying devices and ship radar installations in the Maritime Mobile Service.

Auto Alarm Receiver

2. Cargo ships subject to the radiotelegraph provisions of Title III, Part II of the Communications Act of 1934, as amended, which carry only one radio officer, are required by the Act to be fitted with radiotelegraph auto alarm receivers. Such auto alarm receivers are required to be capable of receiving radiotelegraph signals transmitted on 500 kHz, the international distress and calling frequency, and to be in operation when the radio officer is not on watch.

3. The Commission's rules currently mandate that a radiotelegraph auto alarm receiver respond without adjustment and with the same sensitivity to signals on the frequencies from 492 kHz to 508 kHz inclusive. This provision has been in existence for many years and is based upon the Safety of Life at Sea (SOLAS) Convention Regulations. The SOLAS regulations are flexible in that they provide for uniform sensitivity over a band extending not less than 4 kHz and not more than 8 kHz on each side of the frequency 500 kHz. As indicated, the Commission's rules specify the maximum bandwidth allowable.

The World Administrative Radio Conference (WARC), Geneva, 1979 adopted a 10 kHz guardband from 495 kHz to 505 kHz for the frequency 500 kHz.[1] The rationale for this action was that technical progress has led to the production of more stable and reliable equipment and that the radio frequency spectrum should be used in the most efficient way possible. While the date of entry into force for the new guardband arrangement has not been established, plans are being made to establish such a date, not earlier than January 1, 1990, at

[1] See Recommendation 200 of the World Administrative Radio Conference, Geneva, 1979.

the next competent WARC scheduled for 1987.[2]

4. In response to a petition filed by SAIT Incorporated (RM–4559) the Commission proposed to require auto alarm receivers submitted for type approval in the future to conform with the new 10 kHz guardband arrangement adopted by the 1979 WARC.[3] Such receivers would be less susceptible to interference while continuing to be consistent with SOLAS Regulations. Further, the proposal would eliminate the need for some manufacturers to maintain two inventories and two production lines for equipment to meet the requirements of both United States and foreign flag vessels. The intent was to initiate the implementation of new standards which would promote efficient use of the spectrum with no adverse impact on safety.

5. Although no cut-off date to preclude the installation of existing auto alarm receivers was proposed, comments concerning this issue were requested. Additionally, the NPRM proposed to delete the requirement for manufacturers' tests and the FCC laboratory test procedures. The design specifications previously found in the manufacturers' tests and the FCC laboratory test procedures were incorporated into the auto alarm technical requirements. The FCC laboratory test procedures would be issued in the form of an Office of Science and Technology Bulletin.

6. The Radio Officers Union, District 3 of the National Marine Engineers' Beneficial Association (ROU) filed the only comments addressing the proposed changes in the auto alarm receiver rules. ROU opposes implementing the 10 kHz guardband arrangement at this time. It argues that although establishing requirements consistent with "modern technology" is a worthy goal, many foreign ships and coast stations still operate radiotelegraph equipment built in the 1930's and 1940's. ROU states that because this equipment does not have a high degree of frequency stability, auto alarms must be as broadly tuned as practicable to ensure reception of off-frequency distress signals until the older equipment is completely phased out. ROU feels it would be premature for the Commission to amend the rules until an implementation date for the 10 kHz guardband is fixed by the next competent WARC. Further, ROU sees no merit in considering any production inconvenience the current rules impose on foreign manufacturers such as the petitioner. It argues that it is simple and inexpensive to modify auto alarm receivers to broaden the frequency response range.

7. In view of ROU's comments, we conclude that there is no need to establish a cut-off date after which the installation of currently type approved auto alarm receivers would no longer be authorized. Consideration of any such action will be appropriate after the international implementation date is fixed by the next mobile WARC. However, we believe it is appropriate to require that auto alarm receivers type approved in the future conform to the more spectrum efficient 10 kHz guardband arrangement. This represents a logicial first step in the gradual implementation of a technical standard which will be required by the International Radio Regulations. This action will permit the continued production and installation of currently type approved auto alarm receivers on U.S. ships. It will also allow the production and installation of auto alarm receivers conforming to the new 10 kHz guardband arrangement which will become mandatory sometime after January 1, 1990. Since such auto alarm receivers meet the requirements of SOLAS and are now utilized on foreign vessels safety will not be adversely impacted. Accordingly, we are amending §§ 83.453, 83.554, 83.555, 83.556 and 83.557 of the rules concerning auto-alarm receivers as proposed.

Automatic-Alarm-Signal Keyer

8. The automatic-alarm-signal keyer is required to be fitted on board large oceangoing ships.[4] The function of the automatic-alarm-signal keyer is to generate the radiotelegraph alarm signal and to provide a means to key this alarm signal into the 500 kHz main or reserve transmitter.

9. The output of the automatic-alarm-signal keyer contains a relay, the contacts of which must be capable of carrying the current and voltage used in the keying circuits of shipboard transmitters. Section 83.555 of the Commission's rules provides that such equipment shall be tested for a direct current carrying capacity of two amperes through a noninductive resistance of 115 ohms. The keying circuits of automatic-alarm-signal keyers used on nearly all newly installed shipboard main and reserve transmitters are designed to operate at 12 and/or 24 volts of direct current with a carrying capacity of less than 0.5 amperes (500 milliamperes). Therefore, the two ampere, 115 ohm test required by the rules appeared to be out-dated.

10. In the NPRM in this proceeding the Commission proposed new technical requirements with respect to the current and voltage capacity of the output relay of automatic-alarm-signal keyers while retaining provisions in the rules for those cases involving more demanding shipboard transmitters. Specifically, the standard contained in § 83.555(c)(5)(i) of the rules was proposed to be amended (see new § 83.562(i)) to require the transmitter keying circuit of the device to have a direct current carrying capacity of 2.0 amperes through a noninductive resistance of 115 ohms, or 0.75 amperes through a noninductive resistance of 32 ohms, whichever is appropriate. This standard would ensure that the keying circuit of type approved automatic-alarm-signal keyers would be sufficient to key all type approved shipboard transmitters.

11. In addition the rules applicable to the automatic-alarm-signal keyer were proposed to be amended by removing the requirement for manufacturers' tests and the FCC laboratory test procedures. The design specifications previously found in the manufacturers' tests and the FCC laboratory test procedures were incorporated into the automatic-alarm-signal keyer technical requirements. The FCC laboratory test procedures would be issued by the Commission in the form of an Office of Science and Technology Bulletin.

12. ROU supported the proposed rule changes. No other comments addressed this issue. For the reasons stated above we are amending §§ 83.451, 83.561, 83.562, and 83.564 to update the rules concerning radiotelegraph automatic-alarm-signal keyers as proposed.

Ship Radar

13. Ship radar specifications are incorporated in the rules by reference to the Radio Technical Commission for Marine Services (RTCM) Final Report of Special Committee No. 65—Ship Radar. Change 1 to Volume II of the Final Report amended the performance specifications for new radar installations on board oceangoing ships of at least 1600 gross tons. The net result of the change is that the RCTM radar specifications now meet or exceed the International Maritime Organization's (IMO) performance standards for radar equipment as contained in IMO Resolution A.477 (XII) adopted November 19, 1981. The NPRM proposed

[2] See Resolution COM 4/5 of the World Administrative Radio Conference for Mobile Services, Geneva, 1983.

[3] *Notice of Proposed Rule Making* (NPRM), PR Docket No. 84–29, released February 3, 1984, 49 FR 5634.

[4] The requirement is applicable to ships subject to Title III, Part II of the Communications Act of 1934, as amended, 47 U.S.C. 351–364.

to amend §§ 83.405 and 83.465 to consolidate provisions applicable to ship radar stations and to incorporate the RTCM Change 1 into the radar performance specifications.

14. ROU supported the proposed changes in ship radar specifications. The Sperry Corporation also filed comments. Sperry previously filed a petition for rulemaking (RM–4779) relating to radar reliability testing requirements. Sperry's comments are germane to their petition rather than to this proceeding. Therefore, Sperry's comments are beyond the scope of this proceeding. The merits of Sperry's petition for rulemaking will be addressed in a separate proceeding.

15. For the reasons given above we are amending §§ 83.405 and 83.465 to incorporate Change 1 into the radar performance specifications and consolidate provisions applicable to ship radar stations as proposed in the NPRM.

Conclusion

16. In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), we certify that these rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. These rule amendments concern certain radiotelegraph and radar equipment required by law to be carried on board large oceangoing ships for safety purposes. No equipment now in service will be affected by the new rules and no small entities manufacture the subject types of specialized marine equipment.

17. The amendments contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

18. Accordingly, it is ordered, That under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), the Commission's rules are amended as set forth in the attached Appendix, effective January 7, 1985.

19. It is further ordered, That a copy of this Report and Order shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

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

21. For further questions on matters covered in this document, contact Robert McNamara, (202) 632–7175.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

§ 83.141 [Amended]

1. In § 83.141, the reference to "§ 83.557(b)(4)(i), (ii), (v) and (vi)" in paragraph (c) is revised to read "§ 83.568(b)(4)(i), (ii), (v) and (vi)".

2. Section 83.405 is amended by revising paragraphs (b)(1) and (b)(3)(vi), as shown below, and by removing the hyphen between "ship" and "radar" in paragraph (c).

§ 83.405 Special provisions applicable to ship radar stations.

* * * * *

(b) * * *

(1) The station licensee of each ship radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, and the station licensee shall have joint responsibility with the responsible operator for the accurate making or required entries.

* * * * *

(3) * * *

(vi) An entry shall be made without undue delay in the ship radar station log whenever:

(A) the radar becomes inoperative or its output becomes in any way suspect;

(B) a radar fault is cleared (including the means by which the clearance was accomplished); or

(C) any maintenance is carried out.

* * * * *

8. Section 83.443 is amended by revising paragraph (a) to read as follows:

§ 83.443 Radio installations.

(a) The main radiotelegraph installation includes a main transmitter, a main receiver, a main power supply, a main antenna system, and a radiotelephone distress frequency watch receiver.

* * * * *

§ 83.444 [Amended]

4. Section 83.444 is amended by removing paragraph (h) and its footnote.

§ 83.445 [Amended]

5. Section 83.445 is amended by removing the Footnote 1 symbol following the section heading and by removing the associated Footnote 1.

§ 83.451 [Amended]

6. In § 83.451, the reference "§ 83.555" is revised to read "§ 83.561".

7. Section 83.453 is amended by revising paragraph (b) to read as follows:

§ 83.453 Radiotelegraph auto alarm.

* * * * *

(b) The following radiotelegraph auto alarms are acceptable for use pursuant to § 83.205:

(1) A radiotelegraph auto alarm that was type approved by the Commission, prior to (effective date of Report and Order associated with this rulemaking item).

(2) A radiotelegraph auto alarm that was type approved by the Commission subsequent to (effective date of Report and Order associated with this rulemaking item), pursuant to § 83.554, to be compatible with a 10 kHz guardband.

* * * * *

§§ 83.463a, 83.464 [Amended]

8. Section 83.464 is removed and § 83.463a is redesignated § 83.464.

9. Section 83.465 and its heading are revised to read as follows:

§ 83.465 Radar installation requirements and specifications.

(a) On ships between 500 and 1,600 gross tons that are constructed on or after September 1, 1984, and are engaged in international voyages all compulsorily installed ship radar must comply with Regulation 12, Chapter V of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended. Performance standards must not be inferior to recommendations in IMO Resolution A.477(XII).

(b) On ships over 1,600 gross tons all radar installations provided to meet the requirements of SOLAS shall comply with the following requirements in addition to all other applicable requirements of Part 83:

(1) The main display position of the radar station shall be located in the wheelhouse and the radar shall be capable of being switched on and off and operated from that position.

(2) A reflection plotter shall be available and facilities for plotting provided as necessary.

(c) On ships over 1,600 gross tons all compulsorily installed ship radar stations shall, in addition to meeting all

other relevant provisions of this chapter, comply with the applicable radar specifications issued by the Radio Technical Commission for Marine Services under date of July 18, 1978, as given in the Final Report of Special Committee No. 65–Ship Radar, as amended by Change 1 to Volume II. These requirements took effect on April 27, 1981, and were not retroactive. These specifications may be obtained from the commercial duplication firm awarded a contract by the Commission to make copies of Commission records and offer them for sale to the public. The name and address of the current Contractor is contained in Section 0.465 of the Commission rules. The applicable specifications are as follows:

(1) For radar equipment installed after May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards, For New Radar Installations." This specification including its Appendix A—Design and Testing Specifications—may be found in Part I of Volume II of the SC–65 Final Report.

(2) For equipment installed before May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set For Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards For Ships Already Fitted." This specification may be found in Part II of Volume II of the SC–65 Final Report.

(3) Recommendations for tools, test instruments, spares and technical manuals may be found in Appendixes I, II, III and IV of Part IV of Volume III of the SC–65 Final Report.

(4) Specifications for reliability testing may be found in Part V of Volume III of the SC–65 Final Report under the title "Equipment Reliability Specification for Design and Production of Radar, Collision Avoidance, and Marine Radar Interrogator-Transponder Equipment".

§ 83.467 [Amended]

10. In § 83.467, the reference "§ 8.466" is revised to read § 83.466".

§ 83.469 [Amended]

11. In § 83.469, the reference to "§§ 83.556 and 83.558" in paragraph (b) is revised to read "§§ 83.567 and 83.569".

§ 83.472 [Amended]

12. In § 83.472, the reference to "§§ 83.556 and 83.557" in paragraph (a) is revised to read "§§ 83.567 and 83.568", and the reference to "§ 83.557" in paragraph (c) is revised to read "§ 83.568".

§ 83.488 [Amended]

13. In § 83.488, the reference to "§ 83.559" is revised to read "§ 83.570".

14. Section 83.554 is revised to read as follows:

§ 83.554 Requirements for radiotelegraph auto alarm.

(a) To be type approved by the Commission pursuant to section 3(x) of the Communications Act, radiotelegraph auto alarms must comply with the requirements contained in §§ 83.555 through 83.557 of the Commission's rules.

(b) No change may be made in any auto alarm under the type approval authorization issued by the Commission, except as specifically authorized by the Commission. An application with pertinent detailed information must be submitted to the Commission for consideration and action before making any change in an auto alarm.

15. Section 83.555 is revised to read as follows:

§ 83.555 Basic technical requirements for radiotelegraph for auto alarm.

(a) The auto alarm shall be capable of being operated by four consecutive dashes when the dashes vary in length from 6.0 to 3.5 seconds, and the intervening spaces vary in length between 1.5 seconds and 10 milliseconds.[1] It shall not respond to dashes longer than 6.31 seconds or shorter than 3.33 seconds, nor to spaces longer than 1.58 seconds or shorter than 5 milliseconds except as follows:

(1) Auto alarms of the non-digital type employing resistance-capacitance timing covered by type approval granted before October 1, 1969, and placed in service on or before January 1, 1975, need only satisfy the following limits: the auto alarm shall not respond to dashes longer than 7.40 seconds or shorter than 2.80 seconds, nor to spaces longer than 1.80 seconds or shorter than 5 milliseconds.

(2) Auto alarms of the digital type employing a stable clock as the basic timing device covered by type approval granted before May 1, 1968, and placed in service on or before December 1, 1975, may accept dashes whose lower limit extends down to 3.0 seconds.[1]

(b) In the absence of any interference, without manual adjustment during operation, the auto alarm must be capable of positive and reliable operation with a minimum available signal of 100 microvolts RMS applied to an artificial antenna consisting of a 20 microhenry inductance, a 500 picofarad capacitor, and a 5 ohm resistor connected in series. It must be capable under these conditions of operation on signals of the following classes of emission:

(1) A1;

(2) A2 (carrier modulated at any modulation percentage from 30 through 100 percent at any modulation frequency from 300 through 1350 Hertz);

(3) A2H (carrier keyed and emitted at any power level from 3 through 6 decibels below peak envelope power, modulated at any modulation frequency from 300 through 1350 Hertz).

(c) The overload capacity must enable the auto alarm to operate with signal levels up to 1 volt under normal operating conditions.

(d) The auto alarm must respond to the alarm signal through non-continuous interference caused by atmospherics and powerful signals other than the alarm signal. In the presence of atmospherics or interfering signals, the auto alarm must automatically adjust itself within a reasonable time to the condition in which it can most readily distinguish the alarm signal.

(e) The auto alarm receiver must be capable of operating when the received alarm signals have a frequency of 500 kHz with sensitivity as set forth in paragraph (b) of this section and must respond, without adjustment, with practically uniform sensitivity to signals over a band extending no less than 4 kHz on each side of the 500 kHz radiotelegraph frequency and with a minimum attenuation of:

6 db at 495.0 kHz and 505.0 kHz
40 db at 487.0 kHz and 513.0 kHz
80 db at 475.0 kHz and 525.0 kHz

(f) The auto alarm warning device must not be activated by atmospherics or by any signal from the antenna circuit other than the alarm signal.

(g) When the auto alarm is activated by a valid alarm signal, it must cause a continuous audible warning to be given in the radiotelegraph operating room, in the radio operator's cabin and on the bridge. Insofar as may be practicable, the audible alarm must also be given in the event of any failure of the auto alarm system, as a whole, which results in the auto alarm becoming inoperative.

(h) For the purpose of regularly testing the auto alarm without connection to the antenna, the apparatus must include a generator pretuned to the 500 kHz distress frequency and a keying device by means of which an alarm signal of minimum strength as indicated in paragraph (b) of this section is produced solely for actuating the particular auto

[1] The acceptability of an auto alarm during field inspection under the limits specified in this exception will be determined in the absence of any interference.

alarm and is not radiated beyond the immediate area of the vessel.

§§ 83.556, 83.557, 83.558, 83.559 [Redesignated as §§ 83.567, 83.568, 83.569 and 83.570]

16. Sections 83.556, 83.557, 83.558 and 83.559 are redesignated as §§ 83.567, 83.568, 83.569 and 83.570, respectively. In the newly designated § 83.567, the reference to "§ 83.557 and 83.558" in the introductory text is revised to read "§§ 83.568 and 83.569".

17. A new § 83.556 is revised to read as follows:

§ 83.556 Requirements for radiotelegraph auto alarm manufacture.

(a) The auto alarm shall consist of:

(1) A radio receiver capable of receiving emissions of classes A1, A2 and A2H over the entire frequency range 496 through 504 kHz.

(i) The receiver must reject signals +106 dB/uv at ±150 kHz from the center frequency and +88 dB/uv at ±40 kHz from the center frequency.

(ii) The receiver must respond to signals from 100 microvolts to 1 volt on the center frequency. There must be less than 6 db variation in sensitivity from 496 kHz through 504 kHz.

(2) A device capable of selecting the alarm signal specified under paragraph (a) and (b) § 83.555.

(3) An audible alarm (minimum of 3 units, to meet the three location installation requirements of § 83.555(g)).

(4) A testing device to determine locally that the auto alarm system is operative.

(b) The auto alarm may be constructed in one or more units, but must be independent of the ship's regular radio receiving apparatus.

(c) A telephone jack must be provided to permit reception by a telephone receiver.

(d) Tuning and timing controls must not be accessible to the exterior of the device and must permit adjustment only by special tools designed solely for this purpose.

(e) Once set into operation the audible alarms must continue to function until switched off in the principal radiotelegraph operating room.

(f) A nonlocking or momentary-throw switch must be provided to permit temporary disconnection of the audible alarm on the bridge and in the operator's quarters when the auto alarm system is being tested.

(g) Failure of the auto alarm power supply must activate the aural warning device.

(h) The auto alarm system must operate within the sensitivity specifications throughout the temperature range 0–50 degrees Celsius at relative humidities as high as 95%.

(i) Condensers, transformers, or other units must not contain compounds which will flow at temperatures below 85 degrees Celsius, which will crack at temperatures above 0° Celsius, which are hygroscopic or which contain any corrosive substance.

(j) Provisions must be made to protect the auto alarm system from excessive currents, power supply reversals and voltage variations which could cause damage to any component.

(k) The auto alarm must be capable of operating when subjected to vibrations having a frequency between 20 and 30 Hertz and an amplitude of 0.03 inch in a direction at an angle of 30 to 40 degrees with the base of the auto alarm.

18. A new § 83.557 is revised to read as follows:

§ 83.557 Requirements for testing and approval of radiotelegraph auto alarm.

Auto alarm receivers must be type approved by the Commission. Application for type approval may be made by following the procedure set forth in Subpart J of Part 2 of the Commission's rules. The type approval procedure requires, among other things, that a working unit of the type for which approval is desired must be submitted to the Commission for testing. Such tests will be conducted by the Commission and other cooperating United States Government agencies as may be appropriate.

19. A new § 83.561 is added to read as follows:

§ 83.561 Requirements for automatic-alarm-signal keying device.

(a) To be approved by the Commission for use as specified in §§ 83.451 and 83.452, each type of automatic-alarm-signal keying device must comply with the requirements contained in §§ 83.562 and 83.564.

(b) No change may be made in any automatic-alarm-keying device under the type approval authorization issued by the Commission, except as specifically authorized by the Commission. An application with pertinent detailed information must be submitted to the Commission for consideration and action before making any change in an automatic-alarm-keying device.

20. A new § 83.562 is added to read as follows:

§ 83.562 Technical requirements for automatic-alarm-signal keying device.

(a) The automatic-alarm-signal keying device may consist of one or more units.

(b) The device must be designed to activate the keying circuits of any transmitter approved by the Commission for use as a main or reserve transmitter in compliance with section 355 of the Communications Act of 1934, as amended.

(c) Timing-adjustment controls must not be accessible from the exterior of the device and must be designed and housed so as to prevent adjustment by unauthorized persons.

(d) The keying mechanism must be able to repeatedly transmit the alarm signal. For this purpose the dashes transmitted must have a duration of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series must have a duration of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes must have a duration of 0.8 second to one minute. This operation must be sustainable with power supply voltage variations of ±15%.

(e) A single control, protected to avoid accidental manipulation, must be provided for placing the device into full operation within a maximum period of 30 seconds. Once in operation, the device must be capable of continuous operation without attention for a least one hour.

(f) The automatic-alarm-signal keying device must be capable of operation from the ship's reserve source of electrical energy.

(g) Instructions concerning the proper adjustment of the device and the correct indication of any instrument incorporated to reveal improper operation must be inscribed in a durable manner on a plate mounted on the device in a position to be easily read by the operator.

(h) Means must be provided to insure that when the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) is automatically opened.

(i) The keying circuit must be capable of switching 0.75 amperes DC through a non-inductive resistance of 32 ohms. If the automatic alarm-signal-keying device is also intended to be usable in conjunction with transmitters requiring a keying circuit capability of 2 amperes DC through 115 ohms non-inductive resistance, the keying circuit of the device shall comply with this latter requirement.

(j) The automatic-alarm-signal keying device must operate within specifications throughout the temperature range 0–50 degrees Celsius at relative humidities as high as 95%.

(k) Provisions must be made to protect the automatic alarm-signal-keying device from excessive currents, power supply reversals and voltage variations

which could cause damage to any component.

(l) The automatic alarm-signal-keying device must be capable of operating when subjected to vibrations having a frequency between 20 and 30 Hertz and an amplitude of 0.03 inch in a direction at an angle of 30 to 40 degrees with the base of the automatic alarm-signal-keying device.

21. A new § 83.564 is added to read as follows:

§ 83.564 Requirements for testing and approval of automatic alarm-signal-keying device.

Automatic alarm-signal-keying devices must be type approved by the Commission. Application for type approval may be made by following the procedure set forth in Subpart J of Part 2 of the Commission's rules. The type approval procedure requires, among other things, that a working unit of the type for which approval is desired must be submitted to the Commission for testing. Such tests will be conducted by the Commission and other cooperating United States Government agencies as may be appropriate.

[FR Doc. 84-31758 Filed 12-10-84; 8:45 am]
BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 49, No. 239
Tuesday, December 11, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

41 CFR Part 16–4

Federal Employees Health Benefits Program; Special Types and Methods of Procurement

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management proposes to require the submission of comprehensive medical plan applications and supporting documents 2 months earlier than is now required. This change would enable the Office to make decisions on new applications before the deadline for submitting benefit and rate proposals.

DATE: Comments must be received on or before January 10, 1985.

ADDRESS: Written comments may be sent to Lucretia F. Myers, Office of Pay and Benefits Policy, Compensation Group Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044, or delivered to OPM Room 4351, 1900 E. Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John Ray, (202) 632–9677.

SUPPLEMENTARY INFORMATION: The proposed regulations would change the deadline for new comprehensive medical plans to apply for participation in the Federal Employees Health Benefits (FEHB) Program. Each year, OPM accepts applications from comprehensive medical plans seeking to participate in the FEHB Program. Currently, for a plan to be offered during the next open season, an application has to be submitted by March 31, and all documentation to support approval must be submitted by May 31. May 31 also is the deadline for plans already in the Program to submit benefit and rate proposals.

Thus, the application review process currently overlaps with benefit and rate negotiations. To afford the opportunity to make decisions on new applications, and to provide time for newly-admitted carriers to formalize benefit and rate packages before the deadline for submitting benefit and rate proposals, OPM proposes to amend 5 CFR Part 890 and 41 CFR Part 16–4 to change the dates for submitting new applications and supporting documents to January 31 and March 31, respectively, of the year preceding the contract year. OPM has determined that, in view of the need to commence decision-making for the future of the FEHB program early in calendar year 1985, a thirty-day comment period is necessary and appropriate. It will accord an adequate period for interested parties to comment on this proposed change in application procedures.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations won't have a significant economic impact on a substantial number of small entities because they would only change the submission dates of applications from comprehensive medical plans for participation in the FEHB Program.

List of Subjects

5 CFR Part 890

Administrative practice and procedure, Government employees, Health insurance, Retirement.

41 CFR Part 16–4

Government employees, Government procurement, Health insurance.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend 5 CFR Part 890 and 41 CFR 16–4 as follows:

TITLE 5—ADMINISTRATIVE PERSONNEL

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority for Part 890 is revised to read as follows:

Authority: 5 U.S.C. 8913, unless otherwise noted.

2. In § 890.203, paragraph (a)(1) is revised to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

(a) (1) Comprehensive medical plans should apply for approval by writing to the Office of Personnel Management, Washington, D.C. 20415. Application letters must be accompanied by any descriptive material, financial data, or other documentation required by OPM. Plans must submit the letter and attachments in the OPM-specified format by January 31 of the year preceding the contract year. They must submit evidence demonstrating they meet all requirements for approval by March 31 of the year preceding the contract year. Plans that miss either deadline cannot be considered for participation in the next contract year. All newly approved plans must submit benefit and rate proposals to OPM by May 31 of the year preceding the contract year to be considered for participation in that contract year. OPM may make counterproposals at any time.

* * * * *

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

PART 16–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

3. The authority for Part 16–4 is revised to read as follows:

Authority: 40 U.S.C. 486(c).

4. § 16–4.152–3 is revised to read as follows:

§ 16–4.152–3 Applications to participate in the FEHB program.

Under 5 CFR 890.203(a)(1), applications from comprehensive medical plans seeking participation in the FEHBP must be submitted by January 31 of the year preceding the contract year. Benefit and rate proposals for new plans must be submitted by May 31 of the year preceding the contract year unless the Director of OPM determines that a later submission date is acceptable. In its solicitation for new plans, OPM will request detailed information from each carrier expressing interest in participating in the FEHBP. The Office of the Assistant

Director for Insurance Programs will evaluate the information received as provided in 5 U.S.C. chapter 89, 5 CFR Part 890, and this Chapter 16. The contracting officer will notify carriers that meet these requirements of their approval to participate in the FEHBP during the following contract year. Since each application is considered on its own merits, there is no competition between offers as is the case in other types of procurements. OPM will seek to complete all benefits and rate negotiations by September 30 of the year preceding the contract year.

[FR Doc. 84-31883 Filed 12-10-84; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Bermuda-Granex-Grano Type Onions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action would amend the voluntary United States Standards for Grades of Bermuda-Granex-Grano Type Onions. Industry has requested that the size requirements of the standards be revised to bring them in line with current marketing practices.

DATE: Comments must be received on or before January 10, 1985.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Philip C. Eastman, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5024.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA Procedures and Executive Order 12291 and has been designated as "nonmajor". It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers, individual industries, Federal, State and local government agencies or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) because it reflects current marketing practices.

The voluntary United States Standards for Grades of Bermuda-Granex-Grano (BGG) Type Onions became effective in 1960 and were amended in 1962. The South Texas Onion Committee, with the support of the National Onion Association and the Texas Citrus and Vegetable Association, has requested that § 51.3199 paragraph (a) be amended to bring size requirements in line with current commercial marketing practices.

This proposal, which is designed to reflect sizing practices currently utilized by onion shippers and repackers throughout the country, would revise the size requirements as follows:

(a) Unless otherwise specified, BGG onions would be required to have a minimum diameter of 1½ inches, with 60 percent or more 2 inches or larger in diameter. This size would become the basic requirement of all BGG grades and would generally apply to straight-run packs in which the larger sizes have not been removed. It would establish the same minimum diameter required for onions commonly known as "Northern grown" types.

(b) A "Repacker" size classification would be added to the standards. It would require a diameter size range of 1¾ to 3 inches with 60 percent or more 2 inches or larger.

(c) The maximum size for "Medium" classification would be increased from 3¼ to 3½ inches.

(d) The term "Jumbo" would be added as an alternate to the size designation "Large," and the current requirement of "not less than 10 percent over 3½ inches" would be deleted. The minimum diameter required for "Jumbo" or "Large" would be 3 inches. These changes would bring the terminology and requirements for BGG onions generally in line with those applied to Northern grown types.

These above classifications are widely used in trading and for a number of years have been recognized under the Marketing Order for South Texas Onions.

List of Subjects in 7 CFR Part 51

Agricultural commodities.

PART 51—[AMENDED]

Accordingly, Subpart—United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 51.3195-51.3209) would be amended as follows:

In § 51.3199, paragraph (a) is revised to read:

§ 51.3199 Size.

(a) Size shall be specified in connection with the grade in terms of minimum diameter, range in diameter, minimum diameter with a percentage of a certain size or larger, or in accordance with one of the size classifications listed below; *Provided,* That, unless otherwise specified, onions shall not be less than 1½ inches in diameter, with 60 percent or more 2 inches or larger in diameter.

(1) "Small" shall be from 1 to 2¼ inches in diameter;

(2) "Repacker" shall be from 1¾ to 3 inches in diameter, with 60 percent or more 2 inches or larger in diameter;

(3) "Medium" shall be from 2 to 3½ inches in diameter; and,

(4) "Large" or "Jumbo" shall be 3 inches or larger in diameter.

* * * * *

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

Done at Washington, D.C. on: December 4, 1984.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 84-32253 Filed 12-10-84; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 989

[Docket No. F&V AO-198-A-12]

Raisins Produced From Grapes Grown in California; Decision and Referendum Order on Proposed Further Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision proposes an amendment of the Federal marketing agreement and order for raisins produced from grapes grown in California. The proposed amendment would: (1) Add authority for a Raisin Diversion Program (RDP); (2) increase the desirable carryout for Natural (sun-dried) Seedless (NS) raisins; and (3) make other technical changes necessary

because of the proposed diversion program. The diversion program would give the industry a means of reducing raisin production by decreasing the quantity of raisin grapes grown for drying into raisins to bring the raisin supply more closely in line with market needs. The industry is facing severe problems because of two extraordinarily large crops in succession (1983 and 1984) well in excess of market needs, and disruptions in the raisin export and wine sectors of the grape industry. Because of these problems, land values for raisin vineyards have dropped dramatically, many producers may be unable to continue their lines of credit, and some producers may go bankrupt. The increase in the desirable carryout would make more natural seedless raisins from the prior year's production available for early season shipment until new crop raisins are ready for processing and shipment. The increased desirable carryout is intended to assist the industry increase raisin shipments. The proposed changes are expected to improve the effectiveness and operation of the marketing order program. Raisin producers will vote in a referendum to determine whether they favor issuance of the proposed changes.

DATE: The representative period for purposes of the referendum herein ordered is August 1, 1983, to July 31, 1984.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250. Telephone (202) 447-5053.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing, issued September 20, 1984, and published September 24, 1984 (49 FR 37424).

This administrative action is governed by provisions of Section 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291 and Secretary's Memorandum 1512-1.

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

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, and California.

Preliminary Statement

A public hearing was held on October 2, 1984, in Fresno, California on a proposed amendment of the marketing agreement, and Order No. 989, both as amended (7 CFR Part 989). The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900). Notice of this hearing was published in the **Federal Register** on September 24, 1984 (49 FR 37424). The notice contained the proposals submitted by the Raisin Administrative Committee (Committee). The Committee works with the USDA in administering the marketing order program.

Material issues

The material issues of record are as follows:

(1) Increasing the level of desirable carryout for Natural (sun-dried) Seedless raisins.

(2) Adding authority for a voluntary raisin diversion program, including changing the definition of "producer" so that persons participating in a diversion program would still be defined as "producers" under the order, and changing marketing policy provisions so tonnage diverted under a raisin diversion program can be included in seasonal marketing policy computations and be subject to seasonal marketing percentages.

(3) Determining whether an emergency exists to warrant the omission of a recommended decision with respect to this amendatory action.

Findings and Conclusions

(1) The marketing agreement and order regulating the handling of raisins produced from grapes grown in California (order) currently provides in § 989.54(a) that the desirable carryout for NS raisins be increased from 35,000 to 50,000 at a rate of 5,000 tons per year for three crop years, following the effective date of the last order amendment, which was July 20, 1983. Thus, the desirable carryout was 40,000 tons for the 1983-84 crop year and 45,000 tons for the 1984-85 crop year.

The desirable carryout is the free tonnage inventory at the end of a crop year considered desirable by the industry to be carried into the succeeding crop year to maintain continuity of sales until new crop raisins become available, usually in October. The desirable carryout also is used by the Committee in the computation of the "trade demand" and therefore in the computation of volume regulations pursuant to § 989.54. The evidence of record is that the ceiling on the desirable carryout should be increased to 60,000 tons to meet future anticipated increases in early season market needs. Data show that shipments of NS raisins during August, September, and one-half of October in each of the 1982-83 and 1983-84 crop years totalled about 50,000 tons. This, together with expected increases during those months in future seasons as a result of competitive pricing and increased promotion and advertising activities, indicate a need to increase the carryout ceiling to 60,000 tons. However, a sudden increase from 45,000 to 60,000 tons in one season could oversupply the market and disrupt the stability of free tonnage supplies. Therefore, to promote market stability, the adjustment should occur at a rate of 5,000 tons per year for the three crop years following the effective date of any change resulting from this amendatory action.

In view of this, § 989.54(a) should be amended by revising the fifth sentence to provide that the desirable carryout shall be increased from 45,000 to 60,000 tons for NS raisins at a rate of 5,000 tons per year for three crop years following the effective date of this amended subpart.

(2) The raisin order has been in effect since August 1949. It authorizes volume and quality control, both of which have been used to maintain orderly marketing conditions.

Typically, about 10 to 15 percent of the production of raisin variety grapes are utilized in the fresh and canning outlets. The portion of the crop crushed for wine generally varies from a third to a half, while the portion dried for raisins varies from a third to 60 percent. In 1983, 70 percent of the raisin variety grape crop was dried into raisins, 14 percent was crushed for winemaking, and 11 percent canned or shipped fresh. The 1983 experience is an extreme example of what can happen in the raisin industry when excessive supplies of grapes, especially raisin variety grapes, are available for crushing—wineries stopped buying raisin variety grapes and growers of such grapes shifted to making raisins. Testimony at the hearing indicated that this resulted in the production of about 150,000 additional tons of raisins in 1983.

The United States is the world's largest producer of raisins with production normally ranging from 180,000 to 315,000 natural condition tons. California's 1983 production of NS raisins alone totalled 347,943 tons, which is approximately 47 percent over the 4 year average (1979-1982) of 236,982 tons. Carrying on August 1, 1984, from California's 1983 production into the current 1984-85 crop year was about 160,000 tons, mostly NS raisins. With a

projected crop in excess of 300,000 tons of all varietal types, the total supply of California raisins during the 1984–85 crop year approximates 460,000 tons. Despite increased promotion activity by the industry and reduced retail pricing of raisins, it was estimated at the hearing that the California raisin industry will market only 250,000–260,000 tons during the 1984–85 crop year, leaving a carryout on July 31, 1985, of about 200,000 tons. Considering inventory needs, and to protect against crop disaster next fall, proponents estimated that approximately 60,000 to 115,000 tons of California raisins currently are on hand in excess of 1984–85 market needs. Barring any unforseen circumstances, this is a substantial surplus. The record reflects that this surplus would have little or no economic value unless a proposed RDP is authorized and adopted now.

The evidence of record indicates that at least 10 percent of the raisin grape producers will have difficulty in obtaining loans to produce crops in 1984, that an even larger percentage may experience loan denials during the 1985–86 crop season. Growers of Thompson Seedless grapes are particularly vulnerable financially because many incurred high land debts due to major expansion of production in recent years aggravated by lower commodity prices preventing an adequate return to cover principal and interest payments on the additional land purchased. In fact, 90 percent of the number of delinquent land bank loans in Fresno, California, were made to growers whose major crops are raisin or wine variety grapes.

Since 1975, there has been a substantial increase in California's grape acreage and production. In 1975, the bearing acreage of all grapes in California was 526,190 acres. Of that acreage, 237,900 acres were raisin variety grapes and 225,160 acres were wine variety grapes. By 1983, the total bearing acreage of all grapes was 644,513 acres. Of that, 271,828 acres were raisin variety grapes, and 300,644 acres were wine variety grapes. These gains represent an increase of 22 percent in total grape acreage, and increase of 33 percent in wine variety acreage, and an increase of 14 percent for raisin variety grapes. During these same years when conditions were normal, deliveries of raisins by producers to handlers ranged from a low of 248,942 tons in 1977 to a hight of 387,334 tons in 1983. This represents an increase of 56 percent. Deliveries were considerably less during 1976 and 1978, but these were years when production was adversely affected by rains during the harvest season.

As the production of California raisins increased, problems developed in marketing them, particularly in export markets. The high cost of the dollar relative to other world currencies has made California raisin prices high compared to raisins produced in other countries. Additionally, some countries have subsidized raisin production, while succeeding in keeping consumer prices low. This has been particularly true in the case of Greece in its sales to the European Economic Community (EEC). In 1979, before Greece became a member of the EEC, the evidence of record is that Greek raisins were being sold in Great Britain and other EEC markets for 80 to 90 cents per pound, landed duty paid. After Greece joined the EEC in 1981, subsidies increased and prices in those markets declined to approximately 40 cents per pound and to 27 cents per pound in 1983, thereby breaking the world market price. Consequently, Greece increased its sales of raisins to the EEC from approximately 30 percent of total Greek production in 1979 to almost 60 percent by 1982. While the demand in EEC markets was fairly stable during this period, it was testified that the increase in Greek shipments to those markets displaced shipments from other countries such as the United States, South Africa, and Afghanistan.

A further impact on the supply of California raisins occured from the decline in the use of California raisin variety grapes for wine production and their consequent diversion into production of raisins. From 1970 to 1974, the five-year average for raisin variety grapes crushed by wineries was 947,000 tons. During the next five-year period, 1978 to 1982, the average dropped to 693,000 tons. In 1983, raisin variety grapes crushed at wineries dropped to 330,000 tons. In terms of the total production of raisin variety grapes, only 14 percent of Thompson Seedless grapes were crushed in 1983, against a normal average of 40 percent. Although the Thompson Seedless grape is not a wine varietal, it has been crushed in substantial quantities in the past.

Since 1970, wine imports into the United States have increased from approximately 30 million gallons, to approximately 125 million gallons in 1982, which is a 317 percent increase. Thus, wine imports increased from 11 percent of the domestic wine market in 1970 to approximately 26 percent of that market in 1982. This increase in imported wines has caused California wineries to reduce their purchases of Thompson Seedless grapes.

The California raisin industry has taken several steps recently to address the oversupply condition confronting it, but still faces supply and demand problems. The industry has expended much effort and money to increase consumption in every possible market, both in the United States and overseas. It has implemented a foreign incentive merchandising program, a domestic merchandising program and has increased promotion expenditures to increase the marketing of California raisins.

While the order has aided in the marketing of excess supplies of raisins, the increased supplies now being encountered are so great that bringing the oversupply problem under control is very difficult under current conditions. For this reason, the Committee proposed that authority be included in the order for an RDP. Without this authority, the record indicates that the oversupply situation will continue to devastate the industry by reducing returns to producers, and inhibiting the purchase of raisins by industrial users and consumers from handlers. The RDP would allow producers to defer future year's raisin production and utilize surplus raisins to meet market needs, thereby countering the economic waste of producing surplus on top of surplus and increasing the quantity of free tonnage raisins sold from producers' production. Unless action is taken to address the oversupply situation, the evidence of record is that depressed returns to producers, unstable markets, and inordinate expenditures of storing an essentially valueless commodity will continue.

Under the proposed program, the Committee could establish an RDP when it determines that an excess supply of reserve raisins exists. Under the RDP, a producer could agree to remove his/her vines or not produce a crop in the following season. The Committee would issue a diversion certificate to the producer equal to the quantity of raisins diverted, based on the producer's most recent production from the applicable definable production unit. The producer would submit that certificate to a handler as if the producer had physically produced and delivered raisins. The handler would redeem the certificate to the Committee, together with an amount covering "harvest cost" for the diverted tonnage covered by the certificate. This money would be distributed to equity holders in the reserve pool the same as any other proceeds received from disposition of

the pool. Proponents anticipate that the return to the reserve pool for reserve raisins covered by an RDP should be greater than if the surplus raisins were disposed of in low return outlets such as livestock feed or distillation.

The evidence of record is that the order provisions authorizing the implementation of the RDP should be flexible. These provisions should authorize the Committee to establish the program when appropriate, and should provide for the establishment of specific procedural and operational details of the program through the informal rulemaking process. It is less costly and complicated to change administrative rules and regulations than to amend the order. Moreover, this procedure would allow timely program adjustments based on operational experience, and in response to changing marketing conditions.

Under the proposed program, on or before November 30 of any crop year, the Committee would meet to determine whether sufficient reserve pool raisins exist to warrant establishment of an RDP. By then, the Committee would have sufficient information on such factors as the production of raisins during the then current crop year, existing inventory level, anticipated normal market need, and the desirable carryout inventory. The Committee should have the authority to implement an RDP after it determines that all normal markets can be supplied, a sufficient quantity is available as a hedge against a possible crop failure in the coming season, and a sizeable surplus still remains. If the Committee determines that an RDP is warranted, it should announce establishment of the program to growers, handlers and other interested persons through reasonable means, such as grower/handler bulletins or press releases. The announcements should include the amount of tonnage involved, harvest costs, and the varietal types of raisins eligible under the program. The harvest costs become the value to be assigned to the reserve pool tonnage which will be used under the program. The evidence of record indicates that an industry average harvest cost can be readily determined. It is anticipated that the Committee will utilize information available from the University of California Extension Service and also personal knowledge of Committee members to determine the various items of expense to be used in computing the harvest cost. The items may include such factors as picking grapes, turning and rolling trays, boxing raisins, hauling raisins to the handler, and rain insurance. By announcing the harvest costs early a raisin producer will be better able to determine whether to participate in the RDP.

Therefore, a new § 989.56 should be added to the order authorizing implementation of an RDP by the Committee. This section should prescribe that on or before November 30 of each crop year, the Committee shall hold a meeting to review production data, supply data, demand data, including anticipated demand to all potential market outlets, desirable carryout inventory and other matters relating to the quantity of raisins of all varietal types. When the Committee determines that raisins exist in the reserve pool in excess of projected market needs for any varietal type, it should announce the amount of such tonnage eligible for diversion during the subsequent crop year. At the same time, the Committee shall determine and announce to producers, handlers, and the cooperative bargaining association(s) the allowable harvest cost to be applicable to such diversion tonnage.

In order to allow each producer the maximum flexibility based on his particular situation, § 989.56 should provide that no producer shall be required to participate in an RDP. Section 989.56 should also provide general guidelines and parameters regarding the issuance of diversion certificates. It should specify that after the Committee announces an RDP, producers may divert grapes of their own production and receive from the Committee diversion certificates in accordance with applicable rules and regulations. Furthermore, the order should provide that such certificates only may be submitted by producers to handlers in accordance with applicable rules and regulations. Diversion certificates issued by the Committee shall apply to a specific production unit and shall be equal to the creditable fruit weight of such raisins produced on such unit during the prior crop year or the last prior crop year eligible for such diversion. The creditable weight is the weight of raisins meeting the grade and condition standards for natural condition raisins specified pursuant to § 989.56 and acquired by a handler. When a handler acquires natural condition raisins which exceed the tolerance established for maturity under a weight dockage system, the creditable weight of each lot of raisins is the weight obtained by following the procedures specified in § 989.210. Since creditable fruit weight is used in determining equity in the reserve pool for marketing order calculations, that weight should be the basis to be used on the certificate.

The record contains considerable evidence as to how this portion of the order might best be implemented in the administrative regulations. In connection with the issuance of certificates, it was suggested that if a producer decides to participate in the RDP, he/she shold complete an application containing information to: (1) Aid the Committee in reviewing the application, (2) establish the production unit involved in the program, (3) determine the tonnage to be diverted under the program, and (4) enable the Committee to handle the detailed operations of the program.

When an application is submitted by a producer, the Committee should review it for reliability and completeness. If an application is determined to be inadequate, procedures should be established affording the producer a reasonable amount of time to correct it. However, in order for the program to be implemented in a timely manner and enable producers to make decisions concerning their cultural practices, a final decision on the applications by the Committee must be made by early January.

The evidence of record indicates that it would be appropriate to give an applicant priority to participate in the program if the applicant has decided to remove grape vines. Because the RDP is intended to reduce surplus production in the long run, as well as to reduce existing burdensome surplus inventory, removal of vines appears the most direct and the most effective way to achieve both objectives simultaneously. Consequently, such producers should receive priority consideration under the program.

If enough producers are willing to remove vines, then producers which offer merely to divert production through pruning or other cultural practices need not be considered for the program. If only a few producers are willing to remove vines, then the short-term objective will be accomplished by selecting producers willing to divert their production for the upcoming crop year. If more producers are willing to pull vines than the program can accommodate, or if producers offer to divert more than can be accommodated by the program after those willing to pull vines have been selected, the testimony indicated that the most equitable system would be the use of a lottery or lotteries to select program participants. Producers should be grouped according to deliveries to handlers in order to eliminate the possibility that all

producers chosen for the program deliver to one handler. Also, grouping according to varietal type should ease administration and operation of the program. Accordingly, it is determined that such grouping should be done when warranted by circumstances. When this is done, several lotteries may be conducted in order to select participants.

Once producers have been selected for the program and notified of their selection, they should take necessary steps to assure that their grape production involved in the program is diverted. It is neither appropriate nor necessary for the Committee to dictate how a producer should divert the crop. The producer should be able to use any means that will assure that the crop is diverted. However, the evidence of record indicates that it would be useful to establish district committees to monitor producer activities in order to assure that producers understand the program and the ground rules. These committees should consist of members from the local community familiar with grape production in their districts. Their function should be to advise the Committee of any problems associated with the program, such as a producer still making raisins, even though registered in the RDP. However, administration of the program should remain with the Committee and should not be transferred to district committees. The methods of applying for and being granted diversion, of diverting the production, and of compliance oversight should be established in administrative rules and regulations in order to allow maximum flexibility in conforming such methods to the evolving experience under the program.

Any producer diverting his/her crop should be entitled to receive a diversion certificate. It was suggested that certificates should be issued by the Committee prior to October 5 of each crop year so that the Committee can properly develop preliminary percentages pursuant to § 989.54 of the order. The quantity made available from the prior year's reserve should be treated as though produced in the then current crop year, included in the Committee's marketing policy computations for the year, and subject to free and reserve precentages for that year. This approach must be taken in order to prevent the marketing policy from becoming ineffective due to an understatement of the tonnage available and to provide for the raisins of program participants and non-participating producers to be treated equally under the mandatory volume control features of the order.

When a producer submits a certificate to a handler, the producer, in essence, is selling his/her crop to the handler. The evidence of record is that the handler would pay the producer directly for the free tonnage represented by the diversion certificate, in accordance with the established free and reserve percentages for the new crop year, after deducting the harvest cost established by the Committee for the entire tonnage represented by the certificate. Such free tonnage would be determined by applying the appropriate free percentage for the crop year to the creditable fruit weight shown on the certificate.

The handler, in turn, would present the certificate to the Committee. Upon presentation of the certificate for cancellation and payment to the Committee of the applicable harvest cost on the entire tonnage by the handler, the Committee would release from the reserve pool as free tonnage the quantity of raisins equal to the multiple of the free percentage and the entire tonnage represented by the certificate. Harvest cost payments received by the Committee would be treated as proceeds of the applicable reserve pool and distributed to producers along with other net proceeds realized from the disposition of that pool. The balance of the tonnage represented by the certificate would be the prior year's reserve tonnage transferred into the reserve pool for that crop year and would be held by the handler for the account of the Committee pursuant to § 989.66. The producer would retain the equity in the reserve pool for this quantity of raisins.

So that the Committee can establish final percentages as provided under the order, diversion certificates should be redeemed by February 15 of the subsequent calendar year.

Therefore, § 989.56 should provide that after having received diversion certificates from the Committee, producers would submit the certificates to the handlers in lieu of raisins. That section should also provide that only handlers may redeem diversion certificates for reserve pool raisins. To redeem a certificate, a handler must present the diversion certificate to the Committee and pay the Committee an amount equal to the harvest cost it has established for the entire tonnage represented on the diversion certificate. Upon receipt of the diversion certificate, the Committee shall note on the certificate that it is cancelled. The remaining details should be contained in administrative regulations in case the suggested procedures prove unwieldy and need modification in some particulars.

In view of all the foregoing, § 989.56 should specify that the Committee shall establish, with the approval of the Secretary, such rules and regulations as may be necessary for the implementation and operation of the raisin diversion program.

At the hearing, a suggestion was made that an average of several crop years should be used as a base for determining a producer's tonnage eligible for diversion. However, the evidence of record is that the most recent crop year, or the last crop year eligible for diversion, should serve as a base in order to keep the program current with those producers who are now producing raisins. Moreover, the most recent production information in more readily available for verfication, and there would be less chance for program abuse.

Several witnesses testified against the proposed RDP, indicating that growers cannot afford to finance another temporary solution to the industry's severe problems, and suggested that the industry should do more advertising and promotion to increase raisin consumption in the United States and abroad. They also expressed doubt that the program could benefit growers, especially those already close to bankruptcy. The evidence of record indicates that the industry has increased its promotion and advertising to help move California's abundant raisin supply. The record further reflects that industry leaders believe this action, coupled with a reduction in prices and in the oversupply situation will have a positive effect on raisin sales and on producers in general. Furthermore, as related in more detail below, testimony from the banking community indicated the program would be an incentive for further credit extensions. Thus, this action would tend to stave off foreclosures and resulting bankruptcies.

At the hearing, one person supportive of the RDP recommended that the program should be reviewed at the end of a three-year period. As previously discussed, the evidence of record is clear that the need for an RDP would be reviewed by the Committee each year and that an RDP would be implemented when the Committee determines that the tonnage of reserve raisins of a particular varietal type is in excess of projected market needs. Moreover, pursuant to § 989.91 of the order, the Secretary of Agriculture may, at any time, terminate or suspend the operation of any or all of the provisions of this amended subpart

whenever the Secretary finds that such provisions do not tend to effectuate the declared policy of the act.

The adoption of this authority for an RDP would necessitate modification of the definition of "producer". Section 989.11 of the order defines a producer as "any person engaged in a proprietary capacity in the production of grapes which are sun-dried or dehydrated by artificial means until they become raisins." If authority for an RDP is approved, a producer diverting his/her entire acreage of raisin grapes would not meet the current definition of a producer. Thus, a producer participating in the RDP would not be considered a "producer" under the order and would not be able to participate in the nomination of producer members of the Committee or serve as a producer member or alternate member. To assure that those persons participating in an RDP would continue to be considered producers under the order, § 989.11 should be amended by adding a proviso thereto to read: "*Provided*, That a "producer" shall include any person whose production unit has qualified for diversion under a diversion program announced by the Committee." For example, a producer of raisins in 1984 would remain a producer in 1985 if a diversion program were implemented and his/her entire grape acreage, which was made into raisins in 1984, was diverted from production in 1985.

Section 989.54(b) currently provides that on or before October 5 of each crop year, the Committee shall estimate the production of raisins by varietal type for which it has computed a trade demand and, where applicable, compute and announce preliminary percentages. The October 5 date may be extended by the Committee not more than five business days if warranted by a late crop.

If an RDP is established by the Committee for a season, the equivalent quantity of diverted raisins would be made available in the new crop year from the reserve raisins previously determined by the Committee to be in excess of projected market needs; that is, that tonnage in excess of traditional market outlets. The quantity made available from the prior year's reserve in the new crop year would be treated as produced in that year. Hence, diverted tonnage must be included in the Committee's marketing policy computations for that year and be subject to the free and reserve percentages for that year. Therefore, in determining the total production for the purposes of computing preliminary percentages, the Committee should estimate the volume of raisins by varietal type likely to be acquired by handlers from producers and add to that the total tonnage diverted under an RDP. In practice, the total diverted tonnage would be obtained by the Committee by totalling the tonnage represented by all diversion certificates issued by the Committee for a specific varietal type.

To accomplish this, § 989.54(b) should be amended by adding a proviso at the end of the first sentence providing that such production estimate shall include by varietal type the total tonnage of raisins handlers are expected to acquire from producers and the total tonnage of raisins diverted under a raisin diversion program.

While most of the producers and handlers under the marketing order are small businesses, there is obviously some variance in size. Testimony at the hearing supported the view that all of the proposed changes would be equally beneficial to all producers and handlers, regardless of size. Furthermore, the record evidence indicates that there would be no adverse regulatory or informational impact on the smaller entities and that no changes in the proposals are desirable to accommodate any needs of the smaller entities.

(3) Section 900.12(d) of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) authorizes the Secretary to omit issuing a recommended decision and the opportunity to file exceptions thereto when he determines on the basis of the hearing record that due and timely execution of his functions imperatively and unavoidably requires such omission.

The evidence of record is that many producers of raisin variety grapes are facing a serious financial dilemma. As stated previously, land values for vineyards have dropped dramatically in the last few years, many producers may be unable to continue their lines of credit, and some producers may go bankrupt. It was estimated at the hearing that at least 10 percent of the raisin grape producers will have difficulty obtaining loans to produce raisins in 1985, and an even larger percentage of such producers may experience loan denials during the 1985–86 crop year. A member of the banking community testified that the bankruptcy rate at the time of the hearing was one raisin grape producer per week, that the land value of vineyards was impossible to determine, and that the interest rate charged a producer on loans is in an inverse relationship to the financial condition of that producer. That witness also testified that production and harvest costs far exceed the prices received by raisin producers, and that the RDP would offer the possibility of improving producer prices by allowing a higher percentage of the crop to be marketed as free tonnage and a lower percentage in low-return outlets. Thus, the RDP should improve the financial community's ability to continue financing producers in 1985 that otherwise would not receive financing. For these reasons, it is imperative that an RDP, if approved by producers voting in a referendum, be effective for 1985.

Furthermore, an essential feature of diverting production under the RDP would be by pruning vines. Most producers prepare for or begin pruning by January 1. Thus, it is essential that the mechanics of the RDP be in place before January 1, 1985, in order that producers can make their decisions by then, whether to participate in that program.

Finally, implementation of an RDP would necessitate establishment of administrative rules and regulations through informal rulemaking. This could be time-consuming and must be initiated soon if an RDP is to be effective by January 1, 1985.

In view of all of the foregoing, it is hereby determined that on the basis of the hearing record that due and timely execution of the Secretary's functions imperatively and unavoidably requires the omission of a recommended decision and the opportunity to file exceptions thereto. Issuance of a recommended decision, including opportunity to file exceptions thereto, would delay amendment of the order to include authority for an RDP by at least four weeks, thereby making it unlikely that such a program could be implemented for 1985.

Rulings on briefs of interested persons

Briefs were filed by the Committee and by Carl A. Pescosolido, Jr., on behalf of Sequoia Enterprises, Exeter, California. The brief filed by the Committee supported the proposed amendments and requested the amendments be implemented on an emergency basis. The brief filed by Sequoia Enterprises stated primarily that the USDA must comply with all the requirements of the Regulatory Flexibility Act, the Administrative Procedure Act, Secretary Block's Memorandum 1512–1 and President Reagan's Executive Order 12291. Furthermore, a demand was made upon the Department that full details of the RDP, including all of the rules and regulations, be published in the **Federal Register** and a subsequent hearing be

held to allow affected growers and handlers the opportunity to understand the economic and competitive consequences of the entire program.

Each point included in the briefs was carefully considered, along with evidence in the record, in making the findings and reaching the conclusions contained herein. To the extent that any suggested findings or conclusions contained in any of the briefs or arguments are inconsistent with the findings and conclusions contained herein, the request to make such findings and conclusions or to reach such conclusions is denied on the basis of facts found and stated in connection with this decision.

General Findings

Upon the basis of the record, it is found that: (1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except the findings as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of raisins produced from grapes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of raisins produced from grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of raisins produced from grapes grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing Agreement and Order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced From Grapes Grown in California", and "Order Amending the Order, as Amended, Regulating the Handling of Raisins Produced From Grapes Grown in California", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with the decision.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of raisins produced from grapes grown in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1983, to July 31, 1984.

The agents of the Secretary to conduct such referendum are hereby designated to be Richard Van Diest and Frank M. Grasberger, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture.

C.W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-32254 Filed 12-10-84; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 73

Access Authorization Program; Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants; Searches of Individuals at Power Reactor Facilities; Extension of Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: On August 1, 1984 (49 FR 30726; 49 FR 30735; 49 FR 30738), the Nuclear Regulatory Commission (NRC) published for public comment the proposed Insider Safeguards Rules Package, i.e., Access Authorization Program, Miscellaneous Amendments concerning Physical Protection of Nuclear Power Plants, and Searches of Individuals at Power Reactor Facilities. The comment period for this proposed rulemaking package was to expire on December 7, 1984. The Edison Electric Institute, (EEI), and KMC, have requested an extension of the comment period. In view of the importance of the proposed rule, the amount of time that EEI, and KMC, suggested is required in order to provide meaningful comments on behalf of their member utilities, and the desirability of developing a rule as soon as practicable, the NRC has decided to extend the comment period for an additional 90 days.

DATE: The comment period has been extended and now expires on March 7, 1985. Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESSES: Send written comments or suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street, NW., Washington, D.C., between 8:15 a.m. and 5:00 p.m. Copies of comments received are available for examining and copying for a fee at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Single copies of draft guidance material may be obtained from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

FOR FURTHER INFORMATION CONTACT: Mr. Henry S. Blumenthal III, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 427–4754.

Dated at Washington, D.C., this 6th day of December 1984.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84-32276 Filed 12-10-84; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL ELECTION COMMISSION

11 CFR Part 114

[Notice 1984-19]

Solicitation of Indirect Members by Federated Cooperatives

AGENCY: Federal Election Commission.

ACTION: Notice of disposition of rulemaking petition.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on January 3, 1983 by the National Council of Farmer Cooperatives ("NCFC") (48 FR 13265 March 30, 1983). The petition sought revision of the definition of "member" at 11 CFR 114.1(e) to permit federated cooperatives to solicit the individual members of their member cooperatives.

DATE: December 11, 1984.

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

SUPPLEMENTARY INFORMATION: Under the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 *et seq.*, ("the Act" or "FECA"), cooperatives are permitted to solicit their members for contributions to a separate segregated fund they have established for political purposes. *See* 2 U.S.C. 441b(b)(4)(C). The Federal Election Commission's regulations define "member" at 11 CFR 114.1(e), in pertinent part, as a person currently satisfying his or her organization's requirements for membership.

On January 3, 1983, the National Council of Farmer Cooperatives filed a petition for rulemaking requesting that § 144.1(e) be amended to provide that "members of a local cooperative are considered to be members of any federated regional or interregional cooperative with which the local cooperative is affiliated." The Commission has attempted to obtain a broad range of comments on NCFC's proposed rulemaking. First, the Commission invited public comment on the Petition and received sixteen written comments from interested organizations. 48 FR 13265 (March 30, 1983). The Commission also published an Advance Notice of Proposed Rulemaking (49 FR 20831 (May 17, 1984)) to obtain additional background information regarding the issues raised by the NCFC petition. A public hearing was held on June 27, 1984 at which testimony from five witnesses was presented. In addition, the Commission has consulted the Internal Revenue Service, the Department of Agriculture and the National Credit Union Administration; however, none of these agencies has taken a position on the Petition.

The Commission formally considered whether to proceed with a rulemaking based on the petition on November 15, 1984 and November 29, 1984. On November 29, 1984, the Commission was unable to decide by four affirmative votes whether to initiate the rulemaking suggested by NCFC. The Act requires that a proposed rulemaking be approved by at least four members of the Commission. 2 U.S.C. 437c(c) and 437d(a)(8).

Accordingly, the Commission has concluded its consideration of the NCFC petition. Copies of the General Counsel's recommendation which the Commission considered are available for public inspection and copying in the Commission's Public Records Office, 1325 K Street, NW., Washington, D.C. 20463, (202) 523–4181 or toll-free (800) 424–9530.

Dated: December 6, 1984.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 84-32293 Filed 12-10-84; 8:45 am]

BILLING CODE 6715-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Limitations on Portfolio Investments

AGENCY: Small Business Administration.

ACTION: Notice of extension of comment period on proposed rule.

SUMMARY: On November 1, 1984, SBA published in the **Federal Register** a proposed rule regarding limitations on portfolio investments in its Small Business Investment Company program [see 49 FR 44062]. That publication provided that comments on the proposed rule would be accepted through December 3, 1984. This notice extends the comment period pertaining to the proposed rule for an additional 14 days in order to provide more time for public comment.

DATE: Comments on the above-referenced proposed rule must be received by December 17, 1984.

ADDRESS: Written comments, in duplicate, should be submitted to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Robert G. Lineberry, Deputy Associate Administrator for Investment, (202) 653–6848.

SUPPLEMENTARY INFORMATION: In order to provide more time for public comment on the above-referenced proposed rule, SBA is hereby extending the comment period relative to the proposal for an additional 14 days. The public is encouraged to supply comments in writing to the address indicated above so that a complete record on this proposed rule can be established.

Dated: November 27, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-32294 Filed 12-10-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-AWA-31]

Proposed Establishment of Airport Radar Service Areas

Correction

In FR Doc. 84–31389 beginning on page 47178 in the issue of Friday, November 30, 1984, make the following correction: On page 47180, in the third column, the fifteenth and sixteenth lines should read "the airport, excluding the".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 79N-0141]

Scientific Literature Update on Sucrose and Corn Sugars; Opportunity for Public Review

Correction

FR Doc. 84-15096 was published on page 23457 in the issue of Wednesday, June 6, 1984. The document appeared in the Notices section; however, it should have appeared in the Proposed Rules section.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL-2735-4]

Stack Height Regulation; Public Hearing and Comment Period Extension

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and comment period extension.

SUMMARY: This notice extends the initial public comment period for proposed revisions to EPA's stack height regulation, scheduled to close on December 10, 1984. Subsequent to the proposal, EPA had received a request for a public hearing and several requests for extensions of the 30-day public comment period. EPA is granting these requests.

DATES: The public comment period will now end on January 9, 1985. A public hearing will be held on January 8, 1985. The hearing record and a rebuttal comment period will be held open until January 24, 1985.

A list of speakers for the public hearing will be compiled on December 28, 1984. Anyone wishing to be included on this list should notify Mr. Eric Ginsburg, the information contact, prior to that date.

ADDRESS: Room 2409, EPA, 401 M Street, SW., Washington, D.C. 20460.

Background material for this action is located in Docket A-83-49, West Tower Lobby Gallery, EPA, 401 M Street, SW., Washington, D.C. 20460. The docket may be examined between 8:00 a.m. and 4:00 p.m. or weekdays. A reasonable fee may be charged for photocopying. All written comments should be submitted (in duplicate, if possible) to: Central Docket Section, Docket A-83-49, EPA, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Eric O. Ginsburg, Office of Air Quality Planning and Standards, Control Programs Development Division (MD-15), EPA, Research Triangle Park, NC 27711, (919) 541-5540.

SUPPLEMENTARY INFORMATION: On February 8, 1982 (47 FR 5864), EPA promulgated regulation governing the extent to which tall stacks and other dispersion techniques may be considered in setting emission limitations for stationary sources. This regulation was challenged by the Sierra Club Legal Defense Fund, Inc., the Natural Resources Defense Council, Inc. (NRDC), and the Commonwealth of Pennsylvania (*Sierra Club* v. *EPA*, 719 F.2d 436) and, on October 11, 1983, the U.S. Court of Appeals for the D.C. Circuit issued a decision reversing two portions of the regulation, remanding certain other portions to EPA for reconsideration, and imposing a deadline of January 18, 1985, for the promulgation of revised rules. Revisions to the regulation, responding to the court decision, were proposed on November 9, 1984, at 49 FR 44878. That notice describes the court decision and the proposed revisions in greater detail.

Subsequent to the proposal, EPA had received a request for a public hearing and several requests for extension of the 30-day public comment period. EPA is granting these requests. Additionally, EPA has consulted with petitioners from Sierra Club and NRDC and is filing a joint motion requesting the court to extend the deadline for promulgation. If the court does not grant this request, EPA will close the comment period and cancel the hearing as necessary to meet any court-mandated deadline.

A list of speakers for the public hearing will be compiled on December 28, 1984. Anyone wishing to be included on this list should notify Mr. Eric Ginsburg, the information contact, prior to that date. Requests received after that date will be honored only as time permits.

Speakers who intend to present a prepared statement should provide three copies of the statement to the director of the meeting. Oral presentations will be limited to 30 minutes; however, extra time may be allowed at the discretion of the director.

An official recorder will prepare a transcript of the hearing. The transcript will be placed in Docket A-83-49. Supplemental or rebuttal comments may be submitted in writing no later than 4:00 p.m. on January 24, 1985, to: Central Docket Section, Docket No. A-83-49, EPA, 401 M Street, Washington, D.C. 20460.

List of Subjects in 40 CFR Part 52

Administrative practice and procedures, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Hydrocarbons, Carbon monoxide.

Dated: December 7, 1984.

Joseph A. Cannon,

Assistant Administrator for Air and Radiation.

[FR Doc. 84-32407 Filed 12-10-84; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 49, No. 239
Tuesday, December 11, 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.

COMMISSION ON CIVIL RIGHTS

Alabama Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 1:30 p.m., on January 29, 1984, at the Birmingham Hilton Hotel, Centennial I Room, 808 S. 20th Street, Birmingham, Alabama 35205. The purpose of the meeting is to formulate plans for a project on redistricting.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southern Regional Office at (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 6, 1984.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 84–32242 Filed 12–10–84; 8:45 am]
BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 280]

Resolution and Order Approving the Application of the City of New York, New York, for a Foreign-Trade Zone at John F. Kennedy International Airport

Procedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 USC 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of New York, New York, filed with the Foreign-Trade Zones Board (the Board) on October 17, 1983, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone site at John F. Kennedy International Airport, within the New York Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone at John F. Kennedy International Airport

Whereas, by the Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 USC 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of New York, State of New York (the Grantee) has made application (filed October 17, 1983, Docket No. 39–83, 48 FR 49085) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone site at John F. Kennedy International Airport, County of Queens, New York City, within the New York Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 111 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the constuction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the

protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 30th day of November 1984 pursuant to Order of the Board.

Foreign-Trade Zone Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-28307 Filed 12-10-84; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Export Trade Certificate of Review; Notice of Application

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on these applications must be submitted on or before (insert date 20 days after publication in the **Federal Register**).

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to this application as "Export Trade Certificate of Review, application number 84-00035."

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Trade Development, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596-10604 (Mar. 11, 1983) (codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,
2. not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,
3. not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and
4. not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meet these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-40 (April 13, 1983).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the Federal Register identifying the persons submitting the application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities," or a "method of operation" as defined in the Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for an Export Trade Certificate of Review:

Applicant: Global Operations Co., 465 California Street, Suite 431, Merchants Exchange Building, San Francisco, CA 94104

Telephone: 415-781-7040

Application No.: 84-00035

Date Deemed Submitted: November 26, 1984

Controlling Entities: William F. Bosque, Sr., d.b.a. J.E. Lowden & Company, and Ted L. Rausch Co., both of San Francisco, CA

Members in Addition to Applicant: William F. Bosque, Sr., Ted L. Rausch Co., Ted L. Rausch, Poseidon Freight Forwarders, Inc.

Summary of the Application: Global Operations Co. (Global), a newly established San Francisco, California firm, has submitted an application for an export trade certificate of review.

Export Markets

Global will provide export trade services domestically and abroad for the export of U.S. goods worldwide.

Export Trade Related Services

Global intends to offer its U.S. and foreign shipping customers the following export trade related services: total intermodal transportation, non-vessel operating common carrier services, freight forwarding and customhouse brokerage, market and project research, sales promotion, analysis of transportation equipment requirements, financing of cargoes, packing and crating, issuance of marine insurance, designation of agents abroad on an exclusive and/or non-exclusive basis and warehousing abroad.

Export Trade Activities and Methods of Operation

Global intends to provide services jointly through its two controlling entities and to enter into exclusive and non-exclusive agency agreements with export intermediaries in the U.S. and in export markets. These agreements may contain territorial, customer, price and quantity restrictions for the export market.

The OETCA is issuing this notice in compliance with section 302 (b)(1) of the Act which requires the Secretary to publish a notice of the application in the Federal Register identifying the persons submitting an application and summarizing the conduct proposed for certification. Interested parties have twenty (20) days from the publication of this notice in which to submit written information relevant to the determination of whether a certificate should be issued.

Dated: December 5, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84-32176 Filed 12-10-84; 8:45 am]

BILLING CODE 3510-DR-M

[A-570-101]

Greige Polyester/Cotton Printcloth From the People's Republic of China; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on greige polyester/cotton printcloth from the People's Republic of China. The review covers the one known Chinese exporter of this merchandise to the United States and the period March 9, 1983, through November 30, 1983.

Because the Chinese exporter's response to our questionnaire was inadequate, we used the best information available for assessment and estimated antidumping duties cash deposit purposes.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 11, 1984.

FOR FURTHER INFORMATION CONTACT: Maureen A. Flannery or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On September 16, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 41614) an antidumping duty order on greige polyester/cotton printcloth from the People's Republic of China and announced its intent to conduct an administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of greige polyester/cotton printcloth, other than 80 x 80 type. Greige polyester/cotton printcloth is unbleached and uncolored printcloth fabric in chief value cotton, containing polyester. Such printcloth is currently classifiable under items 326.26 through 326.40 of the Tariff Schedules of the United States Annotated. The appropriate statistical suffix is 32. The term "printcloth" refers to plain-woven fabric, not napped, not fancy or figured, of singles yarn, not combed, of average yarn number 26 to 40, weighing not more than 6 ounces per square yard, of a total count of more than 85 yarns per square inch, or which the total count of the warp yarns per inch and the total count of the filling yarns per inch are each less than 62 percent of the total count of the warp and filling yarns per square inch.

The review covers the one known Chinese exporter of this merchandise to the United States, China National Textiles Import and Export Corporation (Chinatex), and the period March 9, 1983, through November 30, 1983.

The Chinatex response to the Department's questionnaire was inadequate. Therefore, we used the best information available for assessment and estimated antidumping duties cash deposit purposes. The best information available is the rate found in the original fair value investigation.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, for the period March 9, 1983, through November 30, 1983, a margin of 22.4 percent exists.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administative protectve order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entires. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 22.4 percent shall be required on all shipments of Chinese greige polyester/cotton printcloth entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrtive review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a) (1)) and §353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-32270 Filed 12-10-84; 8:45 am]

BILLING 3510-DS-M

National Oceanic and Atmospheric Administration

Deep Seabed Mining; Notice of Availability of Information

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of location of Ocean Management, Inc. deep seabed mining license area.

SUMMARY: On August 29, 1984, the National Oceanic and Atmospheric Administration (NOAA) issued a license (designated as USA-2) to Ocean Management, Inc. (OMI) to conduct deep seabed mining exploration activities in an area of 136,000 square kilometers in the Northeastern Equatorial Pacific Ocean within the seabed area generally known as the Clarion-Clipperton Fracture Zone. OMI has now formally withdrawn its request for confidential treatment of the precise location of its license area and requested NOAA to apprise the public of this fact and to publish the coordinates as well.

In accordance with this request and pursuant to 15 CFR 970.902(d)(5), NOA hereby is publishing the coordinates of the OMI license area.

The OMI license applies to an area bounded by a line with the following turning points:

Turning points	Latitude	Longitude
1	15°25' N	134°00' W
2	14°00' N	134°00' W
3	14°00' N	133°50' W
4	11°30' N	133°50' W
5	11°30' N	136°00' W
6	10°50' N	136°00' W
7	10°50' N	137°50' W
8	12°30' N	137°50' W
9	12°30' N	136°00' W
10	15°25' N	136°00' W
1	15°25' N	134°00' W

Consistent with the disclosure policy stated in the Environmental Impact Statement (EIS) on the OMI license issuance, NOAA will send copies of this notice to the persons, organizations, and agencies who were EIS recipients.

FOR FURTHER INFORMATION CONTACT: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, (202) 653–8257.

Approved:

Dated: December 6, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84–32281 Filed 12–10–84; 8:45 am]

BILLING CODE 3510–12–M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to:

Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6–308,747 (4,461,167)
Psychrometer for Measuring the Humidity of a Gas Flow

SN 6–423,403 (4,464,392)
Process for Controlling Antimicrobial Activity Using Glycolic Acid Derivatives

SN 6–443,995 (4,464,390)
Control of Parasitic Mites With Alkyl Carbamates

SN 6–524,179 (4,464,295)
Simple and Rapid Method for Extraction of Proteins From Bacteria

SN 6–539,860 (4,464,296)
Solubilization of Dry Protein in Aqueous or Acidic Media After Treatment With Concentrated Hydrogen Peroxide

SN 6–573,748
Roller Chopper Transport Carriage

SN 6–625,266
Cockroach Repellents

SN 6–625,328
Insect Repellents

SN 6–626,329
Cockroach Repellents

SN 6–626,960
New Malonic Ester Derivatives

SN 6–635,945
Process for Stabilizing Whole Cereal Grains

SN 6–636,451
Low Wet Pickup Fabric Finishing Apparatus

Department of Commerce

SN 6–370,772 (4,464,401)
Acoustic Thawing of Frozen Food

Department of the Army

SN–6–611,570
Sludge Dewatering by Freezing

Department of the Interior

SN 6–200,110 (4,464,338)
In Situ Tritium Borehole Probe for Measurement of Tritium

[FR Doc. 84–32243 Filed 12–10–84; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing the Import Restraint Levels for Certain Man-Made Fiber Textile Products From Romania

December 6, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 12, 1984. For further information contact Eve Anderson, International Trade Specialist (202) 377–4212.

Background

As a result of recent consultations and pursuant to the terms of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Soicalist Republic of Romania the limit established for Category 645/646 is being increased to 239,856 dozen for the twelve-month period which began on January 1, 1984.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), and November 9, 1984 (49 FR 44782).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 6, 1984.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: On December 19, 1983, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of wool and man-made fiber textile products, produced or manufactured in Romania, and exported during 1984, in excess of designated levels of restraint. The Chairman furter advised you that the restraint limits are subject to adjustment.[1]

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provides, in part, that:

Continued

Effective on December 12, 1984, paragraph 1 of the directive of December 19, 1983 is hereby further amended to include an adjusted limit of 239,856 dozen [2] for man-made fiber textile products in Category 645/646, produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1984.

The Committee for the Implementation of Textile Agreements had determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter G. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-32189 Filed 12-6-84; 10:35 am]

BILLING CODE 3510-DR-M

Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in Yugoslavia

December 6, 1984.

On May 10, 1984, a notice was published in the **Federal Register** (49 FR 19888) announcing that, on April 30, 1984, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, had requested the Government of the Socialist Federal Republic of Yugoslavia to enter into consultations concerning exports to the United States of men's and boys' suit-type coats in Category 433, produced or manufactured in Yugoslavia.

Notes have been exchanged between the Governments of the United States and the Socialist Federal Republic of Yugoslavia amending their Bilateral Wool and Man-Made Fiber Textile Agreement of February 21 and 27, 1984, as extended, to establish a new specific limit of 11,500 dozen men's and boy's wool suit-type coats in Category 433, produced or manufactured in Yugoslavia and exported during the eighteen-month period which began on July 1, 1984 and extends through December 31, 1985. The new limit may be adjusted for swing but not for carryover or carryforward. Agreement was also reached between the two governments on a revised limit of 7,300 dozen for women's, girls' and infants' wool suits in Category 444, exported during 1984.

The letter published below directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool textile products in Categories 433 and 444 in excess of the designated restraint limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), and November 9, 1984 (49 FR 44782).

EFFECTIVE DATE: December 12, 1984.

FOR FURTHER INFORMATION CONTACT: Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/337-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 6, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs
Department of the Treasury Washington, D.C. 20229

Dear Mr. Commissioner: This letter cancels and supercedes the letter of August 28, 1984 which established a level of restraint for wool textile products in Category 433, produced or manufactured in Yugoslavia and exported during the twelve-month period which began on April 30, 1984.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on December 12, 1984, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 433, produced or manufactured in Yugoslavia and exported during the eighteen-month period which began on July 1, 1984 and extends through December 31, 1985, in excess of 11,500 dozen.[1]

Also effective on December 12, 1984, the directive of March 16, 1984 is hereby amended to establish a level of 7,300 dozen [2] for wool textile products in Category 444, produced or manufactured in Yugoslavia and exported during the twelve-month period which began on January 1, 1984.

Textile products in Category 444 which have been exported to the United States prior to January 1, 1984 shall not be subject to this directive.

Textile products in Category 444 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), and November 9, 1984 (49 FR 44782).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-32269 Filed 12-10-84; 8:45 am]

BILLING CODE 3510-DR-M

(1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (2) consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (3) administrative arrangements or adjustments or may be made to resolve minor problems arising in the implementation of the agreement.

[2] The limit has not been adjusted to reflect any imports exported after December 31, 1983.

[1] The limit has not been adjusted to reflect any imports exported after June 30, 1984.

[2] The limit has not been adjusted to reflect any imports exported after December 31, 1983. Charges for the period January 1 through September 30, 1984 have amounted to 2,252 dozen.

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application and Authorization For Access to CONFIDENTIAL Information (DD Form 48–2).

The Defense Investigative Service uses this form by which contractors participating in the Defense Industrial Security Program obtain personal data from a United States citizen being considered for a CONFIDENTIAL personnel security clearance granted by a contractor. The form is prepared jointly by the person being considered for the clearance and by the contractor. Completion of this form is a prerequisite to the granting of a CONFIDENTIAL clearance by a contractor. The form helps save government resources by decreasing the time it takes to grant a personnel security clearance at the CONFIDENTIAL level.

Individual/Contractor
Responses, 200,000
Burden hours, 66,000

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Fred A. Schonert, Defense Investigative Service, Administrative Services Division, V0240, 1900 Half Street SW., Washington, DC 20324–1700, telephone (202) 693–0881.

Dated: December 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–32233 Filed 12–10–84; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point the contact from whom a copy of the information proposal may be obtained.

(1) New.

(2) Export Controlled Technical Data Agreement, DD Form 2345.

(3) The information is required to obtain agreement with and a description of business activity of individuals or enterprises that are to be eligible to receive export-controlled DOD technical data under 10 U.S.C. Section 140c, as implemented by DOD Directive 5230.25, "Withholding of Unclassified Technical Data From Public Disclosure."

(4) Individuals or households; business or other for-profit organizations; non-profit institutions; and smal businesses or organizations.

(5) Responses—100,000.

(6) Burden hour—200,000.

(7) Addresses: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, D.C. 20301–1155, telephone (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the Information collection proposal may be obtained from Mr. David E. Whitman, ODUSD(P), Room 3C260, The Pentagon, Washington, D.C. 20301–2200, telephone (202) 695–2289.

Dated: December 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–32237 Filed 12–10–84; 8:45 am]

BILLING CODE 3810–01–M

1985 Medical Reimbursement Rate for Dependents of Military Personnel

Notice is hereby given that the Assistant Secretary of Defense (Comptroller) on December 4, 1984 issued the following memorandum to the Assistant Secretary of Defense (Health Affairs) and the Assistant Secretaries of the Military Departments (FM):

The charge for medical and dental services rendered to dependents of military personnel as inpatients in federal medical facilities shall be $7.10 per day, effective January 1, 1985.

Dated: December 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–32232 Filed 12–10–84; 8:45 am]

BILLING CODE 3810–01–M

Corps of Engineers; Department of the Army

Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) on Proposed Flood Control Alternatives for the Upstream Element of the Santa Ana River Flood Control Project San Bernardino County, CA

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement (DSEIS).

SUMMARY:

a. *Proposed Action.* In 1980 the Phase I General Design Memorandum and Supplemental EIS, Santa Ana River Main Stem, presented the All River Plan as the preferred alternative for flood control on the main stem of the river. The Mentone Dam was proposed as the upstream flood control element. In November 1983, the Corps of Engineers was directed by Congress to study alternatives to the Mentone Dam. The potential for water supply, hydropower generation, and recreation are also being considered.

b. *Alternatives.* Preliminary studies investigated several potential damsites. These studies resulted in recommendation of three sites for further study: Lytle Creek, Upper Santa Ana River, and Mill Creek. The EIS would include documentation on the Mentone Dam and the following alternatives: (a) No Action; (b) a dam on the Upper Santa Ana River; (c) dams on both the Upper Santa Ana River and Lytle Creek; (d) a dam on the Upper Santa Ana River and a diversion structure on Mill Creek with a tunnel to the Upper Santa Ana River through Warm Springs Canyon; and (e) dams on both the Upper Santa Ana River and Lytle Creek as well as the Mill Creek diversion structure and tunnel.

c. *Scoping Process.* Public workshop activities were initiated in February 1984 to assist the Corps in developing and investigating alternatives to the Mentone Dam as the upstream element of the Santa Ana River Project. The workshop has provided input to the preliminary study process and has helped to screen alternatives and identify concerns and issues for further study. Many Federal, State, local agencies, local organizations, and members of the public are involved in the workshop process, including U.S. Fish and Wildlife Service, U.S. Forest Service, California Department of Fish and Game, San Bernardino County, and local chapters of the Audubon Society.

Sierra Club, Tricounties Conservation League, and The Wildlife Society. The Corps is also coordinating formally with appropriate agencies to identify and resolve potential environmental problems. A broad range of concerns have been identified thus far, and include: (a) impacts to biological resources (including threatened and endangered species); (b) impacts to historical and archeological resources; (c) impacts to existing development and potential relocations; (d) impacts to current and projected recreation use; (e) impacts of operation and management of water storage; and (f) capabilities for mitigation of impacts and losses.

d. *Future Public Meetings.* A scoping meeting will be scheduled in the future to further discuss concerns and identify significant issues for consideration in the DSEIS. In addition, workshop meetings will be held to provide public input throughout the study process.

e. *Availability of DSEIS.* The DSEIS is anticipated to be circulated for public review in September 1985.

f. *Address.* Questions about the proposed action and DSEIS can be answered by: Dennis Majors, Project Manager, U.S. Army Corps of Engineers, P.O. Box 2711, Los Angeles, California 90053.

Dated: November 30, 1984.

Dennis F. Butler,

Colonel, CE, District Engineer.

[FR Doc. 84-32250 Filed 12-10-84; 8:45 am]

BILLING CODE 3710-KF-M

Defense Mapping Agency

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Oceanic Sounding Report, DMAHTC Form 8053-1

The Defense Mapping Agency, under Title 10 U.S.C. 2791, and Title 32 CFR Part 360, is authorized to ensure and improve maritime safety. The DMAHTC Form 8053.1, "Oceanic Sounding Report," is used by the DMA Hydrographic/Topographic Center to obtain significant data from navigators. The information collected is used to construct and improve the accuracy of current navigational charts.

Maritime Industry

Responses 400

Burden Hours 10,000

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301-1155, telephone (202) 694-0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. William Colligan, DMAHTC(SD), Room 270 EH, 6500 Brookes Lane, Washington, DC 20315-0030, telephone (301) 227-2840.

Dated: December 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-32236 Filed 12-10-84; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Customer Services Inquiry Card, DMAODS-8600-1

The Defense Mapping Agency (DMA) is assigned under U.S.C. Title 10, Chapter 167, Sections 2791, 2792, 2793, and 2794 for providing nautical charts and marine navigation data for the use of all vessels of the United States and of navigators, and responsibilities assigned under U.S.C. Title 44, Chapter 13, Section 1336 for the printing of notices to mariners. The DMAODS Form 8600-1 is used by the Office of Distribution Services to obtain data from its customers regarding delivery date, conditions, quantity, and shipment of products.

Maritime Industry and Customers

Responses 8,000

Burden hours 158

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301-1155, telephone (202) 694-0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Larry W. Shank, DMAODS(DO), Room 205-R, Washington, DC 20315-0010, telephone (301) 227-1062.

Dated: December 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-32238 Filed 12-10-84; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8)

The point of contact from whom a copy of the information proposal may be obtained.

New

Notice to Mariners Information Report and Suggestion Sheet

The Defense Mapping Agency (DMA) under 10 U.S.C. 2791, 44 U.S.C. 1336 and 32 CFR Part 360, is authorized to ensure and improve navigation and maritime safety. The DMA Hydrographic/ Topographic Center uses the convenient reporting form provided in the back of Notice to Mariners to obtain data from navigators. Mariners are requested to cooperate in the corrective maintenance of navigational charts and publications by reporting discrepancies between published information and conditions actually observed or encountered, and by recommending appropriate additions, deletions, or improvements.

Maritime Industry and Navigators
Responses 3,000
Burden Hours 750

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Steven C. Hall, DMAHTC (NUT), Room 223EH, 6500 Brookes Lane, Washington, DC 20315–0030, telephone (301) 227–3147.

Dated: December 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–32235 Filed 12–10–84; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Port Information Report, DMAHTC Form 8330–1

The Defense Mapping Agency (DMA) under 10 U.S.C. 2791 and 32 C.F.R. Part 360, is authorized to improve maritime safety. The DMA Hydrographic/ Topographic Center (HTC) uses DMAHTC Form 8330–1 to obtain significant data from the maritime industry through consultation with appropraite navigators. The form is used to compile data from the navigators regarding conditions of port entry, berthing port services and operating.

Maritime Industry
Responses 400
Burden Hours 400

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Steven C. Hall, DMAHTC(NUT), Room 223EH, 6500 Brookes Lane, Washington, DC. 20315–0030, telephone (301) 227–3147.

Dated: December 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–32234 Filed 12–10–84; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/JA (EU)–32, from the Federal Republic of Germany to Japan, 15 nameplates containing 205 grams of uranium, enriched to 19.75 percent in U–235, for irradiation testing in the JMTR reactor, Oarai, Japan.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: December 5, 1984.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84–32259 Filed 12–10–84; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Notice of Proposed Remedial Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Remedial Order to Thomas P. Reidy, Inc.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order (PRO) which was issued to Thomas P. Reidy, Inc., 1100 Milam, Suite 2170, Houston, Texas 77002. This Proposed Remedial Order alleges violations in the pricing of motor gasoline of 10 CFR 210.92 and 10 CFR 212.93 for the period November 1, 1973 through May 31, 1975. The principal amount of the alleged violations for this period is $1,620,210.35.

A copy of the Proposed Remedial Order, with confidential information deleted may be obtained from: David H. Jackson, Director, Kansas City Office, ERA (816)374–2092. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 2d day of November, 1984.

David H. Jackson,

Director, Kansas City Office, Office of Special Counsel, Economic Regulatory Administration.

[FR Doc. 84-32177 Filed 12-10-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER85-145-000]

Puget Sound Power & Light Co.; Notice of Filing

December 6, 1984.

The filing Company submits the following:

Take notice that Puget Sound Power & Light Company ("Puget") on November 23, 1984 tendered for filing Notices of Termination of Puget's Rate Schedules Nos. 6, 11, and 45, such schedules having terminated by their own terms.

Copies of the filing were served upon the City of Tacoma, the Town of Sumas, the Washington Water Power Company, the Idaho Power Company and Utah Power and Light Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. §§ 385.211, 385.214). All such motions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32205 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-38-000]

U-T Offshore System; Notice of Proposed Changes in FERC Gas Tariff

December 6, 1984.

Take notice that on November 30, 1984, U-T Offshore System (U-TOS) tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1 in Fifth Revised Sheet No. 4. The proposed changes would decrease revenues from jurisdictional transportation services by approximately $57,000 based on the 12-month period ending August 31, 1984, as adjusted, compared with the revenues generated through the presently effective rates.

U-TOS states that the principal reasons for the rate changes filed herein are as follows:

(a) Increases in operating and maintenance expenses,

(b) Increased costs of capital which result in an overall rate of return of 15.44% which is required to afford U-TOS the opportunity to earn a fair and reasonable return,

(c) A reduction in rate base due to increase in reserve for depreciation, and

(d) A decrease in projected transportation quantities to a level equal to 70% use of T-TOS' daily contract demand of 1,036,457 Mcf.

U-TOS requests an effective date of January 1, 1985, for the proposed Revised Sheets. U-TOS states that it served copies of this filing upon all of its shippers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All such petitions or protests should be filed on or before December 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32206 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-1-1-000 and TA85-1-1-001]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

December 5, 1984.

Take notice that on November 30, 1984, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets:

Second Revised Sheet No. 4, and

First Revised Sheet No. 5.

These tariff sheets are proposed to become effective January 1, 1985. Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers, Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco, Inc., and Sun Exploration and Production Company. Alabama-Tennesee states that the changes in its rates have been made in conformity with the PGA and related provisions of its tariff and the conditions contained in the Stipulation and Agreement in Docket No. RP83-24-000.

The tariff sheets submitted herewith provide for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	D_1 $7.53 D_2 08.26¢
Commodity	13.89¢
Gas	349.61¢
SG-1:	
Commodity	22.45¢
Gas	396.06¢
I-1:	
Commodity	17.75¢
Gas	370.15¢

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-32208 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT85-5-000]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

December 6, 1984.

The filing Company submits the following:

Take notice that on November 30, 1984 ANR Pipeline Company ("ANR") tendered for filing Substitute Original Sheet Nos. 111 through 114 to its F.E.R.C. Gas Tariff, Original Volume No. 1.

ANR states that on November 21, 1984 ANR filed with the Federal Energy Regulatory Commission ("Commission") Original Sheet Nos. 1 through 115 to its F.E.R.C. Gas Tariff, Original Volume No. 1 to be effective November 1, 1984. The sole purpose of the said filing was to reflect ANR's new corporate name in lieu of its former name, Michigan Wisconsin Pipe Line Company, as approved by the Commission's Notice of Redesignation issued May 16, 1984 at Docket No. G-669-000 *et al.*

ANR further states that since the November 21, 1984 filing, it discovered that Original Sheet Nos. 111 through 114 which comprise the Index of Purchasers identifying service agreements of ANR's resale customers has for the month of expiration of term August instead of October which is the end of ANR's contract year. Therefore, correction of the typographical error necessitates the filing of Substitute Original Sheet Nos. 111 through 114 to reflect the correct month (October) of the expiration of ANR's service agreements.

ANR further states that copies of the filing were served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32190 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-140-000]

Central Vermont Public Service Corp.; Termination

December 6, 1984.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation ("Central Vermont") on November 23, 1984 filed a Notice of Termination of its Rate Schedule No. 90 and Green Mountain Power Corporation Rate Schedule FPC No. 53 (concurred in above) with respect to Vermont Gas Turbines between the City of Burlington, the Green Mountain Power Corporation, and Central Vermont Public Service Corporation (Sellers) and the Niagara Mohawk Power Corporation (Buyer) and Vermont Electric Power Company, Inc. (Velco), dated as of November 21, 1974. Under the terms of the purchase agreement the sale took place in the period from December 2, 1974 to February 16, 1975.

Certificate of Concurrence by Green Mountain Power Corporation and Burlington Electric Department were also filed by Central Vermont.

Central Vermont states that the Notice of Termination was served on the contracting parties and the regulatory commissions of the states of New York and Vermont where the contracting parties operate. Central Vermont has also requested a waiver of the notice requirement so that the Notice of Termination will be made effective as of the February 16, 1975 termination date provided for in the purchase agreement with Niagara Mohawk Power Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32191 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-142-000]

Central Vermont Public Service Corp.; Termination

December 6, 1984.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corportion ("Central Vermont") on November 23, 1984, filed a Notice of Termination of its Rate Schedule FPC No. 91 and Green Mountain Power Corporation Rate Schedule FPC No. 54 (concurred in above) with respect to Ascutney, Berlin and Essex, Vermont gas turbines between the Green Mountain Power Corporation and Central Vermont Public Service Corporation (Sellers) and the Public Service Company of New Hampshire (Buyer), dated as of October 1, 1974. Under the terms of the purchase agreement the sale took place in the period from October 31, 1974 to April 30, 1975.

A Certificate of Concurrence by Green Mountain Power Corporation was also filed by Central Vermont.

Central Vermont states that the Notice of Termination was served on the contracting parties and the regulatory commissions of the states of New Hampshire and Vermont where the contracting parties operate. Central Vermont has also requested a waiver of the notice requirement so that the Notice of Termination will be made effective as of the April 30, 1975 termination date provided for in the purchase agreement with Public Service Company of New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32192 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-141-000]

Central Vermont Public Service Corp.; Termination

December 6, 1984.

The filing Company submits the following:

The notice that Central Vermont Public Service Corporation ("Central Vermont") on November 23, 1984, filed a Notice of Termination of its Rate Schedule FPC No. 87 and Green Mountain Power Corporation Rate Schedule FPC No. 50 (Concurred in above) with respect to Burlington and Berlin gas turbines between the City of Burlington, Green Mountain Power Corporation and Central Vermont Public Service Corporation (Sellers) and Public Service Company of New Hampshire (Buyer) dated as of April 1, 1973. Under the terms of the purchase agreement the sale took place in the period from May 1, 1973 to October 31, 1973.

Certificates of Concurrence by Green Mountain Power Corporation and Burlington Electric Department were also filed by Central Vermont.

Central Vermont states that the Notice of Termination was served on the contracting parties and the regulatory commissions of the states of New Hampshire and Vermont where the contracting parties operate. Central Vermont has also requested a waiver of the notice requirements so that the Notice of Termination will be made effective as of the October 31, 1973 termination date provided for in the purchase agreement with Public Service Company of New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32209 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-144-000]

Duke Power Co.; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing November 19, 1984 a supplement to the Company's Electric Power Contract with the City of Easley. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedules FERC No. 241.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following additional delivery: Delivery Point No. 4 with a contract damend of 12,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately succeeding the effective date.

Duke Power proposes an effective date of October 19, 1984, and therefore requests waiver of the Commission's notice requirements.

According to Duke Power, copies of this filing were mailed to the City of Easley and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32193 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-13-000 and TA85-1-13-001]

Gas Gathering Corp.; Purchased Gas Cost Adjustment Filing

December 6, 1984.

Take notice that on November 30, 1984 Gas Gathering Corporation (GGC) tendered for filing proposed changes in its FERC Gas Tariff providing for decreased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional sale for resale customer, under GGC's Purchased Gas Cost Adjustment Provision (PGA clause), Section 4 of the Natural Gas Act, and Part 154 of the Commission's Regulations thereunder. The Proposed changes would decrease the rate charged to Transco by 36.17597 cents per MMBtu from those rates presently in effect. The Proposed effective date is January 1, 1985. GGC states that the filing reflects an increase in costs of purchased gas and a decrease in GGC's deferred cost surcharge adjustment.

GGC states that a copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32194 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-4-000 and TA85-1-4-001 (PGA85-1; IPR85-1)]

Granite State Gas Transmission, Inc.; Proposed Change in Rates

December 5, 1984

Take notice that on November 30, 1984, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1 containing changes in rates for effectiveness on January 1, 1985:

Ninth Revised Sheet No. 7
Fifth Revised Sheet No. 8
Sixth Revised Sheet No. 9

According to Granite State, the instant rate adjustments reflect changes in the cost of purchased gas at suppliers' rates

that will be effective January 1, 1985 and the amortization of Unrecovered Purchased Gas Costs. Granite State further states that its revised rates: (1) Reflect changes in the cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which Tennessee proposes to make effective January 1, 1985; and (2) changes in the cost of gas purchased from Consolidated Gas Transmission Company (Consolidated) and in the rates for a storage service rendered by Consolidated for Granite State resulting from a settlement of Consolidated's rates in Docket No. RP82–115–004. It is stated that Granite State's filing is made pursuant to the purchased gas cost adjustment provision in Section XIX of the General Terms and Conditions of its tariff and authorization granted in the Commission's order in *Tennessee Gas Pipeline Company, et al.*, 18 FERC ¶ 61,013.

Granite State further states that its rates are applicable to wholesale sales to its two affiliated distribution company customers: Bay State Gas Company and Northern Utilities,Inc. and to a storage service rendered for Bay State. According to Granite State, the effect of the proposed rates in its filing is an increase of approximately $803,815 annually in its rates for sales to Bay State and $314,832 annually for sales to Northern Utilities.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84–32210 Filed 12–10–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–37–000]

High Island Offshore System; Proposed Changes in FERC Gas Tariff

December 6, 1984.

Take notice that on November 30, 1984, High Island Offshore System (HIOS) tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional transportation services by approximately $11.1 million based on the 12-month period ending August 31, 1984, as adjusted, compared with the revenues generated through the presently effective rates.

(a) Increased levels of operation and maintenance expenses, including increased costs from U–T Offshore System and ANR Pipeline Company for Cameron Meadows and Grand Chenier facilities respectively;

(b) Increased rate of recovery for the negative salvage provision;

(c) Increased costs of capital which result in an overall rate of return of 15.06% which is required to afford HIOS the opportunity to earn a fair and reasonable rate of return; and

(d) Declining levels of transportation volumes.

HIOS requests the instant filing be considered as a "compliance filing" pursuant to the FERC order dated December 6, 1977, in Docket no. CP75–104, *et al.*, well as a rate increase filed pursuant to Section 4 of the Natural Gas Act. In this connection, HIOS requests an effective date of January 1, 1985 for the proposed tariff sheet customers. HIOS states that it has served copies of this filing upon all of its customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol, NE., Washington, D.C. 20426, in accordance with Rule 211 and Rule 214 of the FERC's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1984. Protests will be considered by the FERC in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the FERC and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–32195 Filed 12–10–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER85–153–000]

Idaho Power Co.; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that on November 28, 1984, Idaho Power Company submitted for filing Service Agreements between it and Puget Sound Power & Light Company, Montana Power Company and Sierra Pacific Power Company covering the sale of non-firm transmission service in accordance with Idaho Power Company's FERC Electric Tariff Original Volume No. 2.

Idaho requests an effective date of September 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before December 21, 1984. Protests will be considered, by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–32211 Filed 12–10–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER85–146–000]

Kansas City Power & Light Co.; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that on November 23, 1984, Kansas City Power & Light Company ("KCPL") tendered for filing an initial rate schedule for System Capacity Power Service provided to the City of Independence, Missouri—service Schedule G–MPA (KCPL Rate Schedule FPC No. 56). KCPL states that the rates for the service covered by the above-mentioned schedule are negotiated rates based upon KCPL's incremental energy cost.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE. Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32212 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-154-000]

New England Power Pool; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that on November 28, 1984, the New England Power Pool (NEPOOL) tendered for filing signature pages to the NEPOOL Agreement dated September 1, 1971, as amended, signed by the Exeter & Hampton Electric Company and the Concord Electric Company. The Exeter & Hampton Electric Company has its principal office in Exeter, New Hampshire, and the Concord Electric Company has its principal office in Concord, New Hampshire. NEPOOL indicates that the New England Power Pool Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

NEPOOL states that the filed signature pages do not change the NEPOOL Agreement in any manner, other than to make the Exeter & Hampton Electric Company and the Concord Electric Company participants in the pool.

NEPOOL requests an effective date of February 1, 1985, for commencement of participation in the power pool by the Exeter & Hampton Electric Company and the Concord Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before December 21, 1984. Protests will be considered, by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32196 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-34-000]

Pacific Offshore Pipeline Co.; Cost of Service Filing

December 5, 1984.

Take notice that Pacific Offshore Pipeline Company ("POPCO") on November 29, 1984, tendered for filing and acceptance certain cost-of-service studies in compliance with Commission orders and its FERC Gas Tariff, Volume No. 1.

The studies submitted include a cost and revenue study covering the first year of operation of POPCO's facilities and a study of cash working capital requirement (lead/lag study). The studies were submitted in compliance with the Commission's certificate order of June 8, 1981, in Docket No. CP82-194, and with POPCO's FERC Gas Tariff. An analysis of the cost of service impact of a hypothetical date of commencement of operations was submitted at the request of the Commission Staff. POPCO's is requesting a Commission order finding the studies to be in compliance with its orders, approving an amount to be included in POPCO's rate base effective December 28, 1984 which includes the results of the cost of service and revenue report and the study of cash working capital requirement, finding that POPCO's tariff became effective December 28, 1983, and establishing a rate of return on equity at 15% for the first year of operation and prospectively.

Copies of the filing were served upon the Company's sole purchaser under its FERC Gas Tariff, Southern California Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such petitions or protests should be filed on or before *December 12, 1984.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-32216 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-137-000]

Pacific Power & Light Co. an Assumed Business Name of PacificCorp; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that on November 21, 1984, Pacific Power & Light Company (Pacific), an assumed business name of PacifiCorp, tendered for filing Fourth Revised Sheet Nos. 5A and 5B, superseding Third Revised Sheet No. 5 (Index of Purchasers) of Pacific's FERC Electric Tariff, Original Volume No. 3 (Tariff), and Service agreements between Pacific and the following parties:

Arizona Public Service Company
Deseret Generation & Transmission Co-operative
City of Glendale Public Service Department
Idaho Power Company
Montana Power Company
Platte River Power Authority
Portland General Electric
Public Service Company of Colorado
Public Service Company of New Mexico
Puget Sound Power & Light Company
Salt River Project Agricultural Improvement and Power District
San Diego Gas & Electric Company
Sierra Pacific Power Company
The Washington Water Power Company
Tri-State Generation and Transmission Association, Inc.
Tucson Electric Power Company
City of Pasadena, Pasadena Water & Power Department
Northern California Power Agency

Pacific states that the Service Agreements provide for the sale of nonfirm power and energy, in accordance with the rates specified in Service Schedule PPL-3 under Pacific's Tariff.

Pacific requests waiver of the Commission's prior notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 19, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32197 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-147-000]

Pacific Power & Light Co. an Assumed Business Name of PacificCorp; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific), an assumed business name of PacifiCorp, on November 23, 1984 tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, Supplement and Amendment No. 4 (Amendment) to the February 25, 1976 Transmission Agreement between Pacific and Tri-State Generation and Transmission, Inc. (Tri-State).

The Amendment provides for the installation of Tri-State's 230–115 kV transformer in Pacific's Thermopolis substation.

Pacific requests that the Rate Schedule become effective sixty (60) days after date of filing.

Copies of the filing were supplied to the Public Service Commission, the State of Wyoming, and Tri-State Generation and Transmission Association, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before December 21, 1984. Protests will be considered, by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32214 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-92-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

December 6, 1984.

Take notice that on November 7, 1984 Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas, 77001, filed in Docket No. CP85-92-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of a qualified end-user under its certificate issued in Docket No. CP83-83-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Applicant requests authority to transport gas on behalf of Teepak, Inc. (Shipper), pursuant to a transportation agreement dated September 21, 1984, among Applicant, Shipper and Illinois Power Company (Illinois Power) (Agreement). The Agreement provides for Applicant to receive a transportation quantity of up to 3,800 Mcf of gas per day on an interruptible basis at an existing point of interconnection between Applicant and Consolidated Fuel Supply, Inc., in Dewey and Ellis Counties, Oklahoma. Applicant states it would then transport and redeliver such gas, less a four percent reduction for fuel, to Illinois Power at an existing point in Vermilion County, Illinois, which in turn would make ultimate delivery to Shipper for its end-use at its Danville, Illinois, plant. It is explained that Illinois Power is an existing jurisdictional customer of Applicant and Shipper is an existing end/use customer of Illinois Power.

Applicant states that it would be compensated in accordance with its Rate Schedule OST, currently 42.0 cents plus a $1.24 GRI surcharge for each MMBtu redelivered at the point of redelivery.

Applicant states that the term of the authorization sought herein would be from the date automatic authorization expires (February 2, 1985) until the earlier of (1) eighteen months from the effective date of the Agreement (2) termination of the authorization as provided by Subpart F of Part 157 of the Regulations or (3) termination of the Agreement by either party.

Applicant also seeks flexible authority to add or delete sources of supply or receipt/delivery points, if such altered service is on behalf of the same end-user, at the same end-user location, within the maximum daily and annual volumes authorized in this docket, and under the same terms and conditions authorized for the basic service. Applicant advises that, within 30 days of the addition or deletion of any gas suppliers and/or receipt/delivery points, it would file the following information:

(1) A copy of the gas purchase contract between the seller and the end-user;

(2) A statement as to whether the supply is attributable to gas under contract to and are released by a pipeline or distributor and if so, identification of the parties, and specification of the current contract price;

(3) A statement of the Natural Gas Policy Act of 1978 (NGPA) pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) A statement that the gas is not committed or dedicated within the meaning of NGPA Section 2(18);

(5) The location of the receipt/delivery points being added or deleted and the appropriate transportation charge resulting from the addition or deletion of receipt or delivery points (for deletions, the name of the producer/supplier would be provided);

(6) Where intermediary participates in the transaction between the seller and the end-user, the information required by Section 157.209(c)(1)(ix) of the Regulations;

(7) Identity of any other pipeline involved in the transport.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32198 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-151-000]

Public Service Company of New Mexico; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico (PNM), on November 28, 1984, tendered for filing as an initial rate schedule, an Interconnection Agreement, including Service Schedules A, B, C, D, E, F, G, and H thereto, between PNM and the Incorporated County of Los Alamos, New Mexico (County).

The Interconnection Agreement provides for the interconnection of the electrical systems of the parties and in service schedules thereto specifically provides for the exchange of emergency and economy energy, the sharing of County's generation hazard, the transmission of County's power and energy associated with County's ownership interest in San Juan Generating Station Unit 4, and area control for the benefit of County. PNM requests an effective date of January 1, 1985, and therefore requests waiver of the Commisison's notice requirements.

PNM is an electric utility incorporated in the State of New Mexico, with its principal office in Albuquerque, New Mexico. The County is a body politic and corporate, existing as a political subdivision under the constitution and laws of the State of New Mexico.

Copies of the filing were served upon the County and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before December 21, 1984. Protests will be considered, by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32199 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-152-000]

Public Service Company of New Mexico; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico ("PNM") on November 28, 1984, tendered for filing as a rate schedule change, a Contract for electric Service ("Contract") between PMN and the United States of America acting through the United States Department of Energy ("DOE").

Under the Contract, PNM will provide certain transmission services to DOE for DOE's Colorado River Storage Project capacity and associated energy, and will make available to DOE energy for the return of peaking energy utilized by DOE; and DOE will provide transmission service to PNM's Buckman substation. The Contract, upon its effective date of January 1, 1985, will supersede prior contracts between DOE and PNM, designated as PNM Rate Schedules FPC Nos. 23 and 34. However, the rates for services provided for in the Contract are not changed from those provided for similar services in the superseded rate schedules. PNM requests an effective date of January 1, 1985 and therefore requests waiver of the Commission's notice requirements.

PNM is an electric utility incorporated in the State of New Mexico, with its principal office in Albuquerque, New Mexico.

Copies of the filing have been served upon DOE and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32200 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-143-000]

Public Service Company of New Mexico; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico ("PNM") on November 23, 1984, tendered for filing as a rate schedule change, Service Schedule J to the Master Interconnection Agreement between Plains Electric Generation and Transmission Cooperative, Inc. ("Plains") and PNM (designated as PNM Rate Schedule FPC No. 31).

Service Schedule J provides for the exchange of generation entitlement between PNM and Plains for hazard sharing purposes only. PNM dedicates to Plains 80 MW of capacity and associated energy from PNM's San Juan Generating Station ("San Juan") Unit 4 and 25 MW of capacity from San Juan Unit 3. Plains dedicates to PNM 105 MW of capacity and associated energy from the Plains Escalante Generating Station Unit 1. This hazard sharing arrangement, as established in Service Schedule J, is to become effective on January 1, 1985. PNM therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Plains and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 21, 1984. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32201 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-148-000]

San Diego Gas & Electric Co.; Filing

December 6, 1984.

The filing Company submits the following:

Take notice that on November 26, 1984, San Diego Gas & Electric Company ("SDG&E") tendered for filing a notice of cancellation of the Interchange and Boundary Agreement (the "Agreement") between SDG&E and Imperial Irrigation District ("IID") (SDG&E FPC #29).

SDG&E states that emergency service presently provided to IID under the Ageement is being terminated at the parties' mutual request and that such service, as well as other interconnection and exchange services, will be provided under another agreement and has been filed with the Commission on October 31, 1984.

SDG&E requests an effective date of January 1, 1985.

Copies of this filing were served upon the Public Utilities Commission of the State of California and IID.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before December 21, 1984. Protests will be considered, by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32215 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-13-M

[Docket Nos. TA85-1-6-000 and TA85-1-6-001]

Sea Robin Pipeline Co.; Filing of Revised Tariff Sheets

December 6, 1984.

Take notice that on November 30, 1984, Sea Robin Pipeline Company (Sea Robin) tendered for filing Thirty-Eight Revised Sheet No. 4, Eighteenth Revised Sheet No. 4–A and Fifth Revised Sheet No. 4–B to its FERC Gas Tariff, Original Volume No. 1. These tariff sheets and supporting information are being filed pursuant to the Purchased Gas Cost Adjustment provision set out in Section 1 and 3 of Sea Robin's Tariff.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32202 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-1-9-000 and TA85-1-9-001]

Tennessee Gas Pipeline Co.; Rate Change Under Tariff Rate Adjustment Provisions

December 6, 1984.

Take notice that on November 30, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective January 1, 1985:

Original Volume No.1
Eighth Revised Sheet Nos. 23 through 30
Thirteenth Revised Sheet No. 21

Tennessee states that the purpose of the revised tariff sheets is to adjust Tennessee's rates pursuant to Articles XXIII and XXIX of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment and Estimated Incremental Pricing Surcharges.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions. Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before December 12, 1984. Protests will be considered y the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32203 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP84-146-000 and RP84-146-001]

Transcontinental Gas Pipe Line Corp.; Waiver of Tariff Provision

December 4, 1984.

Take notice that on September 27, 1984, as amended November 26, 1984, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing a request with the Federal Energy Regulatory Commission (Commission) for a waiver of the requirements under Section 26 of the General Terms and Conditions of its FERC Gas Tariff which requires Transco to track, through Transco's Rate Schedule S–2, cost decreases by Texas Eastern Transmission Corporation (Texas Eastern) under Texas Eastern's Rate Schedule X–28. Transco states that refund of any decreases would be made at such time as Transco tracks changes in Texas Eastern's rates as a result of major rate case filings or other similar events.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 11, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-32210 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-1-11-000 and TA85-1-11-001]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

December 6, 1984.

Take notice that on November 30, 1984, United Gas Pipe Line Company (United) tendered for filing Sixty-Seventh Revised Sheet No. 4, Tenth Revised Sheet Nos. 4-A and 4-B, and Fifteenth Revised Sheet No. 4C to its FERC Gas Tariff, First Revised Volume No. 1. Tariff Sheets 4, 4-A and 4-B and supporting information are being filed pursuant to Sections 19, 21, 23 and 24 of United's Tariff. Tariff Sheet No. 4-C is submitted pursuant to the letter order issued by the Office of Pipeline and Producer Regulations dated January 27, 1982 in Docket No. CP81-387-00. In addition, United tendered for filing, Alternate Sixty-Seventh Revised Sheet No. 4 to be effective if Northern Border Pipeline Company's application filed November 16, 1984 in Docket No. RP85-25, to change its depreciation method, is approved prior to January 1, 1985. United stated that the only difference between Sixty-Seventh Revised Sheet No. 4 and the Alternate is the computation of the Alaskan Natural Gas Transmission System Current Adjustment with the Alternate Sheet reflecting the effect of approval of Northern Border's Filing. The proposed effective date of each Tariff Sheet is January 1, 1985.

United reports that it mailed copies of the proposed tariff sheets and supporting data to its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules and Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available to public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32204 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-99-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

December 6, 1984.

Take notice that on November 9, 1984, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77001, filed in Docket No. CP85-99-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 C.F.R. 157.205) for authorization to construct a new sales delivery point to Reserve Public Utilities Corporation (Reserve), an existing customer, under the certificate issued in Docket No. CP82-430-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that the proposed sales tap would be located in St. John Parish, Louisiana. United states that it would supply up to 400 Mcf of natural gas per day to Reserve for resale to St. John Parish School Board and that such sale would not increase Reserve's aggregate base requirements or contractual maximum daily quantity under United's curtailment plan. United asserts that it would be reimbursed by Reserve for all costs resulting from the installation of the proposed tap.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32216 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL85-11-000]

City of Vernon and the Cities of Anaheim, Riverside, Banning, Colton, and Azusa, Complainants, v. Southern California Edison, Respondent; Complaint Against Fuel Clause Overcharges

December 6, 1984.

Take notice that on November 14, 1984 the City of Vernon, California and the Cities of Anaheim, Riverside, Banning, Colton, and Azusa, California (collectively "complainants") submitted for filing a complaint against fuel clause overcharges pursuant to Sections 205(f)(3) and 206 of the Federal Power Act.

The Complainants request that Edison be required to refund to its resale customers $3,976,785 fuel clause overcollection for the period through May 31, 1982; and that Edison be directed to supply full information regarding fuel supplier refunds received by Edison and not passed on to resale customers.

Further, the Complainants request that interest be computed on all refunds from the date of receipt of the applicable sums from the fuel suppliers until the date of payment of refunds by Edison to resale customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 4, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32218 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-39-000]

Wyoming Interstate Company, Ltd.; Proposed Changes in FERC Gas Tariff

December 6, 1984.

Take notice that Wyoming Interstate Company, Ltd. (WIC), on November 30, 1984, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed base rates would increase revenues from transportation by approximately $3.4 million above the rates currently in effect. The proposed increase is based on the 12-month period ended August 31, 1984, adjusted for known and measurable changes in which will become effective within the nine months subsequent to that date, as provided for in the Commission's Regulations.

WIC states that the rates filed herewith are designed to enable WIC to recover its jurisdictional cost of service.

Copies of WIC's filing have been served on WIC's jurisdictional transportation customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32207 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF85-58-000]

Acurex Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 6, 1984.

On October 29, 1984, Acurex Corporation, 555 Clyde Avenue, P.O. Box 7555, Mountain View, California 94039 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The cogeneration facility will be located at a refinery in Santa Barbara County, California. The prime mover will be a 3.8 MW natural gas-fueled combustion turbine/generator set. Exhaust from the turbine will heat crude oil by passing through a crude oil heat exchanger and then through a waste heat boiler where 155 PSIG saturated steam will be produced. The steam will be used in the refinery for tank and line heating, steam stripping and powering pumps. Installation of the facility will begin in May 1985.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32227 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-142-002]

The Dow Chemical Co., Louisiana Division; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 6, 1984.

On November 6, 1984, The Dow Chemical Company, Louisiana Division, P.O. Box 150, Plaquemine, Louisiana 70765-0150 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility to be certified consists of two 100 MW combustion turbine and heat recovery boiler generation units which supply both electricity and steam to adjacent chemical process plants. The primary energy to the facility is natural gas. Installation of the units took place in 1982 and 1983.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32225 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF85-60-000]

E. I. du Pont de Nemours and Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 6, 1984.

On October 29, 1984, E. I. du Pont de Nemours and Company (Applicant), 1007 Market Street, Wilmington, Delaware 19898, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

Natural gas will be the primary energy source of Applicant's proposed topping cycle cogeneration facility. The facility, which will have a power production capacity of approximately 82 megawatts, will be located at the Applicant's Victoria Texas Plant. Steam from the turbine generator will be used in process heating in the petrochemical plant. Installation of the facility will begin in September 1985.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32226 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF85-93-000]

Simpson Paper Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 6, 1984.

On November 16, 1984, Simpson Paper Company, P.O. Box 2648, Pomona, California 91769, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located on the premises of Simpson Paper Company's Pomona Paper Mill Processing Plant, 100 North Erie Street, City of Pomona, County of Los Angeles, California. The energy source for the facility will be natural gas with #2 fuel oil backup. The gas-fired combustion turbine/generator cogeneration facility has a rated electric power output of 33.37 megawatts. Turbine exhaust is recovered in a waste heat boiler where steam is produced for use in the existing paper mill. Installation of the facility began in 1984. Electric power will be sold to Southern California Edison Company.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-32224 Filed 12-10-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51543; FRL-2708-5]

Premanufacture Notices; Certain Chemicals

Correction

In FR Doc. 84-28909 beginning on page 44139 in the issue of Friday, November 2, 1984, make the following correction: On page 44140, in the middle column, the last line, "mg/kg;" should read "8,000 mg/kg;".

BILLING CODE 1505-01-M

[OPP-240051; FRL-2706-8]

State Registration of Pesticides

Correction

In FR Doc. 84-28669 beginning on page 43766 in the issue of Wednesday, October 31, 1984, make the following correction: On page 43771, in the first column, under **"Oklahoma"**, in the second paragraph, first line, *"OK 84-0003"* should read *"OK 84-0004"*.

BILLING CODE 1505-01-M

[RD-FRL-2731-7]

Health Assessment Document on the Biological Effects of Radiofrequency Radiation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency has completed a health assessment document on radiofrequency radiation as part of its analyses to develop Federal radiation protection guides for radiofrequency radiation under authority of 42 U.S.C. 2021(h), transferred to the EPA by Reorganization Plan No. of 1970.

This notice announces the availability to the public of *Biological Effects of Radiofrequency Radiation* (EPA-600/8-83-026F) which will be used by the Agency to determine the health effects that may result from exposure to radiofrequency radiation.

The document is available from EPA at the following address: ORD Publications—CERI-FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268. Telephone: (513) 684-7562.

Requestors should send their names and addresses to the above address to receive the document. Requestors should be sure to cite the EPA number assigned to the report, EPA-600/8-83-026F.

The document will also be available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161. If ordering from the NTIS, the price per copy will be $22.00, and requestors should cite the NTIS accession number, PB-85-120-848.

FOR FURTHER INFORMATION CONTACT: Dr. Joe A. Elder, Health Effects Research Laboratory, MD-74, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. Telephone: (919) 541-2541.

Dated: November 20, 1984.

Bernard D. Goldstein,

Assistant Administrator for Research and Development.

[FR Doc. 84-32262 Filed 12-10-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

December 4, 1984.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submissions are available from Doris Peacock, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on these information collections should contact Marty Wagner, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395-4814.

OMB Number: 3060-0289
Title: Section 76.601, Performance Tests
Action: Extension
Respondents: Businesses (including small businesses)
Estimated Annual Burden: 3,200 Recordkeepers; 51,200 Hours

OMB Number: 3060-0271
Title: Section 76.311, Equal Employment Opportunity

Action: Extension
Respondents: Businesses (including small businesses)
Estimated Annual Burden: 3,200 Respondents/Recordkeepers; 332,800 Hours

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-32220 Filed 12-10-84; 8:45 am]
BILLING CODE 6712-01-M

[MM Docket Nos. 84-1057; et al.; File Nos. BR-953, et al.]

RKO General, Inc., et al.; Memorandum Opinion and Order

In re Applications of:

RKO General, Inc. (WRKO), Boston, MA.	MM Docket No. 84-1057, file No. BR-953.
For Renewal of License:	
The Commonwealth Broadcast Group, Boston, MA.	MM Docket No. 84-1058, file No. BP-830510AC
South Jersey Radio, Inc., Malden, MA.	MM Docket No. 84-1059 file No. BP-830511AI.
Danna May-Lynn Duran, Boston, MA.	MM Docket No. 84-1060, file No. BP-830511AM.
Boston Radio Corporation, Boston, MA.	MM Docket No. 84-1061, file No. BP-830512AA
Stephen E. Powell, Boston, MA.	MM Docket No. 84-1062 file No. BP-830512BA
Boston Radio Group, Inc., Boston, MA.	MM Docket No. 84-1063, file No. BP-830512AX.
Radio Broadcasters Limited Partnership, Boston, MA.	MM Docket No. 84-1064, file No. BP-830512BI.
Cozzin Communications Corporation, Wellesley, MA.	MM Docket No. 84-1065, file No. BP-830512BM.
Fenway Broadcast Associates Limited, Partnership, Boston, MA.	MM Docket No. 84-1066, file No. BP-830512BN.
Rita F. Hurwitz, Boston, MA.	MM Docket No. 84-1067, file No. BP-830512BY.
Donnie Simpson Enterprises, Inc., Boston, MA.	MM Docket No. 84-1068, file No. BP-830512BZ.
First City Communications, Inc., Boston, MA.	MM Docket No.84-1069, file No. BP-830512CA.
RKO General, Inc. (WOR-FM), Boston, MA.	MM Docket No. 84-1070, file No. BRH-617.
The Commonwealth Broadcast Group, Boston, MA.	MM Docket No. 84-1071 file No. BPH-830510AK
South Jersey Radio, Inc., Boston, MA.	MM Docket No. 84-1072, file No. BPH-830511AJ.
Rita F. Hurwitz, Boston, MA.	MM Docket No. 84-1073, file No. BPH-830512AF.
Boston Dynamic Radio Limited, Partnership, Boston, MA.	MM Docket No. 84-1074, file No. BPH-830512AY.
First City Communications, Inc., Boston, MA.	MM Docket No. 84-1075, file No. BPH-830512BF.
Fort Hill Radio Associates, Boston, MA.	MM Docket No. 84-1076, file No. BPH-830512BG.
Boston Radio Corporation, Boston, MA.	MM Docket No. 84-1077, file No. BPH-830512CC.
Radio Broadcasters Limited Partnership, Boston, MA.	MM Docket No. 84-1078, file No. BPH-830512CN.
Stephen E. Powell, Boston, MA.	MM Docket No. 84-1079, file No. BPH-830512CS.
Professional Communications Partners, Boston, MA.	MM Docket No. 84-1080, file No. BPH-830512CW.
Nash Communications Corporation, Boston, MA.	MM Docket No. 84-1081, file No. BPH-830512DB.
Donnie Simpson Enterprises, Inc., Boston, MA.	MM Docket No. 84-1082, file No. BPH-830512DE.
Cozzin Communications Corporation, Boston, MA.	MM Docket No. 84-1083, file No. BPH-830512DF.
Boston Radio Group, Inc., Boston, MA.	MM Docket No. 84-1084, file No. BPH-830512DG.

For Construction Permit.

Memorandum Opinion and Order

Adopted: November 8, 1984.
Released: December 4, 1984.
By the Commission.

1. The Commission has under consideration the license renewal applications of RKO General, Inc. (RKO), for Stations WRKO and WROR(FM), Boston, Massachusetts[1] and the above-captioned mutually exclusive applications to operate on the same channels with identical facilities. In addition, we have before us motions for leave to amend and accompanying amendments filed by RKO [2] and South Jersey Radio, Inc. (South Jersey) [3], a petition to dismiss the Nash Communications Corporation application filed by RKO, and related pleadings. In view of the matters already being considered in the KHJ-TV case, note 1 *supra*, and in view of the fact that those matters may have a bearing upon the ultimate resolution of this case, we believe that it would be premature to commence any consideration of either RKO's qualifications or the comparative elements of the applicants' proposals, pending the outcome of the KHJ-TV case. Accordingly, in the interest of managing and ordering our docket of adjudicatory proceedings so as to permit the most efficient and effective utilization of Commission resources, we direct the parties to deal first with any petitions to enlarge issues and/or basic qualifying issues that involve the mutually exclusive applicants (i.e., applicants other than RKO) who seek construction permits to operate on the channel(s) now held by RKO. Upon completion of all appropriate proceedings, including such evidentiary hearings as may be warranted, relating to these questions concerning the mutually exclusive applications for construction permits, the presiding Administrative Law Judge should so inform the Commission and await guidance from the Commission before setting the date for filing any proposed findings and conclusions or going forward with any further proceedings. In other cases involving multiple license owners, we have assigned all of the proceedings to a single Administrative Law Judge for the purpose of considering the impact of common qualifications questions on each of the owner's stations, *e. g., Intercontinental Radio, Inc.*, 88 FCC 2d 819 (1981). Here, we have already made provision for consideration of the questions concerning RKO's overall qualifications by a single ALJ in the Los Angeles, California, KHJ-TV, proceeding. Thus, the procedures used in cases such as *Intercontinental, supra*, are unnecessary for the instant proceeding. Indeed, the *Intercontinental* approach, if applied here, involving substantial numbers of comparative hearings and competing applicants presided over by a single Judge, will inevitably delay resolution of these matters. Instead, we believe that the interests of administrative efficiency will be better served by providing for assignment of a presiding Administrative Law Judge for this proceeding by the Chief Administrative Law Judge in accordance with his regular and ordinary rotational procedures.

2. *The Commonwealth Broadcast Group application.* In the event of a grant here, the applicant's five general partners have agreed to divest all current interests in and connections with any other broadcast stations prior

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[1] We have designated the license renewal application of RKO's Station KHJ-TV, Los Angeles, California, as the forum for inquiring into the impact of RKO's disqualification as the licensee of WNAC-TV, Boston, Massachusetts on its overall basic and comparative qualifications to remain a licensee elsewhere. See our Memorandum Opinion and Order adopted this same date, *RKO General, Inc. (WHBQ-TV)*, —— FCC 2d —— (1984), for a full discussion of this matter.

[2] Since the "B" cut-off date (March 29, 1984), RKO has filed several petitions for leave to amend and accompanying amendments to its renewal application. The purpose of these amendments is to update information previously submitted to the Commission. We reviewed the motions and amendments and find that in each case good cause exists for accepting the amendments for 1.65 purposes only.

[3] For the reasons set forth in *RKO General, Inc. (WHBQ-TV, supra*, concerning a similar pleading filed by South Jersey, we will grant the motion and accept the amendment.

to commencement of operation. An appropriate condition will be specified.

3. *The South Jersey application.* South Jersey proposes to serve with its AM station the community of Malden, Massachusetts, using the facilities employed by RKO to serve Boston. While the applicant has established compliance with all coverage requirements for its specified community, it has not proposed a main studio location consistent with the requirements of Section 73.1125 of our Rules. An appropriate amendment is called for under these circumstances.

4. *The Danna May-Lynn Duran (Duran) application.* The Duran application was submitted on our prior Form 301, with a certification of financial qualification substituted for the detailed showing required by the Form. This certification, however, does not conform precisely to the wording contained in our present Form 301. This difference in certifications must be corrected by appropriate amendment.

5. Applicants for new broadcast stations are required to give local notice of the filing of their applications in accordance with Section 73.3580 of the Commission's Rules. They must then file proof of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Duran has done either. If it has not already done so, the applicant will be required to give local public notice and to file a statement that it has complied with the local public notice requirement with the presiding Administrative Law Judge within 20 days.

6. *The Stephen E. Powell and Donnie Simpson Enterprises, Inc. applications.* The Powell and Simpson applications were not complete when filed in that applications for other facilities now operated by RKO were not listed. Given the public nature of this information, no motive to conceal or misrepresent is apparent. Hence, we will specifiy no issues in this regard. Both should amend their applications here to reflect all pending proposals, however.

7. *The Boston Radio Group, Inc. application.* Boston Radio Group indicates that its principal George L. Miles will "shortly resign" from his position as station manager of WBZ-TV, Boston, to accept a position elsewhere. This resignation should be confirmed by appropriate amendment.[4]

8. *The COZZIN Communications Corporation (COZZIN) application.* Like South Jersey Radio, COZZIN proposes to serve a community other than Boston with RKO's AM facility. The applicant, however, has not established compliance with either our coverage [Sections 73.24(j) and 73.182(f)] or main studio location (section 73.1125) requirements for its specified community of license. An appropriate amendment is necessary.

9. *The Rita F. Hurwitz and Boston Dynamic Radio Limited Partnership applications.* While the applicants have answered all questions contained in the model equal employment opportunity program attached to the applications, they have not provided the illustrative examples called for by that form. Appropriate amendments are necessary under the circumstances.

10. *The Fort Hill Radio Associates (Fort Hill) and Professional Communications Partners (Professional) applications.* Professional and Fort Hill have both specified the existing facilities of WROR–FM. Both have specified the same antenna height above average terrain of 363 meters, which is consistent with that presently on file for WROR–FM. However, the radiation centers above ground level (AGI) and above mean sea level (AMSL) proposed by both applicants are lower than the same data presently on file with the Commission for WROR-FM. The respective radiation centers AGL and AMSL for Professional are 3.1 meters and 3.8 meters below the existing antenna, and the respective radiation centers AGL and AMSL for Fort Hill are 13.5 meters and 14.4 meters below the existing antenna. To remedy these inconsistencies Professional and Fort Hill will be required to provide the presiding Administrative Law Judge with amendments within 20 days correcting the inconsistent data.

11. Professional has not established its financial qualifications, in that only one of the two necessary certifications has been made. An appropriate issue will therefore be specified.[5]

12. *The Nash Communications Corporation application.* This applicant has not as yet established its financial qualifications to construct and operate as proposed. Hence, an issue will be specified.

13. RKO General, Inc. has filed a petition to dismiss, alleging that the Nash proposal lacks all technical information called for by the application form. In fact, however, while this claim may have been true of the copy examined by RKO in the Commission's public reference room, it is not true of the original proposal submitted to the staff for study. The latter is all respects a complete proposal, making acceptance for filing the proper course of action. RKO's petition will therefore be denied.

14. Except as indicated by the issues specified below, all applicants are qualified to construct and operate as propossed. However since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although some of the applications are for different communities, all would serve the same area. Therefore, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will be specified.

15. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Professional Communications Partners is financially qualified to construct and operate as proposed.

2. To determine whether Nash Communications Corporation is financially qualified to construct and operate as proposed.

3. To determine with respect to the AM applicants: (a) the areas and populations which would receive primary aural service from the proposals and the availability of other primary service to such areas and populations , and (b) in light thereof and pursuant to Section 307(b) of the Communications Act 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine with respect to the AM applicants, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine with respect to the FM applicants which of the proposals

[4] In the event that Mr. Miles does not leave Station WBZ–TV, the presiding Administrative Law Judge may wish to evaluate his Boston broadcast interests under our multiple ownership rule (Section 73.3555).

[5] In the event that the applicant has misunderstood Section III f the application form to provide alternative rather than complimentary certifications, it may properly resolve the issue by submitting an amended Section III with both certifications marked "yes".

would, on comparative basis, best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

16. It is further ordered, that the petitions for leave to amend filed by RKO General, Inc. are granted for the purposes of Section 1.65 of the Commission's Rules.

17. It is further ordered, that the motion for leave to amend filed by South Jersey Radio, Inc. is granted and the accompanying amendment IS ACCEPTED *nunc pro tunc.*

18. It is further ordered, that in the event of a grant of application of the Commonwealth Broadcast Group, the construction permit shall be conditioned as follows:

Prior to the commencement of operation of the station authorized herein, permittee shall certify to the Commission that the following have divested all interests in and connections with any other broadcast station: Marc L. Berman, Scott J. Bacherman, Beth Marie Robinson, Kathleen F. Lynch, Mary Jane Gregory.

19. It is further ordered, that South Jersey Radio, Inc. shall establish compliance with § 73.1125 of the Commission's Rules with the presiding Administrative Law Judge within 20 days after this Order is released.

20. It is further ordered, that Danna May-Lynn Duran shall submit a complete certification of financial qualifications to the presiding Administrative Law Judge within 20 days after this Order is released.

21. It is further ordered, that Danna May-Lynn Duran shall comply with the local notice provision of § 73.3580 of the Commission's Rules and shall advise the presiding Administrative Law Judge of compliance within 20 days after this Order is released.

22. It is further ordered, that Stephen E. Powell and Donnie Simpson Enterprises, Inc. shall file the amendments specified herein with the presiding Administrative Law Judge within 20 days after this Order is released.

23. It is further ordered, that Boston Radio Group, Inc. shall clarify the broadcast interests of its principal George L. Miles to the presiding Administrative Law Judge within 20 days after this Order is released.

24. It is further ordered, that COZZIN Communications Corporation shall establish compliance with §§ 73.24(j), 73.182(f) and 73.1125 of the Commission's Rules with the presiding Administrative Law Judge within 20 days after this Order is released.

25. It is further ordered, that Rita F. Hurwitz and Boston Dynamic Radio Limited Partnership shall file the amendments specified herein with the presiding Administrative Law Judge within 20 days after this Order is released.

26. It is further ordered, that Fort Hill Radio Associates and Professional Communications Partners shall file amendments with the presiding Administrative Law Judge within 20 days after this Order is released bringing their proposed radiation centers above ground level and above mean sea level in conformity with that on file for the facilities of WROR–FM.

27. It is further ordered, that the petition to dismiss filed by RKO General, Inc., is denied.

28. It is further ordered, that in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M St., NW., Washington, D.C. 20554.

29. It is further ordered, that the Initial Decision in this proceeding shall consider the findings in Docket No. 16679 (KHJ–TV) as to RKO's basic or comparative qualifications.

30. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

31. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 74.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

32. Finally, copies of this Memorandum Opinion and Order shall be sent Certified Mail-Return Receipt Requested to the parties to this proceeding by the Secretary of the Commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84–32221 Filed 12–10–84; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

First State Bancorp of Monticello; 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 the 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 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 the 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 January 2, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago Illinois 60690:

1. *First State Bancorp of Monticello,* Monticello, Illinois; to acquire Eskridge Agency, Inc., Hammond, Illinois, thereby acting as general insurance agent in a community that has population not exceeding 5,000. These activities would be conducted in Hammond and surrounding areas.

Board of Governors of the Federal Reserve System, December 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-32188 Filed 12-10-84; 8:45 am]

BILLING CODE 6210-01-M

Jeff Davis Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 2, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Jeff Davis Bancshares, Inc.*, Hazlehurst, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Jeff Davis Bank, Hazlehurst, Georgia.

2. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 80 percent of the voting shares of The First National Bancorporation of the South, Opp, Alabama.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Valley Bancorporation*, Appleton, Wisconsin; to acquire 100 percent of the voting shares of Bancwis Corporation, Janesville, Wisconsin, thereby indirectly acquiring Bank of Wisconsin, Janesville, Wisconsin, and Merchants Bank of Evansville, Evansville, Wisconsin.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Bank Corp.*, Fort Smith, Arkansas; to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Fort Smith, Fort Smith, Arkansas.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Sooner Southwest Bancshares, Inc.*, Bristow, Oklahoma; to become a bank holding company by acquiring 81 percent of the voting shares of Anadarko Bancshares, Inc., Anadarko, Oklahoma, and 92 percent of the voting shares of Community Bancorporation, Inc., Bristow, Oklahoma, thereby indirectly acquiring Anadarko Bank and Trust Co., Anadarko, Oklahoma, and Community Bank, Bristow, Oklahoma, respectively.

Board of Governors of the Federal Reserve System, December 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-32187 Filed 12-10-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 84V-0035 et al.]

Availability of Approved Variances for Sunlamp Products

Correction

In FR Doc. 84-23294, beginning on page 34963 in the issue of Tuesday, September 4, 1984, make the following correction:

In the table at the bottom of page 34963, the first entry in the first column, under the heading "Docket No.", should read "84V-0035".

BILLING CODE 1505-01-M

[Docket No. 76N-0172, NADA Nos. 9-073, -393, 11-698, 12-061, and 13-805]

Hess & Clark, et al.; Furazolidone (NF-180); Hearing on a Proposal To Withdraw Approval of Certain New Animal Drug Applications

Correction

In FR Doc. 84-23299, beginning on page 34971 in the issue of Tuesday, September 4, 1984, make the following correction: On page 34971, third column, the authority citation immediately following the paragraph designated "(B)" should read "21 U.S.C. 360b(e)(1)(B)".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; San Luis Rey Band of Mission Indians

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a)(formerly 25 CFR 54.8(a)] notice is hereby given that the San Luis Rey Band of Mission Indians, c/o Ms. Carmen Mojado, Mission Indian Bands Paralegal Constortium, 360 North Midway, Suite 301, Escondido, California 92027, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on October 18, 1984. The petition was forwarded and signed by members of the groups's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Undr § 83.8(d)(formerly § 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20245.

John W. Fritz,

Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 84-32246 Filed 12-10-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau of Land Management's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the Bureau clearance officer and the Office of Management and Budget, Interior Department Desk Officer, Washington, D.C. 20503, telephone number (202) 395–7340.

Title: Calculation of net book worth, 43 CFR 5475.

Abstract: Individuals or firms submitting Federal timber sale contracts for buy-out under the Federal Timber Payment Modification Act (Pub. L. 98–478) must submit evidence of their net book worth to enable the Bureau of Land Management to determine their eligibility under the Act. The information will be used to determine whether applicants have calculated their entitlement correctly.

Frequency: Once.

Description of Respondents: Holders of Federal timber sale contracts which qualify for buy-out under Pub. L. 98–478.

Annual Responses: 100.

Annual Burden Hours: 914.

Bureau Clearance Officer: Jesse Felix at (202) 653–8853.

Dated: November 26, 1984.

Arnold E. Petty,

Acting Associate Director.

[FR Doc. 84-32244 Filed 12-10-84; 8:45 am]

BILLING CODE 4310-84-M

[M60157]

Montana; Realty Action—Exchange

AGENCY: Bureau of Land Management, Butte District Office.

ACTION: Notice of Realty Action M60157, Exchange of Public and Private Lands in Beaverhead and Madison counties.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976; 43 USC 1716:

Parcel and legal description	Acreage
Principal Meridian Montana—Beaverhead County	
1 T.2S., R.9W., Sec. 29, SE¼SW¼; Sec. 32, NE¼NW¼;	80
2 T.5S., R.7W., Sec. 19, SE¼NE¼; Sec. 20, E½NW¼, SW¼NW¼, NW¼SW¼	200
6 T.7S., R.9W., Sec. 10, NE¼SE¼	40
7 T.7S., R.9W., Sec. 11, SE¼SW¼, SE¼; Sec. 13, NW¼SW¼; Sec. 14, Lots 1, 2, and 3	351.4
7 A T.7S., R.9W., Sec. 13, N½SW¼SW¼, SW¼SW¼SW¼; Sec. 14, Lot 5	68.17
8 T.7S., R.9W., Sec. 17, NW¼SW¼; Sec. 18, NE¼SE¼	80
10 T.7S., R.9W., Sec. 21, NE¼NE¼; Sec. 22, N½, NE¼SW¼, NW¼SE¼; Sec. 23, NW¼NW¼	480
11 T.7S., R.10W., Sec. 11, NW¼NE¼, SE¼NW¼, NW¼SE¼, SE¼SE¼	160
12 T.7S., R.10W., Sec. 13, N½SW¼	80
13A T.8S., R.7W., Sec. 20, SW¼SW¼	40
13B T.8S., R.7W., Sec. 29, W½NW¼	80
14 T.8S., R.7W., Sec. 28, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼	200
15 T.9S., R.8W., Sec. 7, Lot 4, SE¼SW¼; Sec. 18, Lot 4	115.30
17 T.9S., R.9W., Sec. 34, S½N½	160
18 T.9S., R.10W., Sec. 20, NE¼NW¼	40
22 T.9S., R.11W., Sec. 32, NE¼SE¼; Sec. 33, N½SW¼	120
23 T.1N., R.15W., Sec. 28, N½NW¼, SW¼NW¼, NW¼SW¼	160
24 T.1S., R.16W., Sec. 1, Lot 1	41.25
25 T.2S., R.16W., Sec. 3, Lot 3	40.16
26 T.2S., R.16W., Sec. 24, Lot 1	21.67
32 T.6S., R.11W., Sec. 19, Lot 3	38.57
33 T.6S., R.11W., Sec. 30, SE¼SE¼; Sec. 31, NE¼NE¼	80
34 T.6S., R.12W., Sec. 25, SE¼SE¼	40
35 T.6S., R.15W., Sec. 29, S½SW¼	80
36 T.6S., R.16W., Sec. 1, Lot 4, W½SW¼	127.25
37 T.7S., R.12W., Sec. 5, SW¼	160
42 T.8S., R.13W., Sec. 14, SE¼NE¼	40
45 T.10S., R.9W., Sec. 2, NW¼SW¼	40
46 T.10S., R.9W., Sec. 3, Lot 1	41.50
47 T.10S., R.9W., Sec. 3, SE¼SE¼	40
48 T.10S., R.11W., Sec. 2, E½NW¼, NE¼SW¼	120
51 T.10S., R.11W., Sec. 10, W½NW¼	80
52 T.10S., R.12W., Sec. 25, SE¼SE¼	40
54 T.10S., R.14W., Sec. 17, Lots 1 and 2, S½NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼; Sec. 18, E½NE¼, NE¼SE¼	399.5
56 T.10S., R.15W., Sec. 25, SE¼NE¼, NE¼SE¼	80
58 T.11S., R.8W., Sec. 9, NW¼NW¼	40
62 T.11S., R.9W., Sec. 3, SW¼NW¼	40
63 T.11S., R.9W., Sec. 14, S½SE¼	80
64 T.11S., R.10W., Sec. 35, SE¼SW¼, SW¼SE¼; T.12S., R.10W., Sec. 2, NW¼NE¼, NE¼NW¼	160
65 T.12S., R.10W., Sec. 2, SE¼NW¼	40
71 T.11S., R.12W., Sec. 23, E½NE¼; Sec. 24, SW¼NW¼, NW¼SW¼	160
72 T.11S., R.12W., Sec. 26, SW¼NW¼; Sec. 27, SE¼NE¼, NE¼SE¼	120
73 T.11S., R.14W., Sec. 13, SE¼SW¼	40
74 T.11S., R.14W., Sec. 24, NW¼NE¼	40
81 T.14S., R.8W., Sec. 18, Lot 4	37.72
82A T.14S., R.9W., Sec. 13, SE¼NW¼	40
82B T.14S., R.9W., Sec. 13, NE¼SW¼	40
85 T.14S., R.11W., Sec. 7, NE¼SW¼, NW¼SE¼	80
86 T.14S., R.11W., Sec. 30, SE¼NE¼	40
87 T.15S., R.11W., Sec. 22, SE¼SE¼; Sec. 23, NE¼NE¼, E½NW¼, N½SW¼, SW¼SW¼; Sec. 26, NW¼NW¼; Sec. 27, N½N½; Sec. 28, N½NE¼	560
88 T.11S., R.6W., Sec. 33, NW¼NE¼	40
91 T.11S., R.7W., Sec. 33, SE¼NW¼	40
93 T.12S., R.7W., Sec. 5, SE¼NE¼	40
94 T.13S., R.2W., Sec. 12, Lot 10	39.73
98 T.13S., R.4W., Sec. 14, NW¼SW¼	40
99 T.13S., R.4W., Sec. 21, SE¼SW¼	40
103 T.14S., R.2W., Sec. 18, SE¼NE¼	40
104 T.14S., R.3W., Sec. 4, NW¼SW¼	40
109 T.14S., R.3W., Sec. 15, NW¼NW¼	40
110 T.14S., R.3W., Sec. 22, SW¼SE¼	40
116 T.15S., R.6W., Sec. 4, SW¼NW¼, NW¼SW¼	80
124 T.6S., R.10W., Sec. 29, Lot 6	30.86
125 T.12S., R.9W., Sec. 28, NE¼	40
126 T.12S., R.9W., Sec. 34, NE¼NE¼	40
127 T.14S., R.4W., Sec. 10, E½NW¼, SW¼NW¼, W½SW¼	200
128 T.5S., R.14W., Sec. 32, SE¼SW¼	40
129 T.14S., R.6W., Sec. 35, NE¼, S½NW¼	240
130 T.14S., R.8W., Sec. 1, Lots 1 and 2	80.87
131 T.14S., R.8W., Sec. 9, NW¼SE¼	40
Madison County	
204 T.1S., R.2W., Sec. 18, Lot 4	33.95
205 T.1S., R.2W., Sec. 22, S½SW¼	80
206 T.1S., R.3W., Sec. 14, NW¼	160
207 T.2S., R.1E., Sec. 32, SE¼NW¼	40
210 T.3S., R.1W., Sec. 3, Lots 1 and 2	86.06
211 T.3S., R.1W., Sec. 19, Lot 7, E½SE¼; partial N½SW¼NE¼	120
212 T.4S., R.1E., Sec. 6, Lot 2	45.29
213 T.4S., R.1W., Sec. 20, N½NE¼, NE¼NW¼	120
214 T.4S., R.1W., Sec. 26, SW¼NE¼, NE¼NW¼	80
215 T.5S., R.1E., Sec. 34, NE¼NW¼	40
216 T.6S., R.1W., Sec. 12, NE¼SW¼	40
217 T.6S., R.2W., Sec. 10, E½NE¼	80
218 T.6S., R.2W., Sec. 10, S½SW¼	80
219 T.6S., R.3W., Sec. 1, Lots 1, 2, 3, and 4, S½N½, N½SW¼, SE¼; Sec. 2, Lots 1, 3, and 4, S½NE¼, S½NW¼, S½	1168.40
220 T.6S., R.3W., Sec. 14, N½NE¼, NW¼, N½SW¼, W½SW¼SW¼, SE¼SW¼, SE¼; Sec. 24, Lot 1, W½NE¼, SE¼NE¼, E½NW¼	808.5
221 T.6S., R.3W., Sec. 16, S½SW¼SW¼, SE¼SE¼SW¼	30
222 T.7S., R.1E., Sec. 8, NW¼	160
223 T.8S., R.1E., Sec. 8, SW¼SE¼	40
224 T.8S., R.1E., Sec. 22, SW¼NE¼	40
225 T.1S., R.6W., Sec. 32, NW¼	160
229 T.4S., R.4W., Sec. 8, NE¼NE¼	40
230 T.4S., R.4W., Sec. 29, Lot 2	40.07
231 T.4S., R.5W., Sec. 13, NW¼SE¼	40
232 T.4S., R.7W., Sec. 22, W½SW¼, SE¼SW¼	120
233 T.4S., R.7W., Sec. 26, N½NW¼	80
234 T.4S., R.7W., Sec. 28, E½E½	160
235 T.4S., R.7W., Sec. 32, SE¼SW¼, SE¼	200
236 T.5S., R.3W., Sec. 30, S½NE¼	80
237 T.5S., R.4W., Sec. 5, SE¼NW¼	40
238 T.5S., R.4W., Sec. 6, Lot 4	41.87
239 T.6S., R.6W., Sec. 14, SE¼SW¼, N½SE¼, SW¼SE¼	160
240 T.6S., R.6W., Sec. 22, Lot 1	40.64
241 T.7S., R.4W., Sec. 18, Lot 4, SE¼SW¼	75.86
242 T.7S., R.4W., Sec. 18, Lot 1, E½NW¼	115.77
243 T.7S., R.5W., Sec. 26, NW¼NW¼	40
244 T.7S., R.6W., Sec. 34, S½SW¼	80
247 T.5S., R.4W., Sec. 34, S½NW¼	80
248 T.8S., R.6W., Sec. 17, NW¼NE¼, NE¼NW¼	80
249 T.8S., R.7W., Sec. 12, NW¼	160
250 T.9S., R.4W., Sec. 24, SE¼SE¼	40
251 T.9S., R.5W., Sec. 17, E½NE¼	80
252 T.9S., R.5W., Sec. 29, NW¼NE¼	40
253 T.9S., R.6W., Sec. 1, S½SW¼	80
254 T.9S., R.6W., Sec. 12, SW¼NE¼	40
255 T.9S., R.6W., Sec. 12, NE¼SE¼	40
256 T.9S., R.6W., Sec. 12, SW¼SE¼	40
261 T.12S., R.2E., Sec. 35, Lots 6 and 7	6.94
262 T.8S., R.1E., Sec. 26, S½	320
263 T.7S., R.1W., Sec. 18, Lots 3 and 4	73.09
265 T.7S., R.1W., Sec. 18, Lot 1, NE¼NW¼	76.58

In exchange for an equal value of the above-mentioned public lands, the United States will acquire the following private lands from the First Continental Corporation:

Principal Meridian Montana—Beaverhead County

T.14 S., R.4W.,
Sec. 18: Lot 4, SE¼SW¼;
Sec. 19: Lots 3 and 4, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 20: S½SW¼, SW¼SE¼;
Sec. 28: Lots 1 and 2, NW¼, N½SW¼;

Sec. 29: Lots 1, 2, 3, 4, 5, 6, and 7, SW¼NE¼, S½NW¼, N½SW¼, W½SE¼;
Sec. 30: Lot 1, SE¼NE¼, SE¼;
Sec. 31: Lot 1, E½, E½NW¼;
Sec. 32: All;
Sec. 33: Lot 3, SW¼NW¼, W½SW¼.
T.14 S., R. 5 W.,
Sec. 11: E½SE¼;
Sec. 12: E½SW¼, NW¼SW¼, SW¼SE¼;
Sec. 13: NE¼NE¼, W½NE¼, E½NW¼, SW¼NW¼, S½;
Sec. 14: E½NE¼, SE¼;
Sec. 22: E½NE¼, SE¼, excepting therefrom any portion lying northwesterly of the county road;
Sec. 23: W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 24: N½NE¼, SW¼NE¼, N½SE¼NE¼, W½, NW¼SE¼, S½SE¼;
Sec. 25: SW¼NW¼, NW¼SW¼;
Sec. 26: Lots 1 and 2, S½NE¼, NE¼SE¼;
Sec. 27: Lots 1, 6, and 7, SE¼NE¼, E½SW¼, SE¼;
Sec. 34: N½, E½SW¼, SE¼.
T. 15 S., R. 4 W.,
Sec. 4: NW¼NW¼;
Sec. 5: N½, N½S½.
T. 15 S., R. 5 W.,
Sec. 4: S½SE¼;
Sec. 9: Lot 3, NE¼;
Sec. 10: Lot 1, NW¼.

Totaling 7,532.45 acres.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the environmental assessment and land report, is available for review at the Butte District Office, P.O. Box 3388, Butte, Montana 59702.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire additional public lands in the Centennial Valley/Price Creek area. These lands contain sensitive and high wildlife and recreational values, and are included within a key grazing allotment. This exchange will consolidate scattered public lands into an intensively managed retention area.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

No transfer of any public or private minerals will occur in this exchange.

The proponent for this exchange is Rocky Mountain Ranch Realty of Billings, Montana. The proponent may select only sufficient public lands from those listed above to equalize the fair market value of the offered private lands. The Bureau of Land Management shall convey the selected public lands to those parties which are identified by the proponent and are acceptable under current regulations and BLM policy, generally the current grazing lessees and permittees. No public lands shall be conveyed to the First Continental Corporation.

The selected public lands would be conveyed subject to:

1. A reservation to the United States of a right-of-way for ditches or canals with 43 U.S.C. 945.

2. A reservation to the United States of all mineral values together with the right to explore, prospect for, mine, and remove same under applicable laws and regulations.

3. All valid existing rights which have been properly established under Federal laws and regulations, including rights-of-way, easements, leases, and other rights.

4. The requirements of 43 CFR 4110.4–2(b).

The following additional reservations will be added if the parcels indicated are selected for conveyance:

Parcel 7A—The right to itself (United States), its permittees or licensees, the right to enter upon, occupy and use any part of all of that portion lying within 25 feet of the centerline of the transmission line right-of-way of the Montana Power Company, M022831, for the purpose set forth in and subject to the conditions and limitations of Section 24 of the Federal Power Act of June 10, 1920, Stat. 1075, as amended, (16 U.S.C. 818).

Parcels 17, 36, 42, 45, 47, and 242—A reservation to the United States for a permanent exclusive easement for public access to other lands.

Parcel 220—If needed, a covenant reserving certain land uses will be attached to the title to protect the municipal water supply for the town of Virginia City, Montana.

The offered private lands will be acquired subject to the following easements for existing facilities:

1. Beaverhead County for the Centennial Valley county road.

2. To Mountain States Telephone and Telegraph Co. for a buried telephone line.

3. To Vigilante Electric Rural Cooperative for an overhead power transmission line.

This exchange is consistent with Bureau of Land Management policies and land use planning, and has been discussed with state and local officials. There have been no requests for public meetings during these discussions. The public interest will be well served by completion of this exchange.

Dated: November 30, 1984.

Jack A. McIntosh,

District Manager Butte District.

[FR Doc. 84-32240 Filed 12-10-84; 8:45 am]

BILLING CODE 4310-DN-M

Land Exchange, Butte District, Montana; Modification of Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Modification of Notice of Realty Action for M57789, Exchange of Public Lands in Madison County.

SUMMARY: This Notice modifies the original Notice of Realty Action for M57789 published on August 30, 1984 (49 FR 34415) to include Lots 6 and 13 in Section 31, T2S, R2W, PMM, 73.98 acres as suitable for exchange under Section 206 of Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

SUPPLEMENTARY INFORMATION: All minerals on the private lands will be exchanged for minerals on the public lands on a comparable value basis.

Item 2 of the Terms and Conditions is changed to read as follows:

2. All minerals owned by the United States which have been determined to be comparable in value will be exchanged. All minerals upon the subject private lands will be exchanged.

Items 2 of the patent reservation section is changed to read as follows:

2. All minerals, except that portion which is exchanged on a comparable value basis, with the right to explore, prospect for, mine and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe (43 U.S.C. 1719).

Dated: November 30, 1984.

Jack A. McIntosh,

District Manager.

[FR Doc. 84-32241 Filed 12-10-84; 8:45 am]

BILLING CODE 4310-DN-M

Cedar City District; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Wednesday, January 16, 1985. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Allocation of relinquished grazing allotment; (2) FY 85 wild horse gathering; (3) report on use of FY 84 range improvement funds; (4) report on grazing fee study; (5) Cooperative Resource Management Plan for Beaver County; and (6) general board business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801–586–2401, by January 10, 1985. Depending on the number of person wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meetings will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: December 30, 1984.

M.S. Jensen,

District Manager.

[FR Doc. 84–31591 Filed 12–10–84; 8:45 am]

BILLING CODE 4310–DQ–M

National Park Service

Information Collection Submitted for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comment and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Washington, D.C. 20503, telephone 202–395–7340.

Title: State Review Forms for Local Preservation Ordinances and Districts
Abstract: Provide State and Local officials the opportunity to review and comment on applications before certification requests are submitted to the NPS
Bureau Form Number: 10–299A, 10–299B
Frequency: On Occasion
Description of Respondents: State or Local Governments
Annual Responses: 40
Annual Burden Hours: 53
Bureau Clearance Officer: Russell K. Olsen, 523–5133

Dated: November 26, 1984.

Russell K. Olsen,

Information Collection Clearance Officer.

[FR Doc. 84–32245 Filed 12–10–84; 8:45 am]

BILLING CODE 4310–70–M

Glacier Bay National Park and Preserve; Availability of a Completed General Management Plan, and a Finding of No Significant Impact (FONSI)

SUMMARY: A draft environmental assessment/general management plan was released in April 1983 for public review. Public meetings were conducted. Written and verbal comments were reviewed, and are reflected in the completed general management plan as appropriate.

The completed general management plan is intended to guide the management of Glacier Bay National Park and Preserve for the next five to ten years.

ADDRESSES: Public reading copies of the general management plan will be available for review at the following locations:

Parks and Forests Information Center, 2525 Gambell Street, Anchorage, Alaska 99503
Headquarters, Glacier Bay National Park and Preserve, Federal Building, Juneau, Alaska 99802
Field Headquarters, Glacier Bay National Park and Preserve, Bartlett Cove, Gustavus, Alaska 99826
Department of the Interior, Central Library, Washington, D.C. 20240
Alaska Resources Library, Federal Building, 701 C Street, Anchorage, Alaska 99513.

Copies of the general management plan and FONSI are available upon request from: National Park Service, Alaska Regional Office, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503–2892.

Dated: November 30, 1984.

William C. Welch,

Acting Regional Director, Alaska Region.

[FR Doc. 84–32273 Filed 12–10–84; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 1, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by December 26, 1984.

Patrick Andrus,

Acting Chief of Registration, National Register.

ARIZONA

Yavapai County

Prescott, *Gardner, James I., Store (Prescott Territorial Buildings MRA)*, 201 N. Cortez.

CALIFORNIA

Butte County

Chico, *U.S. Post Office (Chico Midtown Station) U.S. Post Office in California 1900–1941 TR)*, 141 W. 5th St.
Oroville, *U.S. Post Office (Oroville Main Post Office) U.S. Post Office in California 1900–1941 TR)*, 1735 Robinson St.

Glenn County

Willows, *U.S. Post Office (Willows Main Post Office) U.S. Post Office in California 1900–1941 TR)*, 315 W. Sycamore St.

Imperial County

El Centro, *U.S. Post Office (El Centro Main Post Office) U.S. Post Office in California 1900–1941 TR)*, 230 S. 5th St.

Los Angeles County

Burbank, *U.S. Post Office (Burbank Downtown Station) (U.S. Post Office in California 1900–1941 TR)*, 125 E. Olive Ave.
Long Beach, *U.S. Post Office (Long Beach Main Post Office) (U.S. Post Office in California 1900–1941 TR)*, 300 Long Beach Blvd.
Los Angeles, *U.S. Post Office (Hollywood Station) (U.S. Post Office in California 1900–1941 TR)*, 1615 N. Wilcox Ave.
Los Angeles, *U.S. Post Office (Los Angeles Terminal Annex) (U.S. Post Office in California 1900–1941 TR)*, 900 Alameda St.
San Pedro, *U.S. Post Office (San Pedro Main Post Office) (U.S. Post Office in California 1900–1941 TR)*, 839 S. Beacon St.

Napa County

Napa, *U.S. Post Office (Napa Franklin Station) (U.S. Post Office in California 1900–1941 TR)*, 1352 2nd St.

Orange County

Santa Ana, *U.S. Post Office (Spurgeon Station) (U.S. Post Office in California 1900–1941 TR)*, 605 Bush St.

San Bernardino County

San Bernardino, *U.S. Post Office (Downtown Station) (U.S. Post Office in California 1900–1941 TR)*, 390 W. 5th St.

San Diego County

San Diego, *U.S. Post Office (Downtown Station) (U.S. Post Office in California 1900–1941 TR)*, 815 E. St.

Santa Barbara County

Santa Barbara, *U.S. Post Office (Santa Barbara Main Post Office) (U.S. Post Office in California 1900–1941 TR)*, 836 Anacapa St.

Santa Cruz County

Santa Cruz, *U.S. Post Office (Santa Cruz Main Post Office) (U.S. Post Office in California 1900–1941 TR)*, 850 Front St.

Sonoma County

Petaluma, U.S. Post Office *(U.S. Post Office in California 1900–1941 TR)*, 120 4th St.

Tulare County

Porterville, *U.S. Post Office (Porterville Main Post Office) (U.S. Post Office in California 1900–1941 TR)*, 65 W. Mill Ave.
Visalia, *U.S. Post Office (Visalia Town Center Station) (U.S. Post Office in California 1900–1941 TR)*, 11 W. Acequia St.

Yuba County

Marysville, *U.S. Post Office (Marysville Main Post Office) (U.S. Post Office in California 1900–1941 TR)*, 407 C St.

San Bernardino County

Redlands, *U.S. Post Office (Redlands Main Post Office) (U.S. Post Office in California 1900–1941 TR)*, 201 Brookside Ave.

IDAHO

Bannock County

Pocatello, *Quinn Apartments*, 580 W. Clark St.

Twin Falls County

Buhl, *Buhl IOOF Building*, 1014–16 Main St.

INDIANA

Allen County

Fort Wayne, *St. Mary's Catholic Church*, 1101 S. Lafayette St.

Carroll County

Camden, *Thomas, Andrew, House*, W. Main St.

Delaware County

Muncie, *Hamilton Township Schoolhouse No. 4*, IN 67

Gibson County

Haubstadt, *Haubstadt State Bank*, 101 S. Main St.

Henry County

Middletown, *Hendrick, John W., House*, 506 High St.

Vanderburgh County

Evansville, *Mead Johnson River-Rail-Truck Terminal and Warehouse*, 1830 W. Ohio St.

LOUISIANA

East Baton Rouge Parish

Baton Rouge vicinity, *Lee Site (16 EBR 51)*, W end of Buccaneer Dr.

MAINE

Knox County

Union, *Lermond Mill*, Union Village

MARYLAND

Baltimore (Independent City)

Buildings at 1601–1830 St. Paul Street and 12–20 E Lafayette Street, 1601–1830 St. Paul St., and 12–20 E Lafayette St.

Garrett County

Mountain Lake Park, *Creedmore*, 510 G St.

MICHIGAN

Allegan County

Plainwell, *Sherwood, James Nobles, House*, 768 Riverview Dr. Saugatuck, *All Saints' Episcopal Church*, 252 Grand St.

Chippewa County

Sault Ste. Marie, *Central Methodist Episcopal Church*, 111 E. Spruce St.
Sault Ste. Marie, *First United Presbyterian Church*, 309 Lyon St.
Sault Ste. Marie, *St. Mary's Pro-Cathedral*, 320 E Portage Ave.

Gogebic County

Ironwood, *Chicago and Northwestern Railroad Depot*, Between Suffolk and Lowell Sts.

Ingham County

Lansing, *Moores, J.H., Memorial Natatorium*, 2700 Moores River Dr.

Ionia County

Portland, *Portland First Congregational Church*, 421 E. Bridge St.

Lenawee County

Adrian, *Clark Memorial Hall*, 120–124 S. Winter St.
Adrian, *St. John's Lutheran Church*, 121 S. Locust St.

Oakland County

Pontiac, *Howard, Horatio N., House*, 403 N. Saginaw

Ottawa County

Holland, *Gold, Egbert H., Estate (Marigold Lodge)*, 1116 Hazel Ave.

Washtenaw County

Dexter, *Litchfield, James, House*, 3512 Central St.

MISSISSIPPI

Grenada County

Grenada, *Grenada Post Office*, 178 S Main St.

MONTANA

Cascade County

Fort Shaw, *Fort Shaw Historic District and Cemetery*, One Mile NW of town of Fort Shaw

Lewis and Clark County

Helena, *Young Women's Christian Association (Independent)*, 501 N Park st.

Lincoln County

Eureka, *Eureka Community Hall*, Cliff St.

Missoula County

Missoula, *Forkenbrock Funeral Home*, 234 E Pine St.

Wayne County

Detroit, *Sweet, Ossian H., Home*, 2905 Garland

NEW MEXICO

Curry County

Clovis, *Hotel Clovis*, 210 Main St.
Clovis, *Old Clovis Post Office*, 4th and Mitchell Sts.

Guadalupe County

Santa Rosa, *Moise, J. Julian, House*, 400 Capitan

Roosevelt County

Portales, *Bank of Portales*, 123 Main

NORTH CAROLINA

Chatham County

New Hope Rural Historical Archeological District

Durham County

Little Creek Site (31 Dh 351)

PENNSYLVANIA

Pike County

Dingman Township, *Shanna House*, U.S. 209

TEXAS

Bexar County

San Antonio, *St. Anthony Hotel*, 300 E Travis St.

Tarrant County

Ft. Worth, *St. Patrick Cathedral Complex*, 1206 Throckmorton

WISCONSIN

Sheboygan County

Adell, *Gooseville Mill/Grist Mill (19th Century Grist and Flouring Mills of Sheboygan County TR)*, Silver Creek-Cascade Rd.
Glenbeulah, *Glenbeulah Mill/Grist Mill (19th Century Grist and Flouring Mills of Sheboygan County TR)*, Gardner St.
Greenbush, *Robinson-Herrling Sawmill*, Old Wade House State Park
Sheboygan Falls, *Downtown Historic District*, Roughly bounded by Broadway, Monroe, Pine, and Buffalo Sts., and the Sheboygan River
Waldo, *Onion River Flouring Mill/Grist Mill (19th Century Grist and Flouring Mills of Sheboygan County TR)*, Hwy 57

[FR Doc. 84–32272 Filed 12–10–84; 8:45 am]
BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Notice of Investment Opportunity

The Agency for International Development (A.I.D.) has authorized the guaranty of a loan to the State of Ecuador (Borrower) as part of A.I.D.'s overall development assistance program. The proceeds of this loan will be used to finance shelter projects for low income families residing in the country of the Borrower. The following is the address of the Borrower and the loan amount for projects that will soon be ready to receive financing and for which the Borrower will be requesting proposals from U.S. lenders or investment bankers:

Ecuador

Project: 518-HG-006—$10,000,000
Alfredo Crespo Cordero,
Undersecretary, Ministry of Finance, Quito, Ecuador, Telephone: 541908, 527503
Telex: 2499 MINFIN ED

By this notice of investment opportunity, the Borrower is soliciting expressions of interest from U.S. lenders or investment bankers and counsel on market conditions, loan timing and structure and other features appropriate for the loans or underwritings. Interested investment bankers or lenders should contact the Borrower indicated above. The Borrower intends to conduct an auction in early January 1985. Approximately one week prior to the auction, the Borrower will give notice to lenders who have expressed their interest in responses to this notice. The new notice will specify the details of the proposed auction. Persons interested in receiving notice of the proposed auction are requested to advise promptly the Borrower by telex with a copy of their expression of interest to be provided to A.I.D., addressed to Mr. Michael Kitay c/o PRE/H, AID, Washington, D.C. 20523, Telex No. 892703.

Selection of investment bankers and/or lenders and the terms of the loans are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lenders and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in agreements between A.I.D. and the Borrower.

The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (a) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing and Urban Programs, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632-9637.

Dated: December 5, 1984.

John T. Howley,

Deputy Director, Office of Housing and Urban Programs.

[FR Doc. 84-32455 Filed 12-10-84; 11:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

Information Collection(s) Under Review

December 6, 1984.

The Office of Management and Budget (OMB) 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 Pub. L. 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 Ageny 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) Dangerous Drugs Investigations Section, Operations Division, Drug Enforcement Administration, Department of Justice.

(3) Piperidine Report.

(4) DEA-420.

(5) On occasion.

(6) Businesses or other for-profit, small businesses or organizations, Federal agencies or employees. 21 U.S.C. 830 requires that a report be submitted to the Attorney General by any person who sells, distributes, or imports piperidine. The information requested will provide DEA with a measure of control over the movement of piperidine in order to determine any illicit use being made of piperidine for the manufacture of phencylidine, a schedule II controlled substance.

(7) 50 respondents.

(8) 100 burden hours.

(9) Not applicable under 3504(h).

(10) Robert Veeder—395–4814.

Larry E. Miesse.

Agency Clearance Officer, Department of Justice.

[FR Doc. 84–32256 Filed 12–10–84; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency froms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the follwing information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Employment and Training Administration
Development of JTPA Performance Standards Survey
None; No forms
On occasion; Non-recurrent
State or local governments
80 respondents; 23 hours

The surveys will document the extent and range of state and SDA post-program data collection activities. The information will be critical to the design of a strategy to collect the data needed to support new JTPA post-program performance standards. Data will be collected from all 50 States and 30 selected SDAs.

Revision

Employment Standards Administration
Records To Be Kept By Employers Under the Fair Labor Standards Act of 1938, As Amended (FLSA)
1215–0017; WH–1261
Recordkeeping
Individual or households; State or local governments; Farms;
Businesses or other for-profit; Federal agencies or employees;
Non-profit institutions; Small businesses or organizations
4.1 million recordkeepers; 706,577 hours

Information is needed by the Wage-Hour Division to determine employer compliance with the labor standards provisions of the FLSA applicable to employees covered by the Act.

Extension

Employment and Training Administration
Interstate Claims Double Bypass Data Exchange
1205–0189; ETA TC–46
Weekly & Monthly
State or local governments
53 respondents; 780 hours; 1 form

The Interstate Claims Double Bypass Data Exchange provides a central point for the exchange of interstate claims counts and characteristics for those States which use a double bypass claims system. No new data is involved. This system allows for a more efficient method of processing interstate claims.

Employment and Training Administration
Claims and Payment Activities
1205–0010; ETA 5159
Monthly
State or local governments
53 respondents; 1,749 hours; 1 form

Measures workload and provides quantitative measurement for budget estimates, administrative planning and program evaluation; main vehicle for accounting to public.

Signed at Washington, D.C. this 6th day of December 1984.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84–32287 Filed 12–10–84; 8:45 am]

BILLING CODE 4510–30–M

Office of the Assistant Secretary for Veterans' Employment and Training

Notice of Veterans' Service Performance Standards

Title 38, United States Code, Section 2007(b) requires establishment of definitive performance standards by which State Employment Security Agency (SESA) services for veterans will be measured. The services to which quantitative standards will be applied are placement (in jobs over three days), counseling, enrollment in training and received some reportable service. The standards are the minimum acceptable levels of service provided to the various categories of veterans. The standards measure services provided to veterans (including eligible persons), Vietnam-era veterans, and disabled veterans, as a share of the services provided to all applicants 22 years of age or over during the reporting period. For placement in jobs listed by Federal contractors, standards measure placement of Vietnam-era and special disabled veterans in all Federal contractor jobs.

According to Veterans' Program Letter No. 12–84, Veterans' Performance Standards for Program Year 1984, dated July 16, 1984, the specific numerical value, expressed as a percentage, for each performance standard will be negotiated by the State Director for Veterans' Employment and Training Service and the State Employment Service Administrator. The numerical values for each reporting period for the veterans' performance standards will be published in the **Federal Register** as a public notice. The following performance standards have been established to be in effect through June 1985.

Signed at Washington, D.C. this 5th day of December 1984.

Donald E. Shasteen,

Deputy Assistant Secretary for Veterans' Employment and Training.

BILLING CODE 4510–79–M

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

State	PLACEMENT			COUNSELING		
	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans
Region I						
Connecticut	25	10	1	19	7	2
Maine	22	8	5	50	30	10
Massachusetts	17	6.8	0.8	29.7	12.7	2.5
New Hampshire	26	11	2.0	26	13	3.3
Rhode Island	22	10	1.4	25	11	1.7
Vermont	25	10	1.1	30	12	3
Region II						
New Jersey	25	10	1.3	18	6.5	2
New York	17	7	1.2	26.8	10	2
Puerto Rico	8	3.5	0.6	14	4.5	1.4
Region III						
Delaware	25	10	2.0	25	15	4
Dist. of Col.	19	10	0.7	26	14	3
Maryland	25	10	1.5	35	15	5
Pennsylvania	20	10	1.0	35	15	4
Virginia	27	12	1.0	35	24	6
W. Virginia	19.2	10.1	0.9	32.7	17.6	2
Region IV						
Alabama	23	11	1.0	33	15	3
Florida	21	9.5	1.6	30	14	5
Georgia	21.8	10.5	1.5	27.7	15.1	4.6
Kentucky	21	10	1.0	21.0	10.0	1
Mississippi	17.5	7.5	0.6	23.5	9.5	1.8
N. Carolina	22	10	1.4	22	10.5	2
S. Carolina	20	9.6	1.2	27.2	11.4	3.8
Tennessee	18	9	0.7	20	10	3
Region V						
Illinois	26	12	1.0	31	13	3
Indiana	25	12	1.0	50	25	4
Michigan	20	9	1.0	30	14	1
Minnesota	22	10	1.0	25	12	2
Ohio	27	13	3.0	30	20	2
Wisconsin	26.5	13	1.8	35	18	3

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

State	PLACEMENT			COUNSELING		
	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans
Region VI						
Arkansas	22	10	1.0	50	30	10
Louisiana	10.2	7.2	0.5	50	27	3
New Mexico	22	11	1.0	30	15	3
Oklahoma	25.5	14.1	2.0	50	25	4
Texas	20	11	1.1	27	15	2
Region VII						
Iowa	21	9	0.7	35	16	1.6
Kansas	25	13	1.2	40	19	4.5
Missouri	20	10	.75	25	12	1.5
Nebraska	22.5	10	.8	40	18	2.5
Region VIII						
Colorado	24	12	1.5	20	10	1.5
Montana	23	10	1.1	30	14	1.0
North Dakota	20	10	0.8	30	15	1.5
South Dakota	20	8.5	1.0	20	8.5	1.0
Utah	19	10	1.0	21	12	3.0
Wyoming	23	11	1.3	25	13	1.5
Region IX						
Arizona	27	12.5	1.5	50	25	5
California	22	10	1.2	30	14	2
Hawaii	24	12	1.5	52.5	28	6
Nevada	25	17	1.5	28.5	13	3.2
Region X						
Alaska	25	14	1.5	29	15	2.5
Idaho	26.5	13.5	1.5	55	27	7.0
Oregon	24	12.5	1.0	24	12.5	1.0
Washington	28	14	1.5	40	24	5.0

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

State	ENROLLMENT IN TRAINING			RECEIVED SOME REPORTABLE SERVICE		
	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans
Region I						
Connecticut	13	5	1	21	8	1
Maine	4	1.5	0.5	20	8	0.5
Massachusetts	10	5	1	19.5	7.5	0.8
New Hampshire	27	12	2.5	26	11	2.0
Rhode Island	19	8	0.5	18.4	8.3	1.1
Vermont	20	10	1	22	9	1
Region II						
New Jersey	6.5	3	0.3	24	9	1.4
New York	12.1	5.5	0.7	23.1	9.2	1.3
Puerto Rico	13	5.5	1.04	17	5.9	1.5
Region III						
Delaware	8	4	1	20	8.5	1.0
Dist. Col.	9	3	0.3	16	8	0.6
Maryland	15	7	1	25	10	2.0
Pennsylvania	20	10	1	30	14	1.0
Virginia	12	4	1	26	12	1.0
W. Virginia	10.9	5.6	0.5	28.3	13.8	1.3
Region IV						
Alabama	*	*	*	21	10	1.0
Florida	15	6.5	1.4	22.5	9.7	1.7
Georgia	5	4	0.5	22	10.5	1.4
Kentucky	14	8	1	21	10	1
Mississippi	12	5.2	0.4	17.5	7.5	0.7
N. Carolina	13	5.5	1	21	9	1.25
S. Carolina	14.6	6	0.5	22	10.5	1.2
Tennessee	8	4	0.5	18	8	0.5
Region V						
Illinois	19	8	1	30	12	1.5
Indiana	*	*	*	30	13	1
Michigan	17	8	0.4	27	12	1
Minnesota	30	14	1	28	13	2
Ohio	20	10	1	40	20	1.5
Wisconsin	13	7	1	30	14	1.9

* Waived for PY 1984

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

State	ENROLLMENT IN TRAINING			RECEIVED SOME REPORTABLE SERVICE		
	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans
Region VI						
Arkansas	*	*	*	25	10	1.0
Louisiana	*	*	*	24.2	12	1.0
N. Mexico	15	9	0.5	25	10	1.0
Oklahoma	20	13.8	1.5	30	16	2.0
Texas	*	*	*	20	11	1.2
Region VII						
Iowa	30	10	1	25	12	0.5
Kansas	30	15	5	25	10	1.0
Missouri	10	5	0.5	30	15	.75
Nebraska	40	10.5	3.5	25	11.5	1.0
Region VIII						
Colorado	18	10	2.0	25	12	1.5
Montana	18	8	1	26	11	1.0
N. Dakota	15	7	0.9	20	10	0.8
S. Dakota	11	3	1	20	8.5	1.0
Utah	7	3	0.5	20	10.5	1.0
Wyoming	23	11	0.7	23	11	1.2
Region IX						
Arizona	5.0	3.0	1.0	30	15	1.5
California	18	8.0	1.0	22	10	1.2
Hawaii	3	1.0	*	24.5	12	1.0
Nevada	17.7	11.5	1.5	25	12	1.3
Region X						
Alaska	10	5	1	30	17	1.5
Idaho	15	9	1	27	13	1.5
Oregon	24	12.5	1.0	24	12.5	1.0
Washington	17	10	2	27	14	1.5

* Waived for PY 1984

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

PLACEMENTS IN FEDERAL CONTRACTOR JOBS

State	Vietnam Era Veterans	Special Disabled Veterans
Region I		
Connecticut	12	*
Maine	9.5	0.3
Massachusetts	4.2	0.1
New Hampshire	11	1
Rhode Island	14.5	*
Vermont	10	1
Region II		
New Jersey	11.5	0.4
New York	9.4	0.8
Puerto Rico	10	1.0
Region III		
Delaware	15	1
Dist. Columbia	4	0.2
Maryland	10	1
Pennsylvania	18	1
Virginia	11	1
W. Virginia	8	0.5
Region IV		
Alabama	8	0.2
Florida	15	1.0
Georgia	13	1.3
Kentucky	13	0.4
Mississippi	10	0.5
N. Carolina	10	0.5
S. Carolina	9	0.4
Tennessee	9	0.3
Region V		
Illinois	7	1
Indiana	11	0.1
Michigan	10	0.2
Minnesota	10	1
Ohio	11.5	0.5
Wisconsin	16	1.0
Region VI		
Arkansas	9	0.5
Louisiana	9.4	0.1
N. Mexico	8.0	0.5
Oklahoma	14.1	1.4
Texas	11	0.5
Region VII		
Iowa	9	0.1
Kansas	9	0.5
Missouri	7	1.0
Nebraska	4	0.1
Region VIII		
Colorado	13	0.7
Montana	8	0.4
N. Dakota	13	0.7
S. Dakota	7	1.0
Utah	8	0.4
Wyoming	10	0.7
Region IX		
Arizona	8	1.0
California	15	1.0
Hawaii	12	0.2
Nevada	9	1.5
Region X		
Alaska	17	1.0
Idaho	12	0.4
Oregon	12.5	0.4
Washington	18	1.0

* Waived for PY 1984

[FR Doc. 84-32288 Filed 12-10-84; 8:45 am]
BILLING CODE 4510-79-C

Employment and Training Administration

[TA-W-15,294]

Alco Power, Inc. Auburn, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

According to section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a certification of eligibility to apply for worker adjustment assistance on October 10, 1984 to former workers of Alco Power, Incorporated, Auburn, New York. The Notice of Certification was published in the **Federal Register** on October 23, 1984 (49 FR 42653).

The company informed the Department that workers in administration, engineering, development, design, quality control purchasing and accounting at the Auburn plant were laid off after the March 15, 1984 termination date set in that certification. Because of the consolidation of Alco Power's support services at the parent company headquarters in Canada, further worker layoffs of support staff occurred at the Auburn facility.

The Canadian parent company reduced duplicative support activities such as administration, engineering and development and design in Auburn. It was the Department's intent to include all workers as eligible to apply for adjustment assistance who were laid off from Alco Power, Incorporated, Auburn, New York.

The amended certification for TA-W-15,294 is hereby issued as follows:

All workers of Alco Power, Incorporated, Auburn, New York who became totally or partially separated from employment on or after April 5, 1983 and before March 15, 1984 and all administrative, engineering, development and design and support personnel of Alco Power, Incorporated, Auburn, New York who became totally or partially separated from employment on or after March 15, 1984 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of 1984.

Joyce Kaiser,

Acting Administrator, Office of Employment Security.

[FR Doc. 84-32284 Filed 12-10-84; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period November 26, 1984–November 30, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-15,421; Airco Welding Products, Inc., Rural Retreat, VA

TA-W-15,412; Christina Fashions, Rockaway, NJ

Affirmative Determinations

TA-W-15,439; F.M. Weaver, Inc., Lansdale, PA

A certification was issued covering all workers separated on or after June 1, 1984 and before November 1, 1984.

TA-W-15,348; Staneth Corp., Middlesex, NJ

A certification was issued covering all workers separated on or after May 23, 1983.

TA-W-15,470 Trojan Industries, Inc., Batavia, NY

A certification was issued covering all workers separated on or after August 1, 1984.

I hereby certify that the aforementioned determinations were issued during the period November 26, 1984–November 30, 1984. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: December 4, 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-32286 Filed 12-10-84; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 21, 1984.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 21, 1984.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of November 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Brown Shoe Co., "P" factory (ACTWU)	Union, MO	11/19/84	11/15/84	TA-W-15,563	Heels, shoe, women, finished.
Dale Garment Co., Inc. (workers)	Lynchburg, VA	11/9/84	11/5/84	TA-W-15,564	Slacks, blouses, shorts and dresses, womens.
E.M. Kelley, d.b.a. Miss Kelley and Miss Kelley II (company).	Fort Bragg, CA	11/26/84	11/22/84	TA-W-15,565	Fish, fresh, catching and selling.
Genesco, Inc. (headquarters) (company)	Nashville, TN	11/27/84	11/21/84	TA-W-15,566	Offices, shipping, production footwear and component parts.
Genesco, Inc., J & M plant (company)	Nashville, TN	11/27/84	11/21/84	TA-W-15,567	Footwear and component parts.
Genesco, Inc., Danville plant (company)	Danville, KY	11/27/84	11/21/84	TA-W-15,568	Footwear and component parts.
Genesco, Inc., Fulton plant (company)	Fulton, MS	11/27/84	11/21/84	TA-W-15,569	Footwear and component parts.
Genesco, Inc., Iuka plant (company)	Iuka, MS	11/27/84	11/21/84	TA-W-15,570	Footwear and component parts.
Genesco, Inc., Ripley, MS (company)	Ripley, MS	11/27/84	11/21/84	TA-W-15,571	Footwear and component parts.
Genesco, Inc., McMinnville plant (company)	McMinnville, TN	11/27/84	11/21/84	TA-W-15,572	Footwear and component parts.
Genesco, Inc., Lewisburg plant (company)	Lewisburg, TN	11/27/84	11/21/84	TA-W-15,573	Footwear and component parts.
Genesco, Inc., Pulaski plant (company)	Pulaski, TN	11/27/84	11/21/84	TA-W-15,574	Footwear and component parts.
Genesco, Inc., Waynesboro plant (company)	Waynesboro, TN	11/27/84	11/21/84	TA-W-15,575	Footwear and component parts.
Genesco, Inc., Hohenwald, plant (company)	Hohenwald TN	11/27/84	11/21/84	TA-W-15,576	Footwear and component parts.
Genesco, Inc., Camden plant (company)	Camden, TN	11/27/84	11/21/84	TA-W-15,577	Footwear and component parts.
Genesco, Inc., Tullahoma Computer Stitch (company).	Tullahoma, TN	11/27/84	11/21/84	TA-W-15,578	Footwear and component parts.
Genesco, Inc., Chapel Hill terminal (company)	Chapel Hill, TN	11/27/84	11/21/84	TA-W-15,579	Footwear and component parts.
Genesco, Inc., Fayetteville terminal (company)	Fayetteville,TN	11/27/84	11/21/84	TA-W-15,580	Footwear and component parts.
Genesco, Inc., Genstar terminal (company)	Nashville,TN	11/27/84	11/21/84	TA-W-15,581	Footwear and component parts.
Genesco, Inc., Huntsville terminal (company)	Huntsville, AL	11/27/84	11/21/84	TA-W-15,582	Footwear and component parts.
Genesco, Inc., 63rd Ave., warehouse (company)	Nashville, TN	11/27/84	11/21/84	TA-W-15,583	Footwear and component parts.
Genesco, Inc., Main Street General Maintenance and Capitol Products (company).	Nashville, TN	11/27/84	11/21/84	TA-W-15,584	Footwear and component parts.
Genesco, Inc., Gencon (company)	Nashville, TN	11/27/84	11/21/84	TA-W-15,585	Footwear and component parts.
Genesco, Inc., Southern Sole (company)	Nashville, TN	11/27/84	11/21/84	TA-W-15,586	Shoe component parts.
Genesco, Inc., Tullahoma Capitol Products (company).	Tullahoma, TN	11/27/84	11/21/84	TA-W-15,587	Shoe component parts.
Genesco, Inc., Chapel Hill Sole Cutting (company)	Chapel Hill, TN	11/27/84	11/21/84	TA-W-15,588	Shoe component parts.
Volunteer Leather Co., division of Genesco, Inc. (company).	Milan, TN	11/27/84	11/21/84	TA-W-15,589	Leather footwear.
Whitehall Leather Co. a division of Genesco, Inc (company).	Whitehall, MI	11/27/84	11/21/84	TA-W-15,590	Leather footwear.
Wood & Hyde Leather Co., a division of Genesco, Inc. (company).	Gloversville, NY	11/27/84	11/21/84	TA-W-15,591	Leather tanners.
Houdaille Industries, hydraulics division (UAW)	Buffalo, NY	11/14/84	11/9/84	TA-W-15,592	Vibration dampers.
LaFemme Mfg. Corp. (ILGWU)	Brooklyn, NY	11/26/84	11/19/84	TA-W-15,593	Blouses, dresses, women's.
McNally Mountain States Steel Co. (company)	Lindon, UT	11/26/84	11/21/84	TA-W-15,594	Fabricated structural steel.
Motion Control Industries, division of Carlise Corp. (International Union of Electronic, Electrical, Technical, Salaried and Machine Workers).	Ridgway, PA	11/19/84	11/15/84	TA-W-15,595	Heavy duty brake blocks.
New Balance Athletic Shoe Co. (workers)	Allston, MA	11/19/84	11/13/84	TA-W-15,596	Shorts and shirts.
New Balance Athletic Shoe Co. (workers)	Norridgewock, ME	11/19/84	11/13/84	TA-W-15,597	Shorts and shirts.
(The) Biltrite Corp. (URW)	Chelsea, MA	11/13/84	11/8/84	TA-W-15,598	Footwear components (soiling materials).
Whitney Blake Co. (UERMWA)	Hamden, CT	11/19/84	11/12/84	TA-W-15,599	Coil cords, retractile cords, microphone cords, cord set, military coil cords, medical cord sets.
MSL Stamping Group, division of MSL Industries, Inc. (workers).	Ellwood City, PA	11/26/84	11/21/84	TA-W-15,600	Standard flatwashers, lockwashers, slickle blades.
Mode O'Day Co. (ACTWU)	Mason City, IA	11/21/84	11/26/84	TA-W-15,601	Lingerie, sleepwear, robes, sportswear, women's.

[FR Doc. 84-322854 Filed 12-10-84; 8:45 am]
BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Exemption Application No. D-5600]

Proposed Amendments to Prohibited Transaction Exemption 82-87 for Transactions Involving Certain Residential Mortgage Financing Arrangements

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Amendments to Prohibited Transaction Exemption (PTE) 82-87.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of proposed amendments to PTE 82-87. PTE 82-87 provides exemptions for certain categories of transactions from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code). These transactions relate to the issuance of commitments for the provision of mortgage financing to purchasers of residential dwelling units, the receipt of fees in exchange for the issuance of such commitments, the making or purchase of loans or participation interests therein pursuant to such commitments, and the direct making, sale, exchange or transfer of mortgage loans or participation interests therein prior to the maturity date of such instrument by employee benefit plans. The proposed amendments would expand the definitions contained in the exemption of "residential dwelling unit" and "recognized mortgage loan". The effect of these proposed changes is to broaden the applicability of PTE 82-87 to include certain mortgage loan transactions relating to multifamily structures and permit the acquisition of those residential mortgage loans that are rated by a national rating service. The proposed amendments, if adopted, would affect participants and beneficiaries of employee benefit plans investing in such mortgage loans, the sponsors and trustees of such plans, and other persons engaging in the described transactions.

DATES: Written comments must be received by the Department on or before February 11, 1985.

EFFECTIVE DATE: It is proposed to make these amendments effective on the date of publication of the final grant of the amended exemption.

ADDRESSES: All written comments (preferably at least three copies) should be sent to: Office of Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Direct Mortgage

Financing. The comments received will be available for public inspection in the Public Documents Room of the Office of Pension and Welfare Benefit Programs, U.S. Department of Labor, Frances Perkins Building, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. .

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Office of Regulations and Interpretations, (202) 523–6915. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of proposed amendments to PTE 82–87 (47 FR 21331, May 18, 1982).[1] One of the proposed amendments would expand the types of residential properties which constitute the collateral for a mortgage loan which an employee benefit plan may acquire under the exemption. The other amendment would provide an alternative method of complying with the eligibility for purchase requirements for those mortgage loans which do not satisfy the general standard outlined in the exemption. Both of the proposed amendments were addressed by commentators during the Department's consideration of the record which became PTE 82–87. However, the record developed at that time did not support findings that such expansions could satisfy the statutory criteria for granting relief under section 408(a) of the Act. The Department has continued to study the issues presented and with the help of other government agencies having an interest in expanding the categories of residential mortgage loans available for investment by employee benefit plans has developed the record to support the subject proposed amendments. Accordingly, the Department is proposing to amend PTE 82–87 on its own motion pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code[2] and in accordance with ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), specifically section 3.01 of that procedure. The Department has been informed by the Office of Management and Budget that the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) are not applicable to PTE 82–87 because the exemption does not contain a request or requirement for the collection of information as defined in 5 CFR Part 1320 and therefore is not subject to the requirements of that regulation.

A. General Background

The prohibited transaction provisions of the Act and the Code generally prohibit transactions between a plan and a party in interest (including a fiduciary) with respect to such plan. Plan investments in real estate mortgage loans typically involve a continuing relationship between the seller of the mortgage loan and the plan for purposes of servicing the mortgage loan investment. This provision of services by the seller creates a party in interest relationship between such servicer and the investing plan. Accordingly, any subsequent purchase of mortgage loans from such an existing party in interest service provider, absent exemptive relief, results in a prohibited transaction. Additionally, should a plan acquire a mortgage loan from an unrelated financial institution under circumstances where the mortgagor has an existing party in interest relationship to such plan, the resultant debtor/creditor relationship would be a prohibited extension of credit between the parties.

B. Description of Existing Relief

PTE 82–87 provides relief for several different types of transactions with certain general conditions and additional specific conditions for certain of the transactions.[3] Specifically, Part I provides relief from the prohibitions of section 406(a) of the Act for the issuance of commitments for the provision of mortgage financing to purchasers of residential dwelling units; the receipt by the plan of a fee in exchange for the issuance of such commitment; the actual making or purchase of a mortgage loan or participation interest therein pursuant to such commitment; the making or purchase of a mortgage loan or participation interest therein without the precondition of a commitment; and the sale, exchange or transfer of a mortgage loan or participation therein prior to the maturity date of such instrument provided that the interest sold, exchanged or transferred represented the plan's entire interest in such investment. Part II A contains both general conditions applicable to all transactions covered by Part I and certain supplemental conditions where the transactions involve either commitments or participations. Part II B contains prospective conditions which took effect 30 days after the grant of exemption was published in the **Federal Register** (June 18, 1982). The conditions of Part II are designed to assure the protection of investing plans and objectively describe that portion of the residential mortgage loan marketplace which qualifies for the relief available through the exemption. Finally, Part III contains definitions of terms used in the class exemption. Through the interrelationship of these provisions, the Department intended to provide flexible relief to a wide spectrum of entities and types of transactions involved in residential mortgage loan financing.

PTE 82–87 provides an exemption for covered transactions that involve a "recognized mortgage loan" (defined in Part III D). Pursuant to the definition, the exemption applies to any mortgage loan on a "residential dwelling unit" (defined in Part III E) which, at the time of its origination, was eligible, through an established program, for purchase by the Federal National Mortgage Association (FNMA), the Government National Mortgage Association (GNMA) or the Federal Home Loan Mortgage Corporation (FHLMC) (collectively, the Agencies). Consequently, as new residential financing arrangements are introduced in the marketplace for which the Agencies establish acquisition programs, the exemption will automatically expand to cover such arrangements.

The term "residential dwelling unit" acts to limit the relief available under the exemption by describing the nature of the real estate which collateralizes the subject mortgage loan as non-farm properties comprising 1–4 dwelling units. This limitation was based on the original applicants request which sought only to obtain relief for mortgage loan transactions involving single family residential properties. The term "residential dwelling unit" represented the Department's understanding of the industry's accepted definition of a single

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[1] The Department originally proposed class exemptive relief for residential mortgage financing arrangements (46 FR 58773, December 3, 1981) on the basis of applications filed by the National Coordinating Committee for Multiemployer Plans (D–1937) and the National Association of Home Builders (D–2004). These applicants described several situations in the course of an employee benefit plan's investment program involving residential mortgage loans in which prohibited transactions were likely to occur. In response to the December 3, 1981 proposal, the Department received a large number of comments. In addition, another class request was received from the United States League of Savings Associations (D–2875). These comments, and the three class applications are available for public inspection in the Public Documents Room of the Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[2] Pursuant to Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), the authority of the Secretary of the Treasury to grant exemptions of the type herein proposed was transferred to the Secretary of Labor. As a result, PTE 82–87 contains relief from section 406 of the Act and from the parallel provisions of the Internal Revenue Code of 1954. References in this discussion to a section of the Act should be understood to encompass references to the relevant provisions of the Code.

[3] For the sake of convenience, the entire text of PTE 82–87, including the proposed amendments, is reprinted at the end of this notice.

family dwelling. At the request of the commentators to the original proposal, the Department included in the final exemption a variety of types of housing such dwelling unit could take and provided that the structure need not be owner occupied.

C. Discussion of Proposed Amendments

Since the adoption of PTE 82–87, it has come to the Department's attention that certain modifications to the exemption may be appropriate. One such area relates to the inclusion of multifamily residential structures in the definition of a "residential dwelling unit." The other modification would provide an alternative method for satisfaction of the definition of a "recognized mortgage loan."

1. Multifamily Residential Mortgage Loans

Part III E of PTE 82–87 states that for purposes of this exemption, the term "residential dwelling unit" or "unit" means:

(1) Owner occupied non-farm property comprising one to four dwelling units, including detached houses, townhouses, manufactured housing, condominiums, units in a housing cooperative, or a unit in a multi-unit subdivision (planned unit development) restricted by recorded documents which limit the use of the unit to residential purposes and provide for maintenance of common facilities; or

(2) certain non-owner occupied units where such unit complies with the uniform underwriting standards required for investor loans to qualify as a "recognized mortgage loan" under this exemption.[4]

Among the comments received by the Department in response to the proposal were six which urged that the types of properties be expanded to include multifamily housing. The commentators provided little in the way of a factual record to support their contention regarding the appropriateness of expanding the proposal to include multifamily housing units. Accordingly, based on the Department's then existing understanding of multifamily mortgage loans, the preamble to the final class exemption stated that: "Investment in the mortgages of such housing units differ both in magnitude and complexity from the one to four unit structures contemplated by this exemption. After considering the issue, the Department has determined it would not be appropriate to include multiple unit rental housing in this exemption." [5]

Since the publication of PTE 82–87, the Department has continued to consider the question and received additional information regarding investment in multifamily residential mortgage loans. Furthermore, in response to the grant of PTE 82–87 several comments were received requesting the Department to reconsider its position on such mortgage loans. The Mortgage Bankers Association urged that the exemption be expanded to include federally insured multifamily mortgage loans, stating that the existence of federal insurance made these investments appropriate. The United States League of Savings Associations also urged an expansion to include multifamily loans stating that in its experience there is no indication that such loans involve a greater risk to investment assets.

The Department has also consulted with GNMA with respect to the impact of the prohibited transaction provisions of the Act to GNMA's efforts to market its outstanding inventory of "tandem project mortgage loans." [6] As the Department understands the tandem project mortgage program, GNMA would issue a commitment to purchase a mortgage loan, generally with a below-market interest rate, which meets specified eligibility criteria. The mortgage loans are purchased by GNMA at 97.5 percent of par, generally a more favorable price than would be offered by a private investor. All project mortgage loans in the tandem program to be purchased by GNMA are insured by the FHA. GNMA in turn resells these loans at market prices to private investors. The difference between the amount GNMA paid for the loan and the amount recouped by the sale represents the subsidy paid by the federal government.

GNMA has made a determination that the most appropriate method of complying with its charter obligation to sell tandem project mortgage loans at market prices is by offering such loans at auction. In conducting such auctions, GNMA requires that all eligible bidders be HUD-approved mortgagees. Thus, a pension plan could purchase a project loan in one of two ways. A plan could either authorize a HUD-approved mortgage to purchase a loan on its behalf, or it could purchase a loan from such mortgagee that had initially purchased the loan from GNMA for its own account. In either case, the HUD-approved mortgage would service the mortgage loan and pass through the proceeds to the pension plan investor.[7]

GNMA notes that while rental housing investment does differ from single family housing, it does not necessarily result in a risk of greater magnitude. In this regard, GNMA indicated that while the default rate is higher for these types of mortgage loans, the risk is borne by FHA as the insurer—not by the investor. Finally, GNMA noted that the sales terms (including warranties) and mortgage terms are standardized for each FHA insurance program.[8]

Accordingly, the Department has determined to propose an expanision of PTE 82–87 to permit the acquisition of FHA insured tandem project mortgage loans on properties that are designed primarily for residential use.

Because the structure of PTE 82–87 was not limited to government insured mortgage loans the Department also approached FNMA and FHLMC and requested both agencies to outline their respective purchase programs with respect to multifamily mortgage loans. Both FNMA and FHLMC indicated they maintain conventional multifamily programs which operate pursuant to published credit, property appraisal and mortgage documentary standards similar to those in effect for their simgle family programs. While the Department continues to believe that investment in multifamily housing mortgage loans differs both in "magnitude and complexity" from investment in mortgage loans on single family

[4] 47 FR 21331, 21339 (1982).

[5] 47 FR 21331, 21336 (1982).

[6] The term "tandem project mortgage loans" includes a broad range of Federal Housing Administration (FHA) insured financing arrangements in which GNMA has made a commitment to purchase upon completion of the construction. Such "tandem project mortgage loans" extend beyond loans on residential multifamily structures to certain buildings that are not residential in the usual sense e.g., hospitals, nursing homes, land development and group practice facility loans. While the Department acknowledges that such structures do qualify under Title II of the National Housing Act (NHA) for FHA insurance, the purpose of the proposed amendments to PTE 82–87 is to expand the types of eligible housing to multifamily residential properties. Accordingly, the Department is inclined to limit the properties which are the subject of this proposed amendment to those which are designed primarily for residential use.

[7] Where the HUD-approved mortgagee has an existing service provider relationship to the investing plan only the latter option presents a prohibited transaction concern under the Act and Code. In the case of a direct purchase from GNMA, the acquisition transaction doesn't involve a party in interest with respect to the investing plan. An additional servicing contract with the HUD-approved mortgagee would generally be covered under the statutory exemption of section 408(b)(2) of the Act and its implementing regulations 29 CFR 2550.408b–2 (42 FR 42369 June 24, 1984).

[8] The Department understands that the tandem mortgage program (the only remaining GNMA purchase program) will be discontinued once the existing portfolio of mortgage loans (plus outstanding commitments to acquire a small number of additional projects) is sold.

housing,[9] it has determined that the record now supports a proposed modification of the exemption to permit plan investment in multifamily residential mortgage loans as well as single family residential mortgage loans that meet the conditions of the exemption. To accomplish this modification, the Department is proposing to expand the definition of a "residential dwelling unit." Accordingly, based on the record as developed, the Department herein proposes to expand Part III E of PTE 82–87 to include multifamily as well as single family residential dwelling units within the definition of a "residential dwelling unit."

2. Alternative Method of Compliance With "Recognized Mortgage Loan"

The Department noted in the preamble to the grant of PTE 82–87 that the exemption" * * * not only provides certainty to plan fiduciaries as to the application of the Act's prohibited transactions provisions to many transactions which are customary in residential mortgage financing, it is also designed to accommodate changes in the mortgage marketplace as they occur, without the necessity of amendments to the exemption."[10] The Department determined it could best achieve these goals by developing an objective standard for the types of residential mortgage loans that would be entitled to a safe harbor under the exemption. Because GNMA, FNMA and the FHLMC have established programs for the acquisition of certain types of mortgage loans and, in so doing, have established extensive underwriting criteria for such loans, the Department determined it appropriate to adopt these existing guidelines in developing its definition of a "recognized mortgage loan."

Based on the Department's understanding of the government operated secondary market, one of the conditions for eligibility under the purchase programs of FNMA or the FHLMC (the only agencies currently purchasing single family residential mortgage loans) is a requirement that the outstanding principal amount on a mortgage to be acquired may not exceed certain established dollar limits. These dollar limits apply to both government insured or guaranteed and conventional mortgage loans. Loans which exceed this dollar limitation or are not in compliance with other eligibility standards are called "non-comforming loans."

With respect to those mortgage loans having a federal insurance or guarantee feature (FHA or VA), the dollar limits represent the maximum mortgage loan amounts existing under the applicable insurance or guarantee program. In the FHA program, Congress acknowledged the need for a high cost area adjustment factor to accommodate regional variations. Accordingly, in 1980 Congress authorized the Secretary of HUD to designate certain high cost housing areas based on the Federal Home Loan Bank Board (FHLBB) data for mortgage closings during the proceeding year.[11] In those areas the government insured ceiling may be increased by up to 33⅓ percent over the maximum mortgage loan amount or 95 percent of the median home price, whichever is less (the current ceiling is $90,000).

In the area of conventional home financing, the dollar limitation on the size of mortgage loans which could be purchased by FNMA and FHLMC originated with their initial Congressional authorizatin to deal in conventional financing.[12] This legislation established specific dollar limits for the general types of single family residential units (1–4 family residences) and included a provision that such maximum limitations may be adjusted annually based on the percentage increase in the national average one family house price as determined by the FHLBB survey of mortgage closings for the previous year. These purchase limits have been adjusted according to the statutory provision which currently provides that a mortgage loan on a single family residential dwelling unit does not qualify for acquisition by either agency if it exceeds $114,000. The same legislation authorized the acquisition of conventional multifamily mortgage loans with dollar value limits fixed as a percentage of those authorized under the FHA insured acquisition programs.

The commentators, in arguing for the elimination of the dollar limit aspect of the eligibility for purchase standards of the affected agencies, suggested that the restriction unfairly inhibits the operation of the housing marketplace in certain states or metropolitan areas. Other commentators noted that FNMA and FHLMC had been mandated by Congress to provide assistance to low and moderate income households in obtaining mortgage financing, a more restrictive focus than pension plan investment in the housing marketplace which should only be motivated by the economics of any particular investment or investment course of action.

The Department sought out those statistics regarding the operation of the residential housing marketplace in its attempt to evaluate the extent to which its "recognized mortgage loan" standard may have inhibited plan investment opportunities. Based on data available through the FHLBB, the Department learned that in 1983, 92 percent of all mortgage originations nationally were within the dollar limitation ceiling in effect at that time. However, a review of the statistics in certain high cost areas disclosed a different percentage relationship between conforming and non-conforming dollar value loans. Using San Francisco as an example, a FHLBB survey for a specific date within 1983 indicated that 27 percent of all loan originations were not in conformity with the existing loan amount limitations for purchase eligibility by FNMA or the FHLMC.

Conventional loans exceeding the authorized purchase limitations of the government maintained market place are being traded on the secondary market by private entities such as insurance companies and mortgage companies. The market includes both individual whole loans and loans committed to mortgage-backed securities. The resale market for these mortgage loans is expected to expand in the coming years, particularly as mortgage-backed securities become increasingly more accepted as a major housing investment vehicle. Several private organizations have developed standardized purchase programs orientated toward the non-conforming loan marketplace. After acquisition such loans are then packaged and syndicated for sale as mortgage-backed securities. The future with respect to resale activity involving individual whole loans is less certain. Since the government involvement in the secondary market does not extend to non-conforming mortgage loans, the marketplace for these loans is considerably narrower. This limited market has been the basis for the Department's stated concern regarding the liquidity of such loans. Based on the record available to the Department, modification of the existing definition of a "recognized mortgage loan" by removing the dollar limit on a class basis is not supported.

[9] The FHLMC *Sellers Guide for Conventional Mortgages*, (Part IV, section 4, paragraph 4.407) states that in analyzing mortgage loans on multifamily properties as "these mortgage loans are basically business investments which require a subjective as well as an objective underwriting of the potential borrower and the underlying security" to protect the interests of any lender.

[10] 47 FR 21331, 21332 (1982).

[11] Housing and Community Development Act of 1980, Pub. L. No. 96–399, § 336, 94 Stat. 1614 (1980).

[12] Emergency Home Finance Act of 1970, Pub. L. No. 91–351 § 201(a), 84 Stat. 450 (1970).

The Department does acknowledge that there may be situations in which purchase of such a non-conforming loan may be an appropriate plan investment. In an effort to develop an alternative method of satisfying the "recognized mortgage loan" definition or both single and multifamily mortgage loans, the Department has become aware of the activities of national rating services to develop standards for rating certain mortgage backed securities. As the Department understands this approach, the component mortgage loans of a mortgage backed security would be individually evaluated and a composite rating developed. A number of characteristics have been developed for evaluating the underlying mortgage loans which constitute the source for the income stream of a mortgage pool. Experience has shown that any investment vehicle which obtains a favorable rating from a national rating service has benefited in terms of increased marketability. If the seller of an individual mortgage loan which exceeds the purchase limitations of the Agencies obtained a rating, the Department's reservations concerning the liquidity of such mortgage would be reduced. Accordingly, the Department proposes to amend the existing definition of a "recognized mortgage loan" by providing an alternative method of compliance where any individual residential mortgage loan, regardless of size, obtains a rating from a national rating service that is at least as good as the third highest rating category for other debt instruments available from one of the national rating services in existence in 1984.

D. Miscellaneous

One of the commentators requested the Department modify the definition of a "recognized mortgage loan" to include those mortgage loans qualifying for purchase by FNMA or the FHLMC under the negotiated purchase process. As explained to the Department, negotiated purchases occur on an ad hoc basis and are intended to permit variations from the otherwise applicable eligible for purchase criteria. FNMA advises the Department that most negotiated purchase agreements cover adjustable rate mortgage loans and permit variations in the amount and frequency of interest rate adjustments, the choice of a governing index or the annual rates of payment increases for graduated payment mortgage loans.

One of the statutory criteria upon which the Department must base its findings in the granting of an exemption under section 408(a) is that the exemption must be administratively feasible. A negotiated purchase occurs through an individual evaluation of a particular mortage loan. As far as can be determined by the Department, there is no standard available to the investor public to evaluate what criteria may be varied or the extent of variance therein in a qualifying negotiated purchase agreement. This nebulous feature of negotiated purchase agreements creates numerous problems of administrative feasibility for purposes of complying with this requisite for the granting of exemptive relief. Under the present structure of PTE 82–87 a plan fiduciary can readily determine whether a mortgage loan it desires to purchase meets the eligible for purchase criteria of FNMA, GNMA or FHLMC. A modification of the present structure to include mortgage loans eligible for purchase through negotiated purchase agreements would leave plan fiduciaries with the dilemma of attempting to determine prior to the plan's actual purchase of a desired mortgage loan, whether that particular mortgage loan would, in fact, be purchased by a FNMA or FHLMC. In addition, FNMA has expressed reservations about being used as a "sounding board" for prospective investments by pension plans. Absent a clear record indicating how the Department would develop conditions and monitor compliance, the Department has determined not to propose any modification to the exemption for such mortgage loans.

General Information

The attention of interested persons is directed to the following:

1. The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of participants and beneficiaries.

2. This exemption does not extend to transactions prohibited under section 406(b) of the Act or section 4975(c)(1) (E) (F) of the Code.

3. This exemption is supplemental to and not in derogation of any other provision of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

4. The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Written Comments

All interested persons are invited to submit written comments on the proposed amendments to the address and within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the proposed amendments. Comments received will be available for public inspection with the referenced application at the above address.

Proposed Amendments

Under section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with ERISA Procedure 75-1, the Department proposes to amend PTE 82–87 by deleting that portion in brackets and substituting the language as set forth in italics in the republished exemption below.

I. Transactions

Effective January 1, 1975, the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions if the conditions set forth in Part II below are met:

A. The issuance of a commitment by one or more employee benefit plans to provide mortgage financing to purchasers of residential dwelling units, either by making or participating in loans directly to purchasers or by purchasing mortgage loans or participation interests in mortgage loans originated by a third party;

B. The receipt by the plan of a fee in exchange for issuing such commitment;

C. The actual making or purchase of a mortgage loan or participation interest therein pursuant to such commitment;

D. The direct making or purchase by one or more employee benefit plans of a mortgage loan or a participation interest

therein other than where a commitment has been issued; and

E. The sale, exchange or transfer of a mortgage loan or participation interest therein by an employee benefit plan prior to the maturity date of such instrument whether or not acquired pursuant to this exemption, provided that the ownership interest sold, exchanged or transferred represents the plan's entire interest in such investment.

II. Conditions

A. Effective January 1, 1975, the exemption provided for transactions described in Part I is available only if each of the following conditions as applicable, is met:

(1) General Conditions

(a) Any mortgage loan to be acquired must be a "recognized mortgage loan" (as defined in Section D of Part III) or a participation interest in such loan for the purchase of a "residential dwelling unit" (as defined in Section E of Part III).

(b) Any mortgage loan must be originated (either directly for the plan or by the origination-purchase process) by an "established mortgage lender" (as defined in Section B of Part III): (i) Who qualifies the recipient and (ii) as to which neither the plan, nor an employer or group of employers contributing to the plan, nor an employer or group of employers contributing to the plan, nor an employee organization any of whose members are covered by the plan, has the power to exercise a controlling influence over the management or policies of such "established mortgage lender";

(c) The price paid or received by the plan must be at least as favorable to the plan as a similar transaction involving unrelated parties; and

(d) No person who is a developer or a builder involved in the development or construction of the units, or a lender who is associated with the construction financing arrangement for the units, or who, at the time the decision to purchase is made by the plan (whether directly or pursuant to a commitment) is the owner of a mortgage or a participation interest therein which is subsequently sold to the plan, shall have exercised any discretionary authority or control or rendered any investment advice that would make that person a fiduciary with respect to the plan's decision to purchase, or to commit to purchase, a mortgage loan or a participation interest therein or setting the terms thereof.

(2) Specific Conditions Applicable to Commitments

Where the decision by the plan involves a commitment to purchase either a mortgage loan or participation interest therein:

(a) The commitment must be in writing and must be at least as favorable to the plan as a commitment involving unrelated parties and consistent with customary practices in the residential finance industry; and

(b) The commitment must provide for the use of underwriting guidelines and mortgage instruments which will ensure that all mortgage loans originated pursuant to such commitment will result in a "recognized mortgage loan";

(3) Specific Conditions Applicable to Participations

Where the acquisition by the plan involves a participation interest in a mortgage loan(s) (whether directly or pursuant to a commitment):

(a) The participation agreement governing such transaction must provide that: (i) The rights and interests evidenced by such participation interest not be subordinated to the rights and interests of other holders of the same participation agreement, (ii) the majority interest in the participation agreement must be owned by parties independent of and not controlled by the person selling the participation interest and servicing the underlying mortgage(s), and (iii) in the event of an inability to obtain collections on any mortgage loan(s) underlying the participation agreement, decisions regarding foreclosure options must be directed by persons other than the seller/servicer; and

(b) Such participation agreement must be in writing and must be at least as favorable to the plan as a participation agreement involving unrelated parties and consistent with customary practices in the residential finance industry.

B. Effective June 18, 1982, the exemption provided for transactions described in Part I is available only if each of the following conditions is satisfied in addition to each of the applicable conditions described in section A of this Part II:

(1) The decision to purchase or sell the mortgage loan or participation interest therein, or to issue a commitment to do so, must be made on behalf of the plan by a "qualified real estate manager" (as defined in Section C of Part III) as to which neither the plan, nor an employer or group of employers contributing to the plan, nor an employee organization any of whose members are covered by the plan, has the power to exercise a controlling influence over the management or policies of such "qualified real estate manager."

(2)(a) The plan shall maintain for the duration of any loan made pursuant to this exemption records necessary to enable the persons described in paragraph (b) of this sub-section to determine whether the conditions of this exemption have been met, except that: (i) A prohibited transaction will not be deemed to have occurred, if due to circumstances beyond the control of the fiduciaries of the plan, records are lost or destroyed prior to the termination of the loan, and (ii) no party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of ERISA, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained or are not available for examination as required by subparagraph (b) below.

(b) Notwithstanding any provisions of subsection (a)(2) and (b) of section 504 of the Act, the records referred to in subparagraph (a) of this paragraph must be unconditionally available at their customary location for examination during normal business hours by: Any trustee, investment manager, participant or beneficiary of the plan, or any duly authorized employee or representative of such person or of the Department or the Internal Revenue Service.

III. Definitions

For purposes of this exemption.

A. References to persons described in this exemption includes their affiliates. An affiliate is defined as:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person;

(2) Any officer, director, partner, employee or relative (as defined in section 3(15) of the Act) of such person; and

(3) Any corporation or partnership of which such person is an officer, director or partner.

B. An "established mortgage lender" means an organized business enterprise which has as one of its principal purposes in the normal course of business the origanation of loans secured by real estate mortgages or deeds of trust and which has satisfied the qualification requirements of one of the following categories:

(1) Approval by the Secretary of the Department of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act;

(2) Approval by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation as a qualified Seller/Servicer; or

(3) A State agency or independent State Authority empowered by State law to raise capital to provide financing residential dwelling units.

C. A "qualified real estate manager" means fiduciary as defined in section 3(21) of the Act who: (1) Is a financial institution or business organization, which in the normal course of business advises institutional investors regarding investments similar to those in which the plan desires to engage and which are described in Part I of this exemption; and (2) acknowledges in writing to the plan that it will make decisions regarding plan investments in mortgage loans or participation interests therein in its capacity as a fiduciary of such plan.

D. A "recognized mortgage loan" is: (1) Any mortgage loan on a "residential dwelling unit" which, at the time of its origination, was eligible, through an established program, for purchase by the Federal National Mortgage Association, the Government National Mortgage Association or the Federal Home Loan Mortgage Corporation; *or (2) any mortgage loan on a "residential dwelling unit" which has received a rating from a national rating service that is at least as good as the third highest rating category for other debt instruments available from one of the national rating services in existence in 1984.*

[E. A "residential dwelling unit" or "unit" means: (1) Owner occupied non-farm property comprising one to four dwelling units, including detached houses, townhouses, manufactured housing, condominiums, units in a housing cooperative, or a unit in a multi-unit subdivision (planned unit development) restricted by recorded documents which limit the use of the unit to residential purposes and provide for maintenance of common facilities; or (2) certain non-owner occupied units where such unit complies with the uniform underwriting standards required for investor loans to qualify as a "recognized mortgage loan" under this exemption.]

E. A "residential dwelling unit" or "unit" means non-farm property comprising one or more dwelling units, including detached houses, townhouses, manufactured housing, condominiums, units in a housing cooperative, a unit in a multi-unit subdivision (planned unit development) restricted by recorded documents which limit the use of the unit to residential purposes and provide for maintenance of common facilities, or apartment buildings.

Signed at Washington, D.C. this 4th day of December 1984.

Robert A.G. Monks,

Administrator, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-32289 Filed 12-10-84; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on December 19, and 20, 1984, in Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, December 19, 1984—8:30 a.m. until the conclusion of business
Thursday, December 20, 1984—8:30 a.m. until the conclusion of business

The NRC/NMSS Waste Management Staff will review for the Subcommittee two aspects of their efforts in support of the Department of Energy's high level waste disposal program, which DOE is pursuing in accordance with the Nuclear Waste Policy Act of 1982: (1) Definition of High Level Waste, and (2) Activities in preparation for Site Selection and Characterization. Also, the Environmental Protection Agency, Office of Radiation Programs Staff will review for the Subcommittee their High and Low Level Waste Management Programs.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC and EPA Staffs, their consultants, and other interested persons regarding these reviews.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Owen S. Merrill (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: December 5, 1984.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 84-32278 Filed 12-10-84; 8:45 am]

BILLING CODE 7590-01-M

Availability of (October 1984) Revision No. 1 to NUREG-0980; Nuclear Regulatory Legislation; Export Licensing

December 3, 1984.

NRC announces the availability of (Oct. 1984) Revision No. 1 to NUREG-0980: NUCLEAR REGULATORY LEGISLATION (June 1984), which updates information, contained in the section on Export Licensing and Nuclear Non-Proliferation, on countries which have signed treaties and agreements on peaceful nuclear cooperation through October 1984. The U.S. Department of State has provided this current information on signatories to the Nuclear Non-Proliferation Treaty, the Treaty for the Prohibition of Nuclear Weapons in Latin America, and bilateral agreements between the United States and other countries for peaceful nuclear cooperation.

NUREG-0980 is a complilation of nuclear regulatory legislation and other relevant material through the 97th Congress, 2nd Session, which was complied by Anna Fotias, Legislative Specialist, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, for staff use as a resource document. The U.S. NRC intends to update the compilation at the end of every Congress by inserting or deleting material.

Other Federal Government agencies may obtain a free single copy of this

(Oct. 1984) Revision No. 1 to NUREG–0980, to the extent of supply, by writing to the Publication Service Section, Document Management Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or by calling (301) 492–7333.

Copies of the (Oct. 1984) Revision No. 1 to NUREG–0980 may be purchased, to the extent of supply, by calling (301) 492–9530, the NRC/GPO Sales Program Office, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Duplicated copies of this publication may be purchased from the National Technical Information Service (NTIS), Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

The NRC/GPO Sales Program, as part of the Commission's Publication Services Section, Document Management Branch, Division of Technical Information and Document Control, fills orders for NRC publications within 24 hours of receipt. The public may charge the cost of publications to a GPO Deposit Account, to a VISA or Master Card account, or purchase may be made by check or money order.

Anna Fotias,

Legislative Specialist, U.S. Nuclear Regulatory Commission.

[FR Doc. 84-32279 Filed 12-10-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293; License No. DPR-35; EA 84-112]

Boston Edison Co. (Pilgrim Nuclear Power Station); Order Modifying License

I

The Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR–35 which authorizes the operation of the Pilgrim Nuclear Power Station (the facility) at steady-state power levels not in excess of 1998 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Plymouth County, Massachusetts.

II

In August 1984, the NRC conducted inspections to review the circumstances associated with the unplanned occupational radiation exposure of 1.1 rem to the hand of a contractor employee. The results of the inspections are in NRC Inspection Reports Nos. 50–293/84–25 and 50–293/84–29. The exposure, which was identified by the licensee, occurred on August 18, 1984 while the individual was performing work in the Control Rod Drive (CRD) Repair Room. Although the unplanned exposure was not in excess of regulatory limits, a substantial potential for exposure in excess of regulatory limits did exist.

The individual received the unplanned exposure while disassembling control rod drives in the CRD Repair Room. The exposure occurred when the individual picked up with his right hand a highly radioactive chip exhibiting radiation dose rates on contact of approximately 1100 rem/hour. Adequate radiological controls were not implemented during the performance of the work in the CRD Repair Room. Specifically, adequate surveys of the room were not performed prior to or during work in the room, adequate instructions were not provided to the worker by the health physics technician regarding precautions to be taken to minimize exposure, and the procedures used during the CRD disassemblies by contractor personnel had not been reviewed and approved by the licensee.

Furthermore, notwithstanding the use of the unapproved procedure by contractor personnel, the procedure for CRD disassembly, which had been reviewed and approved, did not include sufficient precautionary statements and radiation survey hold points necessary for implementation of appropriate radiological controls and timely detection of highly radioactive chips. Consequently, it is not apparent that the use of the approved procedure would have precluded this event.

The violations of NRC requirements associated with these events are set forth in the attached Notice of Violation. These recent violations at the facility represent a continuing problem in the effective implementation of radiological controls during the performance of work in the CRD Repair Room at the Pilgrim Station. On April 17, 1984, a Notice of Violation and Proposed Imposition of Civil Penalty (EA 84–29) was issued to the licensee in the amount of $40,000 for similar violations associated with a similar unplanned exposure which occurred in the CRD Repair Room in January 1984, involving improper handling of highly radioactive chips. The licensee paid the civil penalty on May 21, 1984.

Further, similar violations were identified by the NRC in May 1984 involving failure to perform surveys and properly instruct individuals during work performed in the Residual Heat Removal (RHR) quadrant and in the drywell. See NRC Inspection Report No. 50–293/84–14.

III

Collectively, these occurrences at the facility represent inadequate planning, supervision and control of activities involving the potential for personnel exposure to radiation in excess of regulatory limits. These occurrences are indicative of programmatic deficiencies in the radiological controls program and they demonstrate the need for effective corrective measures to prevent similar occurrences in the future. At a management meeting on September 5, 1984 and an enforcement conference on October 16, 1984 with NRC Region I, the licensee acknowledged the need for such corrective action and made certain commitments for improvement, including the retention of a contractor to perform a complete assessment of the Radiological Controls Program. On October 26, 1984 Region I issued a Confirmatory Action Letter documenting these commitments. In view of the importance of establishing, maintaining, and implementing an effective Radiological Controls Program, I have determined that the commitments documented in the Confirmatory Action Letter are required in the interest of public health and safety and, therefore, should be confirmed by Order.

IV

In view of the foregoing, pursuant to sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and Part 50, it is hereby ordered that:

A. By December 30, 1984, the licensee shall complete an independent contractor assessment of the radiological controls program at the Pilgrim Station. The assessment shall include, but not be limited to, the following areas:

(1) Radiological control program organization, including position responsibilities and authorities;

(2) Personnel selection, qualification and training program;

(3) External exposure control program;

(4) Internal exposure control program;

(5) Surveillance program;

(6) ALARA program;

(7) Corrective action system; and

(8) Management oversight.

B. By January 30, 1985, the licensee shall provide to the Regional Administrator, Region I, a copy of any or all contractor reports regarding the assessment required by Section IV.A. of the Order.

C. By February 28, 1985, the licensee shall submit to the Regional Administrator, Region I, for review and

approval, a Radiological Improvement Plan (RIP) for upgrading the radiological controls program. Upon the Regional Administrator's review and approval of the RIP, the RIP shall be implemented. The RIP shall address as a minimum the programmatic improvements necessary to correct the deficiencies identified during the assessment required by Section IV.A of the Order, and shall describe:

(1) Action items to be performed;

(2) The integration of these action items into existing programs as complimentary facets of the overall radiological controls program;

(3) The schedule for completion of the specific action items; and

(4) The system for monitoring and tracking the status and completion of the action items.

All action items shall be completed by December 30, 1985, unless otherwise justified in writing to the Regional Administrator, Region I, and approved by him. Until such time as all action items are completed, quarterly reports regarding the status of the RIP's improvements shall be provided to the Senior Vice President Nuclear with a copy to the Regional Administrator, Region I.

D. By February 28, 1985, the licensee shall submit to the Regional Administrator, Region I, an Interim Plan (IP) for achieving adequate management oversight and maintaining sufficient radiological controls of work in progress until the action items described in the RIP are completed. At a minimum, these interim actions shall include radiological audits of work in progress, transmittal of bi-weekly reports of the audits to the Senior Vice President for review, enhancement of technician training and qualifications for maintaining control of radiologically hazardous activities, and means to assure that personnel are aware of radiological incidents and corrective measures to prevent their recurrence.

E. The Regional Administrator, Region I, may relax or terminate, in writing, any of the preceding conditions for good cause.

V

The licensee or any other person whose interest is adversely affected by this Order may request a hearing on this Order. Any request for hearing shall be submitted to the Deputy Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 30 days of the date of this Order. A copy of the request shall also be sent to the Executive Legal Director at the same address and to the Regional Administrator, Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

If a hearing is to be held concerning this Order, the Commission will issue an Order designating the time and place of hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order shall be sustained.

This Order shall become effective upon expiration of the time during which a hearing may be demanded or, in the event that a hearing is demanded, on the date specified in an order issued following further proceedings on this Order.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 29th day of November 1984.

James M. Taylor,

Deputy Director, Office of Inspection and Enforcement.

Notice of Violation

[Docket No. 50–293; License No. DPR–35; EA 84–112]

Boston Edison Co. Pilgrim Nuclear Power Station

On August 24, 1984, an NRC special safety inspection was conducted to review the circumstances associated with an unplanned occupational radiation exposure of about 1.1 rem to the hand of a contractor worker during the disassembly of a control rod drive (CRD) in the CRD Repair Room. The radiation exposure was identified by the licensee on August 18, 1984. Although the unplanned occupational radiation exposure was not in excess of the regulatory limit, a substantial potential for such an exposure did exist.

The radiation exposure occurred when the worker handled a highly radioactive chip of material deposited in the spud end of the CRD Flush Tank tool tray. Prior to the incident, health physics technicians had performed surveys in the area of the tool tray and found the area to be exhibiting abnormally high radiation dose rates (500 mrem/hour to 1000 mrem/hour). This information was transmitted to the on-coming health physics technician. Also, the health physics technician should have been aware that highly radioactive chips had previously been found lodged inside other CRDs. However, disassembly of the spud end of a CRD was allowed to be performed without on-going radiation surveys. When the highly radioactive chip was identified after the disassembly of the spud end, the health physics technician did not adequately communicate the radiological hazards of the chip to a worker. As a result, the worker picked up the chip with his hand, held it for several seconds, and then threw it down. The chip was later determined to have a contact radiation dose rate of about 1100 rem/hour.

During subsequent review of the CRD room, the licensee found that (a) 12 other previously unidentified, highly radioactive chips were present in the CRD Repair Room, demonstrating inadequacies in control of general area radiation levels and in radiation surveys, and (b) the procedure used by the workers for disassembly of the CRDs had not been reviewed and approved and had been in use for approximately two months, demonstrating inadequate licensee supervision of on-going contractor activities.

Further, it is not apparent that use of the approved procedure would have prevented this occurrence. The approved procedure did not provide adequate precautionary statements regarding (1) the survey of components prior to handling, (2) the periodic checking of self-reading personnel dosimetry for inadvertent exposure, (3) criteria for disposal and/or ultrasonic cleaning of CRD outer filters, (4) hold points for removal, disassembly, cleaning, inspection, storage and isolation of CRD parts, and (5) dose rate criteria for CRD parts and tools. Such precautions should have been included in the approved procedure to satisfy procedure development guidance specified in the technical specifications and appropriate ANSI Standards.

In addition, the documented ALARA reviews for the Radiation Work Permit (RWP) associated with the CRD disassembly, and the RWP itself, did not provide guidance relative to allowable general area radiation dose rates in the room, did not provide guidance for allowable radiation dose rates on tools and equipment in the room, and did not provide guidance relative to allowable radioactive contamination of the room. As a result, the general area dose rates in the CRD Repair Room were as high as 400 mrem/hour, although 20 mrem/hour was used for ALARA pre-planning. Further, contamination levels were as high as 650 mrad/hour (removable) and radiation dose rates on tools used by workers for CRD disassembly routinely exhibited contact radiation dose rates as high as 1000 mrem/hour. Although these radiation and contamination levels made identification of chips difficult, work was routinely allowed to be performed in the CRD Repair Room under these conditions.

As a result of these deficiencies, a substantial potential existed for an

occupational exposure in excess of the limits specified in 10 CFR Part 20.

In accordance with 10 CFR 2.201 and the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 49 FR 8583 (March 8, 1984), the violations are set forth below:

A. 10 CFR 20.201(b) requires that each licensee make or cause to be made such surveys as (1) may be necessary for the licensee to comply with the regulations in this part, and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. 10 CFR 20.201(a) defines a radiation survey as an evaluation of the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above,

1. On August 18, 1984, radiation surveys, necessary and reasonable to ensure compliance with the dosimetry supply provisions of 10 CFR 20.202 and the occupational exposure radiation limits of 10 CFR 20.101, were not made during disassembly of the spud end of a Control Rod Drive (CRD). Specifically, although the area of the tool tray at the spud end was exhibiting abnormally high radiation dose rates between 500 mrem/hour to 1000 mrem/hour and previous experience indicated that highly radioactive chips could become lodged in a CRD, radiation surveys were not performed during initial disassembly of the spud end.

2. Radiation surveys, necessary and reasonable under the circumstances to ensure compliance with the occupational exposure limits of 10 CFR 20.101 and the dosimetry supply provisions of 10 CFR 20.202 were not made in the CRD Repair Room in that on August 18, 1984, and for an undetermined amount of time prior to this date, 12 highly radioactive chips present in the room were not identified, and their associated radiological hazards were not evaluated. The 12 chips, located in various areas of the room, exhibited contact radiation dose rates of between about 600 rem/hour to 1200 rem/hour.

B. 10 CFR 19.12 requires in part that individuals working in or frequenting any portion of a restricted area be kept informed of the storage and use of radioactive materials or of radiation and be instructed in precautions or procedures to minimize exposure.

Contrary to the above, on August 18, 1984, a worker disassembling the spud end of a control rod drive was not adequately instructed by the health physics technician in precautions or procedures to minimize his exposure in that the health physics technician located a highly radioactive chip in a room where work was being performed but did not warn the workers of its presence. As a result, the worker picked up a radioactive chip, measuring about 1100 rem/hour on contact, held it in his hand for several seconds, and then threw it down and thereby received an unplanned extremity exposure of about 1.1 rem.

C. Technical Specification 6.8.1, requires that written procedures be established, implemented and maintained that meet or exceed the requirements and recommendations of Appendix "A" of USNRC Regulatory Guide 1.33 and be reviewed by the Operations Review Committee (ORC) and approved by the ORC Chairman prior to implementation. Appendix "A" of Regulatory Guide 1.33 (1972) recommends that procedures for replacement and repair of Control Rod Drives be established.

Contrary to the above, from about June 24, 1984 through August 18, 1984, Control Rod Drives were disassembled in the CRD Repair Room and the procedures used during the disassembly had not been reviewed by the ORC and had not been approved by the ORC Chairman.

Collectively, these violations have been categorized in the aggregate as a Severity Level III problem (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, Boston Edison Company is hereby required to submit to this office, with a copy to the Regional Administrator, Region I, within 30 days of the date of this Notice, a written statement or explanation, including for each alleged violation: (1) Admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (3) the corrective steps which have been taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; (5) the date when full compliance will be achieved. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Bethesda, Maryland this 29th day of November 1984.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Director, Office of Inspection and Enforcement.

[Docket No. 50-293; License No. DPR-35 EA 84-112]

Notice of Deviation

Boston Edison Co. Pilgrim Nuclear Power Station

As a result of the inspection conducted on August 6-10, and 24, 1984, and in accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C, 49 FR 8583 (March 8, 1984), the following deviation was identified:

10 CFR 20.1(c) states in part: "Persons engaged in activities under licenses issued by the Nuclear Regulatory Commission . . . should, in addition to complying with the requirements set forth in this part, make every reasonable effort to maintain radiation exposures . . . as low as reasonably achievable." Regulatory Guide 8.8, "Information Relevant to Ensuring That Occupational Radiation Exposures at Nuclear Power Stations Would Be As Low As Is Reasonably Achievable," dated June 1978, states in part in Section C.3.b.: "During operations in radiation areas, adequate supervision and radiation protection surveillance should be provided to ensure that the appropriate procedures are followed, that planned precautions are observed, and that all potential radiation hazards that might develop or that might be recognized during the operation are addressed in a timely and appropriate manner."

Contrary to the above, on August 18, 1984, and for an undetermined period of the time prior to this date, workers disassembling control rod drives in the CRD Repair Room routinely used tools with recognized contact radiation dose rates of up to 1000 mrem/hour, and no timely and appropriate action was taken by radiation protection personnel to preclude unnecessary exposure of workers using the tools.

Boston Edison Company is hereby requested to submit to the Regional Administrator, Region I, within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) The corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further deviations; and (3) the date when corrective actions will be complete. Where good cause is shown, consideration will be given to extending this response time.

[FR Doc. 84-32277 Filed 12-10-84; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENT'S ADVISORY COUNCIL ON PRIVATE SECTOR INITIATIVES

Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the President's Advisory Council on Private Sector Initiatives which will be held on December 10, 1984 at 2:10 p.m. in Room 474 of the Old Executive Office Building in Washington, D.C.

The Council was established on June 27, 1983 by Executive Order No. 12427 to advise the President with respect to the objectives and conduct of private sector initiative policies, including methods of increasing public awareness of the importance of public/private partnerships; removing barriers to development of effective social service programs which are administered by private organizations; and strengthening the professional resources of the private social services sector.

The purpose and agenda of the meeting is to discuss the Council's successful programs and outline its work for the future.

The meeting will be open to the public. It is suggested that any member of the public who would like to file an oral or written statement or desires any further information regarding the meeting or the Council, please contact Ms. Patricia Kearney, Director of Communications of the White House Office of Private Sector Initiatives at 202/456-6676, or Old Executive Office Building, Room 134, Washington, D.C. 20500.

Dated: November 23, 1984.

James K. Coyne,

Special Assistant to the President for Private Sector Initiatives.

Editorial Note: This document was delayed in the mail and was received by the Office of the Federal Register on December 10, 1984.

[FR Doc. 84-32428 Filed 12-10-84; 10:40 am]

BILLING CODE 3195-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-5355]

BNK Industry Investment Co.; Notice of Application for License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Section 107.102 (1984)), for a license to operate as a small business investment company (SBIC) under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et. seq.*), and the Rules and Regulations promulgated thereunder.

Applicant: BNK Industry Investment Company.

Address: 3932 Wilshire Boulevard, Suite 303, Los Angeles, California 90010.

The proposed officers, directors and 10 or more percent stockholders of the Applicant are as follows.

Name	Position	Ownership (percent)
Bok-Nan Kim, 3932 Wilshire Boulevard Suite 303, Los Angeles, CA 90010.	Director	60
Kyu Han Lee, 1071 South Hoover Street, Los Angeles, CA 90006.	President and Director.	20
Chul-Ho Kim, 2740 Kensington Drive, Glendale, CA 91206.	Secretary and Director.	15
Yoshihuo Kuroki, 317 South Palm Drive, Beverly Hills, CA 90212.	Treasurer	5
Paul Raymond Sanders, 14155 Magnolia Boulevard, Apt. 343, Sherman Oaks, CA 91423.	General Manager	

The Applicant, a California Corporation will begin operations with $1,030,000 of private capital and conduct its activities principally in the State of California.

As a small business investment company under Section 301(d) of the Act, the Applicant has organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in the Los Angeles, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 3, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-32181 Filed 12-10-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5472]

Financial Venture Corp.; Notice of Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company (SBIC) under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 *et seq.*), has been filed by Financial Venture Corporation, Fernandez Jucos Ave., #801 Santurce, Puerto Rico 00907 with the Small Business Administration (SBA), pursuant to Section 107.102 of Revision 6 [48 FR 45014 (9-30-84)].

The officers directors and shareholders of the Applicant are as follows:

Name and address	Title or relationship	Percent of ownership
Jorge L. Fernandez, Montebello DA-11, El Retiro, Guaynabo, Puerto Rico 00625.	Chairman, President, and Director.	10
Jose E. Fernandez, 1893 Narcisco Street, Rio Predras, Puerto Rico 00927.	Vice President, Treasurer, and Director.	90
Jose A. Perez, 1-5 Alhombro St., Torrimar, Guaynabo, Puerto Rico 00657.	Secretary, CEO, Director, and General Manager.	0

The Applicant will begin operations with a capitalization of $1,000,000 which will be a source of equity on long term loans for qualified small business concerns.

The Applicant will conduct its operations principally in the Commonwealth of Puerto Rico.

As an SBIC under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958 as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the

free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in the Santurce, Puerto Rico Area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 3, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-32182 Filed 12-10-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0285]

Future Money Corp.; Issuance of a License To Operate as a Small Business Investment Company

On August 14, 1984, a notice was published in the **Federal Register** (49 FR 32482), stating that Future Money Corporation located at Two Energy Square, Suite 500, 4849 Greenville Avenue, Dallas, Texas 75206, had filed an application with the Small Business Administration pursuant to 13 C.F.R. 107.102 (1984), for a license to operate as a small business investment company under the provisions of Section 301(c) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on September 13, 1984, and no significant comments were received.

Notice is hereby given that considering the application and other information, SBA has issued License No. 06/06-0285 to Future Money Corporation.

Dated: December 3, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-32183 Filed 12-10-84; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 06/06-0287]

Mid-State Capital Corp.; Notice of Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended, (15 U.S.C. 661 *et seq.*), has been filed by Mid-State Capital Corporation (Mid-State), 510 North Valley Mills Drive, Waco, Texas 76710 with the Small Business Administration pursuant to 13 C.F.R. 107.102(1984).

Mid-State is incorporated in the State of Texas. The officers, directors and ten or more percent shareholders of the Applicant are as follows:

Smith E. Thomasson, 8104 Woodcreek, Waco, Texas 76710—President and Director
Matthew A. Landry, Jr., 825 Forest Oaks Circle, Waco, Texas—Vice President and Director
Patrick L. Rominger, 3724 Chateau, Waco, Texas 76710—Secretary, Treasurer and Director
First Bank & Trust, P.O. Box 1033, Bryan, Texas 77805—19.64
Westview National Bank, P.O. Box 7554, Waco, Texas 76710—14.28
Sabine Bank, P.O. Box 3317, Port Arthur, Texas 77643—10.72
Travis Bank & Trust, P.O. Box 4218, Austin, Texas 78765—10.72
Woodville Bancshares, P.O. Box 109, Woodville, Texas 75979—10.72
First Financial Corp., 800 Washington, Waco, Texas 76701—10.72

The applicant will begin operations with $1,400,000 paid-in capital and surplus and will conduct its activities in the State of Texas but will consider investments in businesses in other areas of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice should be published in a newspaper of general circulation in the Waco area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 5, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-32184 Filed 12-10-84; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Providence, Rhode Island, will hold a public meeting at 12:00 noon, on Wednesday, December 19, 1984, at Camilles Roman Garden, 71 Bradford Street, Providence, Rhode Island, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call James A. Hague, District Director, U.S. Small Business Administration, 380 Westminster Mall, Providence, Rhode Island 02903. Telephone number (401) 528-4562.

Dated: December 4, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-32185 Filed 12-10-84; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 09/09-5356]

Application for License To Operate as a Small Business Investment Company; Highland Capital Corp.

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of Revision 6 of the Rules and Regulations (13 CFR 107.102 (1984)) by Highland Capital Corporation, 4801 Wilshire Boulevard, Suite 301, Los Angeles, California 90010 for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. *et. seq.*)

The proposed officers, directors and shareholders are:

Name, address and title or relationship	Percentage of shares owned
Yvonne Kim Woo, 2675 Nottingham Avenue, Los Angeles, CA 90027; president/director	9.5
Terry Lee, 2675 Nottingham Avenue, Los Angeles, CA 90027; secretary, treasurer, director	9.5
Janice Yoon, 2675 Nottingham Avenue, Los Angeles, CA 90027; vice president, director	81.0

The Applicant will begin operations with a capitalization of $1,000,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

The Applicant will conduct its operations in the State of California.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Los Angeles, California.

Dated: December 5, 1984

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-32295 Filed 12-10-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Air Traffic Procedures Advisory Committee (ATPAC) to be held from January 15, at 9 a.m., through January 18, 1985, at 4 p.m., at Miami International Airport, 6301 N.W. 20th Street, Miami, Florida.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than January 11, 1985, Mr. Walter H. Mitchell, Executive Director, ATPAC, Air Traffic Service, ATO-301, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-3725. Information may be obtained from the same source.

The next quarterly meeting of the FAA ATPAC is scheduled to be held from April 22 through April 25, 1985, in Washington, D.C.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on December 4, 1984.

Walter H. Mitchell,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 84-32180 Filed 12-10-84; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-84-24]

Petition for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before December 31, 1984.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on December 5, 1984.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24286	Sky Harbor Air Service, Inc	14 CFR 135.219	To allow petitioner to operate aircraft under Part 135 when weather reports at the destination airport indicate weather conditions below minimum standards. Petitioner states that since weather reports and forecasts are not updated frequently, using the pilot's own observations in determining landing conditions at time of arrival would not compromise safety.
24296	Flying Tiger Line	14 CFR 61.157(e)	To allow petitioner's non-flying Tiger pilot trainees to receive flight training, upgrade training, and proficiency checks on petitioner's approved Phase II sumulators.
24304	Omniflight Offshore	14 CFR 43.3	To allow petitioner's pilots to remove, check, reinstall, and safety wire magnetic chip detector plugs on Bell 206 helicopters.
24329	Elwood W. McCray	14 CFR 121.383(c)	To allow petitioner to continue to serve as a pilot in operations conducted under Part 121 after reaching his 60th birthday.
24315	Bell Helicopter	14 CFR 45.29(b)	To allow the operation of an experimental model XV-15 TiltRotor aircraft displaying registration and nationally markings less than 12 inches high.
23386	Mid Pacific Airlines	14 CFR 121.378	To extend exemption No. 3710 to allow petitioner to contract with Toa Domestic Airlines and Nitto Maintenance company for repair, inspection, and overhaul of Nippon YS-11 aircraft.
24316	FMC Corp	14 CFR 21.181	To allow the operation of DA-50B aircraft utilizing the provisions of a minimum equipment list.
23468	Arabian American Oil Co	14 CFR 21.181	To allow the operation of aircraft under Part 91 utilizing the provisions of a minimum equipment list. It would extend the March 31, 1985, termination date of Exemption 3720, as amended.
24312	Kimberly-Clark	14 CFR 21.181	To allow the operation of a Canadair CL-600 aircraft utilizing the provisions of a minimum equipment list.
24313	W.R. Grace & Co	14 CFR 21.181	To allow the operation of B-727 aircraft utilizing the provisions of a minimum equipment list.
24307	Beckair Co., Inc	14 CFR 135.89(b)(3)	To allow the operation of Learjet and other aircraft above flight level 350 without either pilot at the controls being required to wear and use an oxygen mask.
23452	Alitalia	14 CFR 21.181	To allow the operation of DC-9-30 aircraft utilizing the provisions of a minimum equipment list. It would extend the December 31, 1984, termination date of Exemption 3675, as amended.
24261	Type Rating Training	14 CFR 63.37(b)(4) & Part 63 APP. C	To allow petitioner to substitute training in simulators and approved training devices for actual flight hours and allow a reduction in classroom hours.
24330	C.L. Johnson	14 CFR 121.383(c)	To allow petitioner to continue to serve as a pilot in operations conducted under Part 121 after reaching his 60th birthday.
24334	Balloon Federation of America	14 CFR 61.3 & 91.27	To allow certain pilots and foreign hot air balloons to practice and participate in the Hot Air Balloon Championships July 5-21, 1985, without complying with the pilot certification and airworthiness requirements to those sections.
17067	Sis-Q Flying Service	14 CFR 91.27	To extend the May 31, 1985, termination date of Exemption 2430c. That Exemption allows petitioner to conduct ferry flights of four-engine DC-6 airplanes with one engine inoperative when the aircraft is operated under contract with the U.S. Forest Service for forest fire control.
24305	British Aerospace	14 CFR 21.181	To allow the operation of one BAe800 and one BA 3100 aircraft utilizing the provisions of minimum equipment lists.
24295	View Top Corp	14 CFR 21.181	To allow the operation of a B-727-76 airplane utilizing the provisions of a minimum equipment list.
24303	SimuFlight Training International	14 CFR 61.183	To allow the use of Phase II simulators for instructor pilot training and checking.
24299	Beech Aircraft Corp	14 CFR 61.31(a)(1)	To allow pilots of the Beech Model 300 airplane, which is certificated at a maximum weight of more than 12,500 pounds, to operate these aircraft without holding an appropriate type rating.
24311	Melvin Simon & Assoc	14 CFR 21.181	To allow the operation of Hawker-Siddeley airplanes utilizing the provisions of a minimum equipment list.
24165	USAF Airlift Command	14 CFR 91.73(a)(b)	To allow petitioner to conduct helicopter night vision flight training without lighted external aircraft lights.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24113	Compagnie IMB France	14 CFR 21.181, 91.27, & 91.29	To allow petitioner to operate two Falcon 20 and one Falcon 10 aircraft using an FAA-approved minimum equipment list. *Granted Nov. 23, 1984.*
24182	Age of Enlightenment Aviation	14 CFR 21.181	To allow the operation of a B707-321 aircraft utilizing the provisions of a minimum equipment list. *Granted Nov. 23, 1984.*
24107	Olympic Airways	14 CFR 91.303	To allow petitioner to operate two Stage 1 Boeing 707 aircraft until April 1, 1985, in noncompliance with the operating noise limits. *Denied Nov. 5, 1984.*
24135	Icelandair	14 CFR 91.303	To allow petitioner to operate Stage 1 DC-8 aircraft until January 1, 1988, in noncompliance with the operating noise limits. *Partial grant Nov. 20, 1984.*
23957	National Airlines	14 CFR 91.303	To allow petitioner to operate Stage 1 DC-8 aircraft in noncompliance with the operating noise limits until hushkits are installed. *Denied Oct. 31, 1984.*
23959	Pakistan Int'l Airlines	14 CFR 91.303	To allow petitioner to operate Boeing 707 aircraft until July 1, 1986, in noncompliance with the operating noise limits. *Denied Nov. 3, 1984.*
23790	Capitol Air	14 CFR 121.349(a)	To permit petitioner to substitute an Omega navigation system (ONS) or an inertial navigation system (INS) for one of two required automatic direction finder (ADF) navigation systems during operations between the east coast of the United States and Puerto Rico. *Granted May 30, 1984.*
24147	Norman E. Midthun	14 CFR 121.383(c)	To allow petitioner to serve as pilot in Part 121 operations after reaching his 60th birthday. *Denied Nov. 19, 1984.*

[FR Doc. 84-32179 Filed 12-10-84; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Public Meeting and Announcement of Technical Meeting on the Agency's Current, Planned and Prospective Research on Lighting

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's rulemaking, research and enforcement programs, and at which NHTSA's current, planned and prospective research on lighting will be discussed. The agency seeks papers and oral presentations from industry and the private sector on lighting research and development. The agency has chosen to combine the quarterly public meeting with a technical meeting to reduce the costs which would be incurred if separate meetings were held.

DATES: The public meeting relating to the agency's rulemaking, research and enforcement programs will be held on February 6, 1985, beginning at 10:30 a.m. Questions relating to the agency's rulemaking, research, and enforcement programs, must be submitted in writing by January 15, 1985. If sufficient time is available, questions received after the January 15 date may be answered at the meeting. The individual, group or company submitting a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by January 15 and the issues to be discussed will be mailed to interested persons on January 31, 1985 and will be available at the meeting.

Requests to make a formal presentation on lighting must be submitted not later than January 15, 1985.

ADDRESSES: Questions for the February 6, meeting relating to the agency's rulemaking, research, and enforcement programs should be submitted to Barry Felrice, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, D.C. 20590.

Requests to make a formal presentation on lighting should be addressed to Michael Perel, NRD–11, Crash Avoidance Research Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202 755–8753).

The public meeting will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

SUPPLEMENTARY INFORMATION: NHTSA will hold a meeting to answer questions from the public and industry regarding the agency's rulemaking, research, and enforcement programs on February 6, 1985. The meeting will begin at 10:30 a.m., and will be held at EPA's laboratory facility in Ann Arbor, Michigan. The purpose of the meeting is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. A transcript of the meeting will be availble for public inspection in the NHTSA Technical Reference Section in Washington, D.C. within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, Room 5108, 400 Seventh Street, SW. Washington, D.C. 20590.

At the close of the usual question and answer session a discussion of the agency's lighting research program will be held. Immediately thereafter, (or on the following day, February 7, 1985 depending on the number of participants desiring to make presentations), the agency will conduct a technical meeting at which presentations will be made regarding the agency's lighting research program. Several agency officials involved in the program will make presentations, and industry representatives and other interested individuals are invited to make similar technical presentations.

The complete details on the technical meeting on lighting will be provided in a subsequent notice.

Issued on December 5, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84–32283 Filed 12–10–84; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes December 27, 1984.

Address Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application number	Applicant	Renewal of exemption
2709–X	Hercules, Incorporated, Wilmington, DE.	2709
2709–X	U.S. Department of Defense, Washington, DC.	2709
3095–X	Dowell Schlumberger Inc., Tulsa, OK [1].	3095
3330–X	Babcock & Wilcox, Lynchburg, VA [2]	3330
4726–X	U.S. Department of Energy, Washington, DC.	4726
4803–X	Dowell Schlumberger Incorporated, Tulsa, OK [3].	4803
5022–X	U.S. Department of Defense, Washington, DC.	5022
5206–X	Kesco, Incorporated, Kittanning, PA	5206
6267–X	Coastal Industries, Incorporated, Carlstadt, NJ.	6267
6267–X	UTICO Corporation, Paterson, NJ	6267
6543–X	Texas Instruments, Inc., Dallas, TX	6543
6583–X	Phillips Petroleum Company, Bartlesville, OK.	6583
6626–X	Airco-BOC Inc., Murray Hill, NJ	6626

Application number	Applicant	Renewal of exemption
6922-X	Halocarbon Products Corporation, Hackensack, NJ.	6922
6961-X	Monsanto Company, St. Louis, MO	6961
7052-X	Moli Energy Limited, Burnaby, B.D., Canada [4].	7052
7466-X	Firmenich Incorporated, Princeton, NJ.	7466
7625-X	Hydrite Chemical Company, Milwaukee, WI [5].	7625
7641-X	American President Lines, Ltd., Oakland, CA.	7641
7657-X	Welker Engineering Company, Sugar Land, TX [6].	7657
7765-X	Moog, Inc., Tampa, FL	7765
7774-X	Pipe Recovery Systems, Incorporated, Houston, TX.	7774
7835-X	Air Products and Chemicals, Inc., Allentown, PA [7].	7835
8115-X	Acurex Corporation, Mountain View, CA.	8115
8126-X	SLEMI, Paris, France	8126
8126-X	Fauvet-Girel, Paris, France	8126
8127-X	Societe Nationale Des Poudres et Explosifs, Bergerac, France.	8127
8129-X	Monsanto Company, Saint Louis, MO	8129
8141-X	The Boeing Co., Seattle, WA	8141
8144-X	ICI Americas, Incorporated, Wilmington, DE.	8144
8144-X	Atlas Powder Company, Dallas, TX	8144
8167-X	Manostat Corporation, New York, NY	8167
8299-X	HTL Industries, Inc., Duarte, CA [8]	8299
8386-X	J. J. Mauget Co., Burbank, CA [9]	8386
8480-X	The Gillette Company, Boston, MA	8480
8489-X	FMC Corporation, Philadelphia, PA [10]	8489
8494-X	Fruehauf Corporation, Omaha, NE	8494
8509-X	Reagent Chemical & Research, Inc., St. Gabriel, LA.	8509
8510-X	Dow Chemical Co., Freeport, TX	8510
8519-X	Atlantic Container Line, Limited, Elizabeth, NJ.	8519
8520-X	Atlas Powder Company, Dallas, TX	8520
8522-X	Bay Street Packaging, Santa Fe, CA	8522
8554-X	Mesabi Powder Company, Hibbing, MN.	8554
8554-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	8554
8554-X	Wampum Hardware Co., New Galilee, PA.	8554
8558-X	Trojan Corporation, Salt Lake City, UT.	8558
8561-X	HTL Industries, Inc., Duarte, CA	8561
8565-X	Olin Corp., Stamford, CT	8565
8572-X	American Explosives, Inc., Hayden Lake, ID.	8572
8612-X	FIBA Leasing Company, Inc., Westborough, MA.	8612
8646-X	Marshall Hyde Incorporated, Port Huron, MI.	8646
8680-X	Walter Kidde, Wake Forest, NC	8680
8748-X	Battelle, Pacific Northwest Laboratories, Richland, WA.	8748
8811-X	American Hoechst Corporation, Somerville, NJ [11].	8811
8877-X	SCM Speciality Chemicals, Gainesville, FL.	8877
8959-X	Greer Hydraulics, City of Commerce, CA.	8959
8967-X	Hercules, Incorporated, Wilmington, DE.	8967
8971-X	NL McCullough/NL Industries, Inc., Houston, TX.	8971
9003-X	General Electric Co., San Jose, CA [12].	9003
9117-X	Flexbin Corporation, Houston, TX [13]	9117
9182-X	Stoneco, Inc., Dacono, CO [14]	9182
9201-X	Cyanamid Canada, Inc., East Willowdale, Canada [15].	9201
9241-X	Stoneco, Inc., Dacono, CA [16]	9241
9244-X	Stoneco, Inc., Dacono, CO [17]	9244
9248-X	Kross Inc., San Fernando, CA [18]	9248
9256-X	U.S. Department of Defense, Washington, DC.	9256

[1] To authorize subject cargo tanks, built prior to August 1, 1983, to be used without mounting pads installed at the attachment point of the overturn protections.

[2] To renew and to authorize a 5 gallon capacity DOT Specification 37A as additional containers.

[3] To renew and authorize subject cargo tanks, built prior to August 1, 1983, to be used without mounting pads installed at the attachment point of the overturn protection.

[4] To authorize lithium molybdenum disulfide and lithium hexafluoroarsenate as additional chemical makeup.

[5] To renew and to authorize shipment of sodium hydrogen sulfite solution 38% and acetic acid 56% as additional commodities.

[6] To authorize cargo vessel and rail as additional modes of transportation.

[7] To authorize common carriers as an alternate source of transportation.

[8] To authorize an additional pressure vessel design.

[9] To authorize rail as an additional mode of transportation.

[10] To authorize shipment of bulk polypropylene bags containing certain hazardous materials in less than truck load lots.

[11] To authorize modified hydrostatic retesting parameters for heating system of cargo tank.

[12] To renew and authorize use of additional non-DOT specification portable tanks built to the ASME Code.

[13] To authorize chromic acid as an additional commodity.

[14] To authorize rail as an additional mode of transportation.

[15] To authorize highway and rail as additional modes of transportation.

[16] To authorize rail as an additional mode of transportation.

[17] To authorize rail as an additional mode of transportation.

[18] To authorize rail as an additional mode of transportation.

Application number	Applicant	Parties to exemption
4453-P	A & M Contracting, Grove City, PA.	4453
5206-P	Douglas Explosives, Inc., Philipsburg, PA.	5206
6325-P	A & M Contracting, Grove City, PA.	6325
7052-P	Motorola, Inc., Schaumburg, IL.	7052
7052-P	Singer Company, American Meter Division, Philadelphia, PA.	7052
8129-P	Weyerhaeuser Company, Tacoma, WA.	8129
8129-P	Syntex (U.S.A.) Inc., Palo Alto, CA.	8129
8129-P	General Motors Corporation, Detroit, MI.	8219
8129-P	DDD Environmental Management Corporation, Buffalo, NY.	8129
8453-P	Viking Explosives & Supply, Inc., Hibbings, MN.	8453
8526-P	Be-Mac Transportation Company, Inc., St. Louis, MO.	8526
8526-P	The Cleveland, Columbus & Cincinnati Highway, Inc., Cleveland, OH.	8526
8554-P	A & M Contracting, Grove City, PA.	8554
8556-P	Union Carbide Corporation, Danbury, CT.	8556
8645-P	A & M Contracting, Grove City, PA.	8645
8845-P	Allegheny Nuclear Surveys, Inc., Weston, WV.	8845
8845-P	Mountaineer Logging & Perforating Corporation, Vienna, WV.	8845
8937-P	Spectrulite, Inc., Midland, MI.	8937
9059-P	Boeing Aerospace Company, Seattle, WA.	9059
9266-P	National Refrigerants, Inc., Radnor, PA.	9266

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 4, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-32258 Filed 12-10-84; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applicants for Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes January 15, 1985.

ADDRESS: Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
9347-N	Boondock International, Inc., Houston, TX	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3, 178.42	To manufacture, mark and sell non-DOT specification stainless steel cylinders not to exceed 1800 psig, for shipment of various flammable and nonflammable gases. (Modes 1, 4.)
9348-N	Duracell, Inc., Bethel, CT	49 CFR Parts 100-199	To authorize lithium batteries comprised of up to four cells, each containing 0.5 grams of lithium, not to exceed a total of 2 grams per battery to be shipped as essentially non-regulated. (Modes 1, 2, 3, 4, 5.)
9349-N	Atlantic Cylinder Corp., Jacksonville, FL	49 CFR 173.34 (1)	To authorize the rebuilding of DOT Specification 4 series cylinders by a method other than as prescribed. (Mode 1.)
9350-N	Square D Co., Florence, KY	49 CFR 173.302	To authorize shipment of sulfur hexafluoride in non-DOT specification containers as an integral part of a circuit breaker. (Modes 1, 3.)
9352-N	Maloney Pipeline Systems, Inc., Houston, TX	49 CFR 173.119, 173.304, 173.315	To manufacture, mark and sell displacement meter proving units, to be affixed to a truck or trailer, for shipment of hydrocarbon products, classed as flammable liquid or flammable gas. (Mode 1.)
9354-N	Companhia Nitro Quimica Brasileira, Sao Paulo, SP Brazil.	49 CFR 173.127, 173.184, 178.244	To authorize shipment of nitrocellulose, wetted with 30% ethyl alcohol in non-DOT specification fiberboard drums. (Modes 1, 2, 3.)
9355-N	Eastman Kodak Co., Rochester, NY	49 CFR Parts 100-199	To authorize lithium batteries comprised of up to 1.5 grams per cell with each battery not exceeding 2 grams as essentially nonregulated. (Modes 1, 2, 3, 4, 5.)
9356-N	Clif Mock Co., Conroe, TX	49 CFR 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3, 178.42.	To manufacture, mark and sell non-DOT specification cylinders comparable to DOT Specification 3E cylinders, for shipment of various flammable and non-flammable gases. (Modes 1, 2, 3.)
9357-N	Dynatrans AB, Sweden, Gothenburg, Sweden	49 CFR 173.315	To authorize shipment of various flammable and nonflammable gases in non-DOT specification IMO 5 portable tanks. (Modes 1, 2, 3.)
9358-N	Ashland Oil, Inc., Dublin, OH	49 CFR Part 173, Subpart D, F	To authorize shipment of various flammable or corrosive liquids in up to one gallon capacity glass or polyethylene containers overpacked in a thermoformed high density polyethylene case. (Mode 1.)
9359-N	BONDICO, Inc., Key Biscayne, FL	49 CFR 173.3(c), Part 173, Subpart D, E, F, H.	To manufacture, mark and sell non-DOT specification polyethylene/fiberglass containers of 90 gallon capacity, for shipment of various flammable, poisons, and corrosives, liquids or solids including use as a salvage drum. (Modes 1, 2.)
9360-N	South Pacific Transportation Co., San Francisco, CA.	49 CFR 172.204, 174.24(a)	To allow the transmission of shipping paper information via an agreed to electronic billing system, without shipper certification, as a substitute for shipping papers prepared by the shipper. (Mode 2.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 3, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-32257 Filed 12-11-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief

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

ACTION: Notice of Granting of Relief from Disabilities Incurred by Conviction.

SUMMARY: The person named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Paul M. Durham Firearms Enforcement Branch, Firearms Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026 (202-566-7258).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Adams, Martin Joe, Route 1, Box 59, Blackey, Kentucky, convicted on March 12, 1979, in the United States District Court, Pikeville, Kentucky.

Alm, Robert Dwayne, 1629 10th Avenue South, Fargo, North Dakota, convicted on June 27, 1968, in the Wilkin County District Court Breckenridge, Minnesota.

Ambrose, C. Hyde, 3919 Cypress Street, Moss Point, Mississippi, convicted on December 2, 1981, in the United States District Court of Southern Mississippi.

Anderson, Bruce David, 5915 108th Street, Gig Horbor, Washington, convicted on January 24, 1975, in the Superior Court, Pierce County, Washington.

Arif, Rafat K., 7101 252nd Street, Apt.2, Bellerose, New York convicted on July 17, 1981, in the United States District Court, Eastern District of New York.

Atha, Calvin W., Route 1, Box 72, Cheyenne, Oklahoma, convicted on March 10, 1983, in the United States District Court, Western Judicial District of Oklahoma.

Beardall, John Neil, 1480 West 1700 North, Provo, Utah, convicted on January, 24, 1977, in the United States District Court, Boise, Idaho.

Beck, Robert H., 47 Brookline Dr., Utica, New York, convicted on November 22, 1977, in the Oneida County Court, New York.

Bilski, Richard B., 3611 Colby, SW, Wyoming, Michigan, convicted on October 28, 1980, in the Circuit Court, Kent County, Michigan.

Bloom, Joel Harvey, 4441 South Congree Avenue, Lake Worth, Florida, convicted on January 24, 1980, in the Circuit Court, Palm Beach County, Florida.

Bodda, John Kyle, 1813 Leland Dr., Everett, Washington, convicted on May 11, 1978, in the Snohomish County Superior Court, Washington.

Bowdon, Bob Ray, 102 Phillips Terrace, Dothan, Alabama, convicted on April 24, 1961, in the Faulkner County Circuit Court, Faulkner County, Arkansas; and on August 8, 1963, in the Phillips County Court, Holdreon, Nebraska.

Brown, Ernest Rudolph, Box 656, Lebanon, Virginia, convicted on

March 5, 1952, in the Circuit Court, Russell County, Virginia; and on February 18, 1982, in the United States District Court, Abingdon, Virginia.

Brown, Stanley Merton, Box 7707, Route 175, Jessup, Maryland, convicted on March 18, 1966, in the Anne Arundel County People's Court, Anne Arundel, Maryland.

Brown, Timothy Leroy, 5120 Main Street, Bay City, Oregon, convicted on April, 1977, in the Superior Court, Franklin County, Washington.

Broyhill, James Herbert, Route 3, Box 465, Connelly Springs, North Carolina, convicted on April 27, 1977, in the Superior Court of Burke County, Morgantown, North Carolina.

Bryan, Marcus, 2572 Lenox Road, NE, Apt. F9, Atlanta, Georgia, convicted on August 10, 1976, in the Circuit Court, Carroll County, Virginia; and on August 18, 1976, in the Circuit Court, Grayson County, Virginia.

Cermak, Raymond Leroy, 3737 Hubbard, Apt. 202, Robbinsdale, Minnesota, convicted on December 6, 1976, in the Ramsey District Court, St. Paul, Minnesota.

Chambers, Ward Gurney, RFD 3, North, Wilkesboro, North Carolina, convicted on November 21, 1957, in the United States District Court, Wilkesboro, North Carolina.

Champion, Donald David, Route 2, Marion, Kentucky, convicted on December 8, 1980, in the United States District Court, Paducah, Kentucky.

Chevalier, Emile, East Road, Speculator, New York, convicted on September 26, 1960, in the County Court, Chautaugua County, New York.

Childrey, Booker T., 3842 April Street, Montgomery, Alabama, convicted on January 19, 1970, in the United States District Court, Montgomery, Alabama.

Chowning, Billy Clark, 872 Ann Street, Versailles, Kentucky, convicted on May 10, 1978, in the Fayette Circuit Court, Lexington, Kentucky.

Christianson, Lester Victor, 82 Irving Place, New York, New York, convicted on September 30, 1971, in the United States District Court, Southern District of New York.

Ciulla, Vincent, 16 Point Beach Drive, Milford, Connecticut, convicted on November 23, 1953, in Afton, Oklahoma; and on May 21, 1961, in Lynn, Massachussetts.

Cook, Clarence Camp. 708 Patricia Street, Talladega, Alabama, convicted on February 13, 1978, in the United States District Court, Northern District of Alabama.

Cragle, David Eugene, 106 Astonia, Cedar Hill, Texas, convicted on January 15, 1979, in the Criminal District Court #1, Texas.

Crossland, Thomas Mack, 308 Carlton Way, Muskogee, Oklahoma, convicted on December 17, 1979, in the Eastern District Court of Oklahoma, Muskogee, Oklahoma.

Cundiff, James Oscar, Route 2, Box 256, Irvington, Kentucky, convicted on January 12, 1979, in the Breckinridge Circuit Court, Hardinsburg, Kentucky.

Davis, Charles Albert, Jr., RD #1, Tracy Road, Liston, New York, convicted on May 16, 1979, in the St. Lawrence County Court, Canton, New York.

Davis, Reginald, 7057 Niagara, Romulus, Michigan, convicted on May 15, 1969, in the Recorder's Court, City of Detroit, Michigan; and on March 24, 1972, in the Recorder's Court, City of Detroit, Michigan.

Davis, Richard Allen, 1040 Collingswood Drive, Harrisburg, Pennsylvania, convicted on September 7, 1977, in the United States District Court, Middle District of Pennsylvania, Scranton, Pennsylvania.

Davis, William M., 402 West Twilight #811, Longview, Texas, convicted on May 18, 1979, in the District Court, Goodland, Kansas.

Davis, William Randall, 124 Davidson Avenue, Savannah, Georgia, convicted on September 24, 1974, in the Circuit Court, Portsmouth, Virginia.

Dean, Loren Lind, 5835 Bryant Avenue North, Brooklyn Center, Minnesota, convicted on July 11, 1977, in the Hennepin County District Court, Minneapolis, Minnesota.

Delks, Frank, 241 Kenilworth, #3, Detroit, Michigan, convicted on July 12, 1939, in the Wayne County Recorder's Court, Detroit, Michigan.

Dickey, Curtis, Route 1, Box 215, Bedias, Texas, convicted on September 24, 1953, in the District Court, Walker County, Texas.

Dohmeyer, William Elroy, Route 1, Box 24A, Iron Ridge, Wisconsin, convicted on December 3, 1965, in the Ozaukee County Court, Port Washington, Wisconsin.

Doss, Cecil Wray, Sr., Route #1, Box 2, Rocky Mount, Virginia, convicted on September 11, 1979, in the Circuit Court, Franklin County, Virginia.

Draper, James Bristow, Unit D–10, Stonehedge, South Burlington, Vermont, convicted on September 22, 1980, in the District Court of Vermont.

Duncan, Hugh Homer, 5155 Chemin de Vis, Atlanta, Georgia, convicted on June 19, 1981, in the District Court, Brunswick, Georgia.

Dunwoody, Stephen Akin, 1713 Mulberry Road, Martinsville, Virginia, convicted on May 4, 1981, in the Circuit Court, Martinsville, Virginia.

Echols, Joe W., 10405 West Orange Grove, Tucson, Arizona, convicted on May 16, 1974, in the Circuit Court of Fairfax County, Fairfax, Virginia.

Fanus, Irwin Lee, 408 West Street, Carlisle, Pennsylvania, convicted on August 31, 1971, in the Court of Common Pleas, Cumberland County, Pennsylvania.

Ford, Doran Lee, 536 East Lexington Avenue, El Cajon, California, convicted on August 9, 1984, in the United States District Court, Southern District, San Diego, California.

Foy, William Joseph, 1730 Lafayette Boulevard, Norfolk, Virginia, convicted on March 28, 1969, in the Corporate Court, City of Norfolk, Virginia.

Gaffney, Karen Lee Hayes, Dogwood Valley, Stanardsville, Virginia, convicted on August 14, 1980, in the Circuit Court, City of Norfolk, Virginia.

Getzwiller, William Albert, P.O. Box 2422, Paso Robles, California, convicted on August 8, 1978, in the United States District Court, Tucson, Arizona.

Gilbert, Rupert George, 3106 Kenilworth Avenue, Apt. 9, Hyattsville, Maryland, convicted on October 3, 1980, in the Lynchburg Circuit Court, Virginia.

Ginger, Wiley Edward, 1002 West Cook Street, El Dordado, Arkansas, convicted on December 6, 1976, in the Union County Circuit Court, Arkansas.

Graffagnino, Gary Anthony, 829 Minden Avenue, Kenner, Louisiana, convicted on September 15, 1977, in the 24th Judicial District, Parish of Jefferson, Louisiana.

Graveline, George, 68 Center Street, Windsor Locks, Connecticut, convicted on June 6, 1978, in the Springfield District Court, Springfield, Massachussetts.

Gullickson, Kenny O., P.O. Box 345, Fort Yates, North Dakota, convicted on May 11, 1981, in the United States District Court, Bismarck, North Dakota.

Garrett, Byron Roland, 2915 Arunah Avenue, Baltimore, Maryland, convicted on May 13, 1972, District Court of Maryland, Northwestern Police District.

Haase, William T., 8665 East Speedway, #1121, Tucson, Arizona, convicted on May 17, 1979, in the Superior Court, County of Pima, Arizona.

Hair, John Thomas, 6313 Butler Road, Apt. 307, Little Rock, Arkansas, convicted in June 1967, in the Tulsa County Court, Judicial District #14, Oklahoma.

Hale, Darrell Lynn, 734 South F Street, Lakeview, Oregon, convicted on June 8, 1977, in the Superior Court, Oregon.

Hanson, Hans Christopher, 2200 North Florida, #134, Alamogordo, New Mexico, convicted on February 9, 1976, in the Superior Court, California.

Harding, Darwin Randy, Route 624, Lottsburg, Virginia, convicted on August 24, 1978, in the Northumberland Circuit Court, Heathsville, Virginia.

Harris, Leroy Alexander, 2132 Wylie Avenue, Pittsburgh, Pennsylvania, convicted in 1940, in Mobile, Alabama; and in 1977, in Philadelphia, Pennsylvania.

Hazel, Letha Helen, 22 1st Avenue, Evanston, Illinois, convicted on April 11, 1979, in the 7th Judicial District Court, Montana.

Heikes, Donald Clarence, 130 West 61st Street, Minneapolis, Minnesota, convicted on February 6, 1978, in the Washington District Court, Stillwater, Minnesota.

Hershel, Henry Poore, Jr., 726 Vernon Drive, Anniston, Alabama, convicted on September 4, 1979, in the United States District Court, Northern District of Alabama, Birmingham, Alabama.

Hill, Charles Wendell, 600 Norma, Keller, Texas, convicted on April 20, 1981, in the State District Court, Tarrant County, Texas.

Hite, Ben Lewis, Route 3, Virgilina, Virginia, convicted on October 22, 1971, in the Circuit Court, Halifax County, Virginia.

Hong, Sung Jao, 345 South Doheny Drive, Beverly Hills, California, convicted on June 29, 1977, in the Superior Court, Los Angeles, California.

Honnick, Edwin Elbert, 601 South Norton Road, Apt. A–2, Corruna, Michigan, convicted on February 21, 1962, in the Isabella County Court, Isabella County, Michigan; and on July 30, 1962, in the Saginaw County Circuit Court, Saginaw, Michigan.

Hudson, George M., 3471 Fernway Drive, Montgomery, Alabama, convicted on September 24, 1980, in the United States District Court, Montgomery, Alabama.

Hughes, Ronald James, 201 Shady Shores, Lake Dallas, Texas, convicted on October 6, 1978, in the Criminal District Court #5, Dallas County, Texas.

Huseby, James Ervin, 1708 North Battery Drive, Richmond, Virginia, convicted on June 2, 1980, in the Circuit Court, King William County, Virginia.

Iskierka, Richard, 6170 Starlight Boulevard, Fridley, Minnesota, convicted on May 1, 1979, in the 10th Judicial District Court, Fridley, Minnesota.

Jaime, Joe Villanueva, 8152 West Aster Drive, Peoria, Arizona, convicted on July 2, 1975, in the District Court of the 5th Judicial District, Idaho.

Jancosek, Richard Andrew, 849 Mulberry Street, Hammond, Indiana, convicted on September 25, 1980, in the Superior Court, Crown Point, Indiana.

Jones, N. Buford, IV, 23 Mooregate Square, Atlanta, Georgia, April 21, 1980, in the Cobb County Superior Court, Georgia.

Kapusta, Peter Philip, 4136 North River Street, Arlington, Virginia, convicted on April 8, 1983, in the District Court, Alexandria, Virginia.

King, Jess Tim, 8729 "B" Pacific Highway, SE, Olympia, Washington, convicted on February 25, 1975, in the Superior Court, Washington.

Kuhlman, Mark Stephen, 15471 NE 95th Street, Elk River, Minnesota, convicted on April 9, 1976, in the Hennepin County Court, Minneapolis, Minnesota.

La Fountain, Irving Paul, P.O. Box 64, Maple Street, Colton, New York, convicted on January 10, 1975, in the St. Lawrence County Court, Colton, New York.

Larsen, George, Jr., 1500 North 1200 West, Layton, Utah, convicted on April 13, 1964, in the Second District Court, Ogden, Utah.

Lawrence, Jerald Richard, 1590 Spring Street, Apt. 1, Hastings, Minnesota, convicted on April 28, 1981, in the Dakota County District Court, Minnesota.

Legg, Harold L., Route 2, Box 381, Hilliard, Florida, convicted on January 21, 1971, in the Circuit Court of Clay County, Clay County, Florida.

Matejek, Lee Ray August, Jr., 2437 Lakeview Drive, Corpus Christi, Texas, convicted on March 15, 1977, in the State District Court, Oklahoma City, Oklahoma.

McCormick, Joseph L., P.O. Box 131, Boley, Oklahoma, convicted on January 25, 1960, in the Southern District Court of California, California.

McGhee, William Frederick, Jr., 3006 West 18th Street, Plainview, Texas, convicted on August 30, 1976, in the 181st Judicial District Court, Amarillo, Texas.

McIntyre, Ruleen, 2173 Zuni Avenue, Chico, California, convicted on August 27, 1979, in the Superior Court, Yakima, Washington.

McVae, George Lee, 214 East Center, Pomona, California, convicted on February 8, 1952, in the United States District Court, El Paso, Texas.

Meece, Travis Merrell, 1309 South Jefferson, Amarillo, Texas, convicted on August 28, 1975, in the 108th District Court, Potter County, Texas.

Meenehan, John Francis III, P.O. Box 341, Lovettsville, Virginia, convicted on October 18, 1977, in the Circuit Court, Fairfax County, Virginia.

Merica, Roy Dale, Route 1, Box 351–A, Elkton, Virginia, convicted on September 21, 1979, in the Circuit Court, Rockingham County, Virginia.

Miller, Franklin Michael, Route 2, Morris, Minnesota, convicted on March 8, 1978, in the United States Court, St. Paul, Minnesota.

Mitchell, David Clifton, 615 North 7th, Walla Walla, Washington, convicted on November 24, 1970, in the Superior Court, Walla Walla, Washington.

Mitchell, Murriel Homer, 3102 Elaine Drive, San Jose, California, convicted on January 16, 1970, in the Superior Court, Santa Clara County, California.

Moore, Joseph Neil, Route 1, Box 618, Cedar Creek, Texas, convicted on July 23, 1980, in the 126th Judicial Court, Travis County, Texas.

Moore, Robert Hinton, 322 Hurt Avenue, Obion, Tennessee, convicted on June 14, 1955, in the Dyer County Circuit Court, Dyersburg, Tennessee; and on November 2, 1967, in the Dyer County Circuit Court, Dyersburg, Tennessee.

Moses, Francis E., Jr., Route 305, Cuba, New York, convicted on February 26, 1981, in the Allegheny County Court, New York.

Mullett, Robert D., 5836 Council Ring Boulevard, Kokomo, Indiana, convicted on March 16, 1962, in the Cass County Circuit Court, Logansport, Indiana.

Mungor, Sean G., 6400 Douglas Drive, Apt. 207, Brooklyn Park, Minnesota, convicted on September 18, 1979, in the Branch 3 Circuit Court, Eau Claire, Wisconsin.

Nippe, Randy Joe, 213 North Green Street, Brownsburg, Indiana, convicted on December 31, 1968, in the Circuit Court of the 6th Judicial District, Douglas County, Illinois.

Norris, Roy Lee, 806 Pacific, Yakima, Washington, convicted on May 31, 1969, in the Spokane County Superior Court, Washington.

Oakley, Terry Allen, 779 Browning Avenue, Salt Lake City, Utah, convicted on October 18, 1976, in the 3rd Judicial District Court, Salt Lake City, Utah.

Palmer, Allen Stuart, 23 Ladue Estattes, Ladue, St. Louis, Missouri, convicted on November 9, 1979, by a Federal Grand Jury, in St. Louis, Missouri.

Parrish, Joseph Atwell, Route #1, Box 5, Dolphin, Virginia, convicted on November 22, 1982, in the United States District Court, Richmond, Virginia.

Payne, Arthur, 106 Highlander Drive, Hendersonville, Tennessee, convicted on December 10, 1981, in the United States District Court, Middle District, Tennessee.

Peele, James Preston, Box 51, Langwood Trailer Park, Rocky Mount, North Carolina, convicted on June 1, 1970, in the Supreme Court of Nash County, Nash County, North Carolina.

Phillips, John Will, Sr., P.O. Box 307, West Point, Georgia, convicted on March 6, 1968, in the United States District Court, Middle Alabama.

Piele, James Dean, 6949 Collingwood, Apt. 4, Woodbury, Minnesota, convicted on January 10, 1978, in the Ramsey District Court, St. Paul, Minnesota.

Price, Eugene Louis, 4212–A North 28th Street, Phoenix, Arizona, convicted on March 1, 1982, in the United States District Court, Phoenix, Arizona.

Pyles, Gerald E., 3220 Winton Avenue, Indianapolis, Indiana, convicted on September 24, 1974, in the Circuit Court, Hardin County, Kentucky.

Reinhard, Robert John, 42243 Willis, Belleville, Michigan, convicted on October 5, 1961, in the Washtenaw County Circuit Court, Washtenaw County, Michigan.

Richter, Henry John, 227 28th Street, NW, Rochester, Minnesota, convicted on November 22, 1966, in the Criminal Court, Shelby, Indiana.

Rogers, Albert Lee, Route 1, Box 248, Harrisburg, Missouri, convicted on August 13, 1969, in the Mississippi County Circuit Court, Charleston, Missouri.

Rogers, Gary Wayne, 1116 McEvers Street, Memphis, Tennessee, convicted on March 11, 1969, August 18, 1970, and on November 2, 1972, in the Shelby County Criminal Court, Shelby County, Tennessee.

Rose, Carney, 305 Cornelius Avenue, Russelville, Kentucky, convicted on August 28, 1963, in the Montgomery County Criminal Court, Clarksville, Tennessee.

Russell, Donna Marie, 14243 North 50th Street, Scottsdale, Arizona, convicted on December 9, 1980, in the Maricopa County Superior Court, Phoenix, Arizona.

Ryan, Harold Edward, Pole #34, Cherry Farm Road, Harrisonville, Rhode Island, convicted on June 9, 1975, in the Federal District Court, Providence, Rhode Island.

Schubert, Charles William, 3016 Wood Spring Drive, Carmel, Indiana, convicted on May 13, 1977, in the United States District Court, Hammond, Indiana.

Sittig, Arthur Lee, Route 1, Box 706A, Lake Charles, Louisiana, convicted on September 25, 1972, in the 14th Judicial District Court, Louisiana.

Skinner, James H., Jr., 16 Lafayette Avenue, Geneva, New York, convicted on September 22, 1980, by the Seneca Grand Jury, Waterloo, New York.

Skipper, Thomas Franklin, Jr., 2811 West 18th Street, Panama City, Florida, convicted on June 25, 1973, in the Bay County State Court, Panama City, Florida; and on March 8, 1974, in the Bay County State Court, Panama City, Florida.

Smothers, Louis Franklin, 5203 Liberty Heights Avenue, Baltimore, Maryland, convicted on February 7, 1966, in the Municipal Court, Baltimore, Maryland; and in 1944, 1945, and 1946 in the Municipal Court, Baltimore, Maryland.

Speer, Andy James, Route 3, Cedar Bay Drive, Bullard, Texas, convicted on March 11, 1977, in the 114th Judicial District Court, Smith County, Texas.

Stafford, Jarrett Eugene, Route 6, Box 314 A, Taylorsville, North Carolina, convicted on March 7, 1977, in the Alexander Superior Court, Taylorsville, North Carolina.

Stamper, Willie Otto, P.O. Box 692 (Rosefield Road), Olla, Louisiana, convicted on December 5, 1975, in the Middle Judicial District Court, Louisiana.

Staunton, Michael Elliott, 4418 58th, Lubbock, Texas, convicted on August 14, 1981, in the United States District Court, Lubbock, Texas.

Stille, Randy Dale, 719 West Park Avenue, Glencoe, Minnesota, convicted on April 4, 1981, in the McLeod District Court, Glencoe, Minnesota.

Swanson, Doyle Clifford, General Delivery, Redwood, Virginia, convicted on March 30, 1979, in the Circuit Court, Franklin County, Virginia.

Teal, Dennis Arnold, 2225 Waymanville Road, Thomaston, Georgia, convicted on February 11, 1973, in the Superior Court, Spalding County, Georgia; and on April 14, 1978, in the Superior Court, Henry County, Georgia.

Trotman, Danny Robert, Sr., 3902 Primrose Avenue, Baltimore, Maryland, convicted on April 23, 1980, in the District Court, Baltimore, Maryland.

Turner, Robert H., Jr., Route #1, Box 683, Gore, Virginia, convicted on October 26, 1970, in the Circuit Court, Pendleton County, West Virginia.

Urens, William John, 110 Woodbury Drive, Iron River, Michigan, convicted on December 3, 1954, in the Iron County Circuit Court, Crystal Falls, Michigan.

Van Dyke, Donald Eugene, 1407 Selkirk Circle, Gardnerville, Nevada, convicted on December 1, 1981, in the 9th Judicial District Court, Douglas County, Nevada.

Vines, Robert, Egeria Road, Route 4, Box 1, Add, West Virginia, convicted on November 17, 1926, by a Federal Grand Jury, Bluefield, West Virginia; and on April 24, 1934, by a Federal Grand Jury, Bluefield, West Virginia.

Wabberson, William George, Jr., Route 1, Box 206 D, Tarpon Springs, Florida, convicted on March 22, 1979, in the Circuit Court, Franklin County, Florida.

Waddell, Eugene Cabell, Route 3, Box 378, Danville, Virginia, convicted on May 27, 1963, in the United States District Court, Danville, Virginia.

Walker, Ben Thomas, 4112 Loop 306, Apt. 1311, San Angelo, Texas, convicted on December 13, 1976, in the 208th District Court, Harris County, Texas.

Weiner, Robert Allen, 8335 SW 68th Street, Miami, Florida, convicted on June 20, 1969, in the 11th Circuit Court, Dade County, Florida.

White, Charles Lee, 17 1st Avenue West, St. Albans, West Virginia, convicted in January, 1969, in the Grand Jury Circuit Court, Kanawha, West Virginia.

White, Ronald G., 403 A Geneva Street, Opelika, Alabama, convicted on October 31, 1973, in the Lee County Circuit Court, Opelika, Alabama.

White, Tony Keith, Route #1, Box 108AA, Donaldsonville, Georgia, convicted on March 3, 1979, in the Superior Court, Colquitt County, Georgia.

Wiggins, Alphonso Carlos, 6716 Kinchelae Avenue, Baltimore, Maryland, convicted on September 26, 1960, in the Baltimore Criminal Court, Baltimore, Maryland.

Williams, Nicholas Daniel, 403 Wabun Street, Palm Bay, Florida, convicted on June 30, 1983, in the Brevard County Circuit Court, Titusville, Florida.

Williams, William Daniel, 447 Count Street, Melbourne, Florida, convicted on June 30, 1983, in the Brevard County Circuit Court, Titusville, Florida.

Woodruff, Randy Reed, P.O. Box 462, Canyon City, Oregon, convicted on June 25, 1980, in the Circuit Court, Multnomah, Oregon.

Worthington, James G., 1031 Worthington Road, Owensboro, Kentucky, convicted on November 16, 1983, in the Daviess County Circuit Court, Kentucky.

Wright, Stanley Joseph, 1644 Alderson Avenue, Billings, Montana, convicted on February 7, 1984, in the

Yellowstone County Supreme Court, Montana.

Yoder, Harold Aldwin, Route 2, Box 55–1, Bellville, Ohio, convicted on July 29, 1964, in the Court of Common Pleas, Wayne County, Ohio.

Compliance With Executive Order 12291

It has been determined that this notice is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (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 cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Signed: December 3, 1984.

Stephen E. Higgins,

Director.

[FR Doc. 84–32223 Filed 12–10–84; 8:45 am]

BILLING CODE 4810–31–M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The Department or Staff Office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 762 Jackson Place NW., Washington, DC 20530, (202) 395–7316.

DATE: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: December 5, 1984.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Veterans Benefits
2. Credit Statement of Prospective Purchaser and Contract of Sale
3. VA Form 26–6705
4. On occasion
5. Individuals or households
6. 61,000 responses
7. 30,500 hours
8. Not applicable.

[FR Doc. 84–32252 Filed 12–10–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 239
Tuesday, December 11, 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

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Thursday, December 13, 1984, 10:00 a.m.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Partly Open—Partly Closed to the Public.

MATTERS TO BE CONSIDERED:

1. Baby Gates Options Briefing
The staff will brief the Commission on the current status of staff activities related to baby gates.
Closed to the Public
2. Commission Procedures Review
The Commission and staff will review internal procedures relating to Commission decisionmaking.

For a Recorded Message Containing the Latest Agenda Information, call:

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 84-32283 Filed 12-6-84; 4:26 pm]
BILLING CODE 6355-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552(b)), notice is hereby given that at 9:50 a.m. on Thursday, December 6, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) receive bids for the purchase of certain assets of the assumption of the liability to pay deposits made in Golden Spike State Bank, Tremonton, Utah, which was closed by the Commissioner of Financial Institutions for the State of Utah on Tuesday, December 4, 1984; (2) accept the bid for the transaction submitted by Golden Spike State Bank, Tremonton, Utah, a de novo bank; (3) approve the applications of Golden Spike State Bank, Tremonton, Utah, a de novo bank, for Federal deposit insurance and for consent to purchase certain assets of and to assume the liability to pay deposits made in Golden Spike State Bank, Tremonton, Utah (the failed bank); and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. John F. Downey, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 6, 1984.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84-32290 Filed 12-6-84; 4:49 pm]
BILLING CODE 6714-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

December 5, 1984.

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: December 12, 1984, 9:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Agenda.

*Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda

803rd Meeting—December 12, 1984, Regular Meeting (9:00 a.m.)

CAP–1.
Project No. 8438–000, Schaffner Power Company
CAP–2.
Project No. 8533–000, Rock Creek Water District
CAP–3.
Project No. 8122–001, R&D Power Company
CAP–4.
Project No. 8083–000, Briggs Hydroelectric
CAP–5.
Project No. 7909–001, County of Allegheny, Pennsylvania
CAP–6.
Project Nos. 2628–015, 007, 008 and 009, Alabama Power Company
CAP–7.
Project No. 4472–003, Niagara Mohawk Power Corporation
CAP–8.
Project No. 7512–002, Granite Associates
Project No. 7562–002, Gale Associates
Project Nos. 7643–002, 7644–002, 7834–002 and 7840–002, WP, Inc.
CAP–9.
Project No. 7991–000, STS Consultants, Ltd.
CAP–10.
Project No. 3654–002, Pacific Hydro, Inc. and City of Tenino, Washington
Project No. 4441–003, Pacific Power and Light Company, et al.
Project No. 4702–001, City of Centralia, Washington
CAP–11.
Project No. 8465–000, Warrior Hydro Associates
CAP–12.
Project No. 7913–000, Gilead Power Company
Project No. 8004–000, Robert W. Shaw
CAP–13.

Project No. 7846-000, City of Cascade Locks and Public Utility District No. 1 of Skamania County
CAP-14.
Docket No. ER81-187-006, Public Service Company of New Mexico
CAP-15.
Docket No. ER84-604-002, Southwestern Public Service Company
CAP-16.
Docket Nos. ER84-568-002 and 003, Gulf States Utilities Company
CAP-17.
Docket No. ER82-769-004, Minnesota Power & Light Company
CAP-18.
Docket No. E-8851-004, Alabama Power Company
CAP-19.
Docket Nos. EL84-29-000, ER82-774-000, ER83-209-000, ER83-227-000, ER82-829-000, ER83-219-000 and EL83-6-000, Town of Highlands, North Carolina, Haywood Electric Membership Corporation, and North Carolina Electric Membership Corporation v. Nantahala Power and Light Company
CAP-20.
Docket No. ER84-236-000, El Paso Electric Company
CAP-21.
Docket Nos. ER83-628-003 and ER84-131-003, Kansas Gas and Electric Company
CAP-22.
Docket No. ER84-525-000, Boston Edison Company
CAP-23.
Docket Nos. ER77-277-007 and ER81-779-000, Pennsylvania Power Company
CAP-24.
Docket No. ID-1844-002, Walter F. Torrance, Jr.

Consent Miscellaneous Agenda

CAM-1.
Docket No. RM84-22-000, Collection of Section 110 Allowances after January 1, 1985
CAM-2.
Docket No. RM79-76-234 (New Mexico-27), High-Cost Gas produced from tight formations

Consent Gas Agenda

CAG-1.
Docket Nos. TA85-1-29-000, 002, 003 and 004 (PGA85-1 and IPR85-1), Transcontinental Gas Pipe Line Corporation
CAG-2.
Docket No. RP85-27-000, Northern Border Pipeline Company
CAG-3.
Docket Nos. TA84-1-32-002 (PGA85-1a), TA85-2-32-000 and 001 (PGA85-2), Colorado Interstate Gas Company
CAG-4.
Docket No. RP84-79-002, Gas Gathering Corporation
CAG-5.
Docket Nos. RP84-20-001, 002 and 003, Panhandle Eastern Pipeline Company
CAG-6.
Docket No. RP81-47-013, Northwest Pipeline Corporation
CAG-7.
Docket Nos. TA85-1-42-000 and 002, Transwestern Pipeline Company
CAG-8.
Docket Nos. RP83-68-000, RP84-19-000 and 001, Natural Gas Pipeline Company of America
CAG-9.
Docket No. RP84-137-000, Arkansas Louisiana Gas Company
CAG-10.
Docket No. RP85-17-000, MIGC, Inc.
CAG-11.
Docket No. TA84-2-18-001 (PGA84-2a), Texas Gas Transmission Corporation
CAG-12.
Docket Nos. ST83-7-000 and 001, Chaparral Transmission, Inc. (Operator)
CAG-13.
Docket No. CP84-577-001, Trunkline Gas Company
CAG-14.
Docket Nos. CP80-86-006 and CP82-494-001, Natural Gas Pipeline Company of America
CAG-15.
Docket Nos. CP84-2-002 and RP84-75-003, Columbia Gas Transmission Corporation
CAG-16.
Docket No. G-1657-000, Texas Gas Transmission Corporation
CAG-17.
Docket No. CP76-492-031, National Fuel Gas Supply Corporation and Penn-York Energy Corporation Docket No. CP76-492-032, National Fuel Gas Supply Corporation
CAG-18.
Docket No. CP84-579-001, Northern Border Pipeline Company
CAG-19.
Docket No. CP83-260-001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Columbia Gas Transmission Corporation
CAG-20.
Docket No. CP79-345-000, Glacier Gas Company
CAG-21.
Docket No. CP84-30-000, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
Docket No. CP84-65-000, Louisiana Gas System Inc.
CAG-22.
Docket No. CP84-220-000, Transcontinental Gas Pipe Line Corporation
CAG-23.
Docket No. CP84-447-000, Trunkline Gas Company
CAG-24.
Docket No. CP84-730-000, Transcontinental Gas Pipe Line Corporation
CAG-25.
Docket No. CP84-499-000, Southwest Gas Corporation
CAG-26.
Docket No. CP84-612-000, Algonquin Gas Transmission Company
CAG-27.
Docket No. RP80-2-000, Alabama-Tennessee Natural Gas Company
CAG-28.
Docket Nos. TA82-2-24—000, 001, 002 and 003 (PGA82-2 and 82-2a), equitable Gas Company
CAG-29.
Docket No. TA83-1-47-000 (PGA83-1), MIGC, Inc.
I. Licensed Project Matters
P-1. Project No. 2343-001, Potomac Edison Company
P-2. Omitted
P-3. Project No. 7801-001, Southern California Edison Company. Project No. 8343-001, City of Vernon, California
P-4. Project No. 8137—000, Long Lake Energy Corporation. Project No. 8420-000, Essex County, New York
II. Electric Rate Matters
ER-1. Project No. EL84-43-000, Public Service Company of New Mexico

Miscellaneous Agenda

M-1. Reserved
M-2. Reserved
I. Pipeline Rate Matters
RP-1. (A) Docket No. CP78-124-009, Northern Border Pipeline Company
Docket No. CP78-123-022, Northwest Alaskan Pipeline Company (Eastern Leg)
(B) Docket No. RP85-25-000, Northern Border Pipeline Company
(C) Docket No. RP85-5-000 and 001, Northwest Alaskan Pipeline Company
RP-2. Docket Nos. RP80-55-000 and RP80-118-000, Sea Robin Pipeline Company
RP-3. Docket No. RP84-61-000, National Fuel Gas Suply Corporation
RP-4. Omitted
Producer Matters
II. CI-1.
(A) Docket No. CI84-555-000, ANR Production Company
(B) Docket No. CI84-556-000, Cenergy Exploration Company
CI-2. Docket No. CI84-571-000, Champlin Petroleum Company
III. Pipeline Certificate Matters
CP-1. Reserved

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-32282 Filed 12-6-84; 4:15 pm]

BILLING CODE 6717-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Friday, December 14, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Issues relating to Federal Reserve notes.
2. Proposed budget for renovation projects at the Federal Reserve Bank of New York.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. 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: December 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–32303 Filed 12–7–84; 8:56 am]

BILLING CODE 6210–01–M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE–84–58]

TIME AND DATE: 9:30 a.m., Monday, December 17, 1984.

PLACE: Room 331, 701 E Street, N.W., Washington, D.C. 20436

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints.
5. Investigation 731–TA–207 (Preliminary) (Cellular mobile phones from Japan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–32384 Filed 12–7–84; 4:08 p.m.]

BILLING CODE 7020–02–M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE–84–59]

TIME AND DATE: 11:00 a.m., Friday, December 21, 1984.

PLACE: Room 117, 701 E Street, NW., Washington D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation 731–TA–208, 209, 210 (Preliminary) (Barbed and twisted barbless wire from Argentina, Brazil, and Poland)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–32385 Filed 12–7–84; 4:08 pm]

BILLING CODE 7020–02–M

7

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–84–38]

TIME AND DATE: 9 a.m., Tuesday, December 18, 1984.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Special Investigation Report:* Railyard Safety—Hazardous Materials and Emergency Preparedness.
2. *Railroad Accident Report:* Collision of Denver and Rio Grande Western Railroad Company Cars During Switching, Involving Puncture of Tank Car, Nitric Acid Vapor Cloud, and Evacuation of 9,000 Residents, Denver, Colorado, April 3, 1983.
3. *Railroad Accident Report:* Vinyl Chloride Monomer Release From a Tank Car and Fire, Formosa Plastics Corporation Plant, Baton Rouge, Louisiana, July 30, 1983.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

December 7, 1984

[FR Doc. 84–32341 Filed 12–7–84; 2:01 am]

BILLING CODE 7533–01–M

8

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL (NORTHWEST POWER PLANNING COUNCIL)

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open.

TIME AND DATE: December 19–20, 1984; 9:30 a.m.

PLACE: Red Lion Downtowner, 1800 Fairview, Boise, Idaho.

MATTERS TO BE CONSIDERED:

1. Public Comment on Increasing the Interruptibility of the Direct Service Industries.
2. Public Comment on Economic/Demographic Assumptions.
3. Public Comment on Cost of Delaying the Model Conservation Standards.
4. Staff Presentation on Industrial Conservation Survey.
5. Staff Presentation on Environmental Criteria for Resource Acquisition.
6. Council Decision to Enter Rulemaking on Goals-Setting Procedures.
7. Council Business.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 84–32334 Filed 12–7–84; 12:06 pm]

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Tuesday, December 11, 1984

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