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Thursday
December 27, 1984

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Nuclear Regulatory Commission
Postal Service

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Environmental Protection Agency

Commodity Futures
Commodity Futures Trading Commission

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Hazardous Substances
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Motor Vehicle Safety
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Natural Gas
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Quarantine
Animal and Plant Health Inspection Service

Securities
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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Executive Order 12495 of December 21, 1984

Establishing an Emergency Board To Investigate a Dispute Between Port Authority Trans-Hudson Corporation and the Brotherhood of Railroad Signalmen

A dispute exists between the Port Authority Trans-Hudson Corporation and the Brotherhood of Railroad Signalmen representing employees of the Port Authority Trans-Hudson Corporation.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended ("the Act").

A party empowered by the Act has requested that the President establish an emergency board pursuant to Section 9A of the Act.

Section 9A(e) of the Act provides that the President, upon such a request, shall appoint an emergency board to investigate and report on the dispute.

NOW, THEREFORE, by the authority vested in me by Section 9A of the Act, as amended (45 U.S.C. § 159a), it is hereby ordered as follows:

Section 1. *Establishment of Board.* There is hereby established a board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* (a) Within 30 days from the creation of the board, the parties to the dispute shall submit to the board final offers for settlement of the dispute.

(b) Within 30 days after submission of final offers for settlement of the dispute, the board shall submit a report to the President setting forth its selection of the most reasonable offer.

Sec. 3. *Maintaining Conditions.* As provided by Section 9A(h) of the Act, as amended, from the time a request to establish a board is made until 60 days after the board makes its report, no change, except by agreement, shall be made by the parties in the conditions out of which the dispute arose.

Sec. 4. *Expiration.* The board shall terminate upon the submission of the report provided for in Section 2 of this Order.

Ronald Reagan

THE WHITE HOUSE,
December 21, 1984.

[FR Doc. 84-33701
Filed 12-24-84; 10:53 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 84-361]

Oriental Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the Oriental Fruit Fly quarantine and regulations in the domestic quarantine notices by expanding the area designated as a regulated area in Los Angeles County, California. This action is necessary as an emergency measure in order to prevent the artificial spread of the Oriental fruit fly into noninfested areas of the United States. The effect of this amendment is to impose certain restrictions on regulated articles moving interstate from the regulated areas.

DATES: Effective date of this amendment December 27, 1984. Written comments concerning this interim rule must be received on or before February 25, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 728 Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Edward J. Stubbs, Senior Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611 Federal Building, 6506 Belcrest Road, Hyattsville MD 20782, (301) 436-6365.

SUPPLEMENTARY INFORMATION:

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim rule. Due to the possibility that Oriental fruit fly could be spread artificially to certain noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective upon signature. Comments will be solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

The Oriental fruit fly, *Dacus dorsalis* (Hendl), is a very destructive pest of numerous fruits and vegetables, especially citrus fruits. The Oriental fruit fly can cause serious economic losses and heavy infestations can cause complete loss of crops. Its short life cycle permits the rapid development of serious outbreaks.

Infestations of Oriental fruit fly were found in portions of Los Angeles County, California, on June 28, 1984. Based on these findings, an emergency rulemaking document, effective upon publication, was published in the **Federal Register** on September 7, 1984 [49 FR 35332-35339]. This document amended the Oriental fruit fly quarantine regulations [7 CFR 301.93 *et seq.*] by, among other things, designating a portion of Los Angeles County as a regulated area in § 301.93-3(c).

The portion of Los Angeles County designated as a regulated area by the June 28, 1984, rulemaking document remains infested at this time. Since then Oriental fruit flies have been found outside the regulated area in Los Angeles County. These findings were based on trapping surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of California. Additional trapping surveys confirmed that the Oriental fruit fly has spread beyond the outer perimeter of the regulated area in Los Angeles County. Therefore, in order to prevent further spread of the Oriental fruit fly it is necessary as an emergency measure to amend § 301.93-3 of the Oriental fruit fly quarantine and regulations by redesignating a previously nonregulated area in Los Angeles County, California, as a regulated area. The effect of this action is to expand the area previously designated as a regulated area prior to the publication of this document by approximately 8 square miles.

The portion of Los Angeles County that is designated as a regulated area by this rulemaking document is described as follows (the area added by this rulemaking document is italicized):

Los Angeles County

That portion of Los Angeles County beginning at a point where Marine Place intersects the Pacific Ocean; then easterly along Marine Place to its intersection with Marine Avenue; then easterly along Marine Avenue to its intersection with Compton Boulevard; then east along Compton Boulevard to its intersection with *Prairie Avenue; then southerly along Prairie Avenue to its intersection with 190th Street; then easterly along 190th Street to its intersection with the Harbor Freeway; then northerly along the Harbor Freeway to its intersection with Compton Boulevard; then westerly along Compton Boulevard* to its intersection with Vermont Avenue; then north along Vermont Avenue to its intersection with Interstate 10; then westerly along Interstate 10 to its intersection with Pico Boulevard; then westerly along Pico Boulevard to its intersection with the Pacific Ocean; then southerly along the Pacific Ocean to the point of beginning.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than 100 million dollars; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition,

employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

The Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant impact on a substantial number of small entities. This amendment affects the interstate movement of regulated articles from a portion of Los Angeles County, California, previously unregulated and about 8 square miles in size. It appears that there is very little or no commercial activity that occurs in this area because it is comprised primarily or private residences. Further, the commercial activity that exists stems from seven local nurseries, and none of these nurseries appear to move regulated articles interstate.

Paperwork Reduction Act

The regulations in this subpart contains no information collection or recordkeeping requirements under the Paperworks Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Oriental Fruit Fly.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, the description of the regulated area in Los Angeles County, California, found in paragraph (c) of § 301.93–3, is revised to read as follows:

§ 301.93–3 [Amended]

* * * * *

(c) The areas described below are designated as regulated areas:

California

Los Angeles County. That portion of the county beginning at a point where Marine Place intersects the Pacific Ocean; then easterly along Marine Place to its intersection with Marine Avenue; then easterly along Marine Avenue to its intersection with Compton Boulevard; then east along Compton Boulevard to its intersection with *Prairie Avenue; then southerly along Prairie Avenue to its intersection with 190th Street; then easterly along 190th Street to its intersection with the Harbor Freeway; then northerly along the Harbor Freeway to its intersection with Compton Boulevard; then westerly along Compton Boulevard* to its intersection with Vermont Avenue; then north along Vermont Avenue to its intersection with Interstate 10; then westerly along Interstate 10 to its intersection with Pico Boulevard; then westerly along Pico Boulevard to its intersection with the Pacific Ocean; then southerly along the Pacific Ocean to the point of beginning.

* * * * *

(Secs. 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); Secs. 8 and 9, 37 Stat 318, as amended (7 U.S.C. 161, 162); 7 CFR 2.17, 2.51, and 371.2(c))

Done at Washington, D.C. this 21st day of December, 1984.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 84–33585 Filed 12–26–84; 8:45 am]

BILLING CODE 3410–34–M

Federal Crop Insurance Corporation

7 CFR Part 431

[Docket No. 1845S]

Soybean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Soybean Crop Insurance Regulations (7 CFR Part 431), effective for the 1985 and succeeding crop years (1986 crop year in certain counties), to provide for (1) removing the Premium Adjustment Table; (2) adding as a cause of loss the unavoidable failure of irrigation water supply; (3) changing the method of computing indemnities when acreage, share, or practice is underreported; (4) changing the method of crediting replanting payments; and, (5) deleting Appendix A to this part. The intended effect of this rule is to comply with the provisions of Departmental Regulation 1512–1 with regard to review of regulations issued by FCIC for need, currency, clarity, and effectiveness. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 31, 1984.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512–1 (December 15, 1983). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is August 1, 1989.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

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

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

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

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

On Monday, November 26, 1984, FCIC published a notice of proposed rulemaking in the **Federal Register** at 49 FR 46400 revising and reissuing the Soybean Crop Insurance Regulations (7 CFR Part 431), effective for the 1985 and succeeding crop years. The public was given 30 days in which to submit written comments on the proposed rule, but none were received.

Since policy changes must, by contract, be on file by December 31, 1984, good cause is shown for making this rule effective immediately.

Other than minor changes in language and format, the principal changes in the policy for insuring soybeans are:

1. *Section 1a.*—Add the failure of the irrigation water supply due to unavoidable cause as an insurable cause of loss. This clarifies intent since it is implied as a cause of loss in Section 2.e.(2).

2. *Section 6*—Specify that the replanting payment will be applied to

the payment of the premium only if the billing date has passed. In cases when the billing date for crop has passed on the date the replanting payment is made, the replanting payment will be applied to payment of the billed premium. This is a change from the previous practice of applying the replanting payment to the outstanding premium in all cases.

3. *Section 9.d.*—Effective for the 1986 and succeeding crop years, allow the guarantee only on the acreage, share, or practice reported but credit production on the acreage, share, or practice actually planted if the acreage, share or practice reported results in a premium less than the acreage, share or practice actually planted. When acres are underreported, the production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce the indemnities when acres are underreported, and will reduce the complexities of calculations.

4. *Section 9*—Delete the requirement that any replanting payment be considered an indemnity. This change allows an insured to collect a replanting payment in addition to an indemnity equal to the total liability for the unit in the event of a total loss. Previously, the total of any replanting payment and indemnity could not exceed the FCIC liability on the unit in the event of partial loss.

In addition to the policy changes, FCIC also eliminates the codification of Appendix A. All FCIC service offices in the United States will be able to advise a producer if soybean insurance is offered in a particular county.

List of Subjects in 7 CFR Part 431

Crop insurance, Soybeans.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Soybean Crop Insurance Regulations (7 CFR Part 431), effective for the 1985 and succeeding crop years in those counties where contract changes must be on file by December 31, and for the 1986 and succeeding crop years in those counties where contract changes must be on file by November 30, to read as follows:

PART 431—SOYBEAN CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1985 and Succeeding Crop Years

Sec.

431.1 Availability of soybean crop insurance.
431.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
431.3 OMB control numbers.
431.4 Creditors.
431.5 Good faith reliance on misrepresentation.
431.6 The contract.
431.7 The application and policy.

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

Subpart—Regulations for the 1985 and Succeeding Crop Years

§ 431.1 Availability of soybean crop insurance.

Insurance shall be offered under the provisions of this subpart on soybeans in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 431.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for soybeans which will be included in the actuarial table on file in service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 431.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 431) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 431.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 431.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the soybean insurance contract, whenever—

(a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and

(b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured person relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

Application for relief under this section must be submitted to the Corporation in writing.

§ 431.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the soybean crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 431.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the soybean crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for

submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1985 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a soybean contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1985 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Soybean Insurance Policy for the 1985 and succeeding crop years (1986 in those counties with a November 30 contract change date) are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Soybean—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Insects;

(4) Plant disease;

(5) Wildlife;

(6) Earthquake;

(7) Volcanic eruption; or

(8) Failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(5).

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good soybean farming practices;

(3) The impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be soybeans which are planted for harvest as beans, which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be soybeans planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured soybeans at the time of planting.

d. We do not insure any acreage:

(1) If the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is irrigated and an irrigated practice is not provided by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) Which is destroyed, it is practical to replant to soybeans, and such acreage was not replanted;

(4) Initially planted after the final planting date contained in the actuarial table, unless you agree in writing on our form to coverage reduction;

(5) Of volunteer soybeans;

(6) Planted to a type or variety of soybeans not established as adapted to the area or excluded by the actuarial table;

(7) Planted with a crop other than soybeans; or

(8) Of a second soybean crop following a soybean crop harvested in the same crop year.

e. If insurance is provided for an irrigated practice:

(1) You must report as irrigated only the acreage for which you have adequate facilities and water to carry out a good soybean irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good soybean irrigation practice, except failure of the water supply from an unavoidable cause occuring after the beginning of planting, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. Unless otherwise provided in the actuarial table, insurance will attach only on acreage initially planted in rows far enough apart to permit cultivation; but, if such insured acreage is destroyed and replanted, whether in the same manner or by broadcasting, drilling, or in rows too close to permit cultivation, it will be regarded as insured acreage and not as acreage put to another use.

g. Acreage which is planted for the development of production of hybrid seed or for experimental purposes is not insured unless we agree, in writing, to insure such acreage.

h. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of Acreage, share, and practice.

You must report on our form:

a. All the acreage of soybeans in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting. You must designate separately any acreage that is not insurable.

You must report if you do not have a share in any soybeans planted in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities will be contained in the actuarial table.

b. Coverage level 2 will apply if you have not elected a coverage level.

c. You may change the coverage level and proce election before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee, times the price election, times the premium rate, times the insured acreage, times your share at the time of planting.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1983 crop year under the terms of the Experience Table contained in the soybean policy for the 1984 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1989 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the 1984 policy;

(4) Once the loss ratio exceeds .80 no further premium reduction will be applicable; and

(5) Participation must be continuous.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you, or from a replanting payment if the billing date has passed on the date you are paid the

replanting payment, or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when the soybeans are planted and ends at the earliest of:

a. Total destruction of the soybeans;

b. Combining, threshing or removal from the field;

c. Final adjustment of a loss; or

d. The date immediately following planting as follows:

(1) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas and Virginia.....December 20;

(2) All other states.....December 10.

8. Notice of damage or loss:

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant soybeans damaged due to any insured cause (To qualify for a replanting payment, the acreage replanted must be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit);

(b) During the period before harvest, the soybeans on any unit are damaged and you decide not to further care for or harvest any part of them;

(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the soybeans and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage is replanted or put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice must be given. A representative sample of the unharvested soybeans (at least 10 feet wide and the entire length of the field) must remain unharvested for a period of 15 days from the date of notice unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the soybeans on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. You may not destroy or replant any of the soybeans on which a replanting payment will be claimed until we give consent.

c. You must obtain written consent from us before you destroy any of the soybeans which are not to be harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the soybeans on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of soybeans on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of soybeans to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

d. If the information reported by you under section 3 of the policy:

(1) In the 1985 crop year results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

(2) In the 1986 and succeeding crop years results in a lower premium than the premium determined to be due, the production guarantee on the unit will be computed on the information reported and not on the actual information determined. All production from the insurable acreage, whether or not reported as insurable will count against the production guarantee.

e. The total production (bushels) to be counted for a unit will include all harvested and appraised production.

(1) Mature soybean production which is not eligible for quality adjustment will be reduced .12 percent for each .1 percentage point of moisture in excess of 14.0 percent.

(2) Mature soybean production which, due to insurable causes:

(a) Has a test weight of less than 49 pounds per bushel; or

(b) Is of distinctly low quality, as determined by a grain grader licensed under the Federal Grain Inspection Service or under the United States Warehouse Act will be adjusted by:

(i) Dividing the value per bushel of such soybeans by the price per bushel of U.S. No. 2 soybeans; and

(ii) Multiplying the result by the number of bushels of such soybeans.

The applicable price for No. 2 soybeans will be the local market price on the earlier of the day the loss is adjusted or the day such soybeans were sold.

(2) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good soybean farming practices;

(b Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of soybeans becomes general in the county;

(b) Harvested; or

(c) Further damaged by an insured cause before the acreage is put to another use.

(4) The amount of production of any unharvested soybeans may be determined on the basis of field appraisals conducted after the end of the insurance period.

(5) If you have elected to exclude hail and fire as insured causes of loss and the soybeans are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

(6) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. A replanting payment may be made on any insured soybeans replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage for the unit.

(1) No replanting payment will be made on acreage:

(a) On which our appraisal exceeds 90 percent of the guarantee;

(b) Initially planted prior to the date we determine reasonable; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting but will not exceed 3 bushels multiplied by the price election, the product on which is multiplied by your share.

If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment will be reduced proportionately.

g. You must not abandon any acreage to us.

h. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

i. We will pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no instance will we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

j. If you die, disappear, or are judicially declared incompetent, of if you are an entity other than an individual and such entity is dissolved after the soybeans are planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

k. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemmity paid or payable under such other insurance. For the purposes of this

section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any rights, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery at our option will belong to us. If we recover more then we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all soybeans produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by United States Department of Agriculture will be the date both such other payment and set-off are approved.

d. The cancellation and termination dates are:

State and county	Cancellation and termination dates
Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, Texas and all Texas counties south thereof.	Feb. 15.
Alabama; Arizona; Arkansas; California; Florida; Georgia; Louisiana; Mississippi; Nevada; North Carolina; South Carolina and El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Upton, Reagan, Sterling, Coke, Concho, McCulloch, San Saba, Mills, Hamilton, Bosque, Johnson, Tarrant, Wise, Cooke Counties, Texas and all Texas counties south and east thereof to and including Maverick, Zavala, Frio, Atascosa, Karnes, De Witt, Lavaca, Wharton and Matagorda Counties, Texas.	Mar. 31.
All other Texas counties and all other states.	Apr. 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any of the terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by December 31 preceding the cancellation date for counties with an April 15 cancellation date and by November 30 preceding the cancellation date for all other counties. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of soybean crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding soybean insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the soybeans are normally grown and will be designated by the calendar year in which the soybeans are normally harvested.

d. "Harvest" means the completion of combining or threshing of soybeans on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Replanting" means performing the cultural practices necessary to replant insured acreage to soybeans.

i. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

j. "Tenant" means a person who rents land from another person for a share of the soybeans or a share of the proceeds therefrom.

k. "Unit" means all insurable acreage of soybeans in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the soybeans on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. We will determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determiantions.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, D.C., on December 26, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: December 20, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-33501 Filed 12-26-84; 8:45 am]

BILLING CODE 3410-08

7 CFR Part 422

[Docket No. 1843S]

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Potato Crop Insurance Regulations (7 CFR Part 422), effective for the 1985 and succeeding crop years (1986 in certain counties) to provide for: (1) Changing to a mandatory "Actual Production History" (APH) basis by removing the Premium Adjustment Table and providing for cancellation for not furnishing records; (2) adding as a cause of loss the unavoidable failure of irrigation water supply; (3) changing the method of computing indemnities when acreage, share or practice is underreported; (4) changing the definition of unit to encompass the entire ASCS farm serial number; and (5) deleting Appendix A. The intended effect of this rule is to comply with the provisions of Department Regulation 1512-1 requiring review of regulations issued by FCIC for need, currency, clarity, and effectiveness. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 31, 1984.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1 (December 15, 1983). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is August 30, 1989.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

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

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

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

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

On Monday, November 26, 1984, FCIC published a notice of proposed rulemaking in the **Federal Register** at 49 FR 46395, revising and reissuing the Potato Crop Insurance Regulations (7 CFR Part 422), effective for the 1985 and succeeding crop years. The public was given 30 days in which to submit written comments on the proposed rule.

Comments were received contending that the Actual Production History (APH) program constitutes a "mandatory Individual Yield Coverage (IYC)" program and is therefore illegal under the terms of the Crop Insurance Act, which required a pilot IYC program. FCIC rejects that contention.

The APH and IYC programs are quite different, although they share common goals. For example: IYC is an optional program; APH is not; IYC is available on a small number of crops; APH will eventually be offered on all insurable crops; Under IYC, coverage levels are adjusted at fixed rates; under APH, both coverages and rates are adjusted; Under IYC, a premium adjustment table is intended to individualize rates; under APH, the premium adjustment table is not necessary because the rates are already individualized under the yield span-rating concept.

It is further clear from the statutory language, that although a pilot IYC program is required, a broad IYC program mandatory in nature is not prohibited.

Comments were also received contending that APH should be abandoned or postponed because the APH concept will lead to declining sales. The evidence does not support this contention.

In the only two crops currently being operated under the APH concept—cotton and rice—producer participation is up substantially over previous year levels. Considering the relative incompatibility of cotton and rice to the APH concept in that yield levels have been steadily declining, the increase in participation is even more telling. If anything, APH will encourage more farmers to consider crop insurance as a risk transfer program that ever before.

Since policy changes must, by contract, be on file by December 31, 1984, good cause is shown for making this rule effective immediately.

Other than minor changes in language and format, the principal changes in the potato policy and in the certified seed potato option amendment are:

1. *Section 1.a.*—Add the failure of irrigation water supply because of an unavoidable cause as an insurable cause of loss. This clarifies intent since it is implied as a cause of loss in Section 2.e.(2).

2. *Section 2.d.(1)*—Add a provision for reference to the actuarial table to allow the Corporation to offer insurance coverage on acreage planted with non-certified seed in certain specified areas.

3. *Section 5.a.*—Remove the Premium Adjustment Table. The crop will be insured on an actual production history (APH) basis. Coverages will therefore reflect the actual production history of the crop on the unit. Insureds with good loss experience who are now receiving a premium discount are protected since they will retain any discount under the present schedule through the 1989 crop year or until their loss experience causes them to lose the advantage, whichever is earlier.

4. *Section 5.*—Remove the provisions for the transfer of insurance experience and for premium computation when insurance has not been continuous. Deletion of the premium adjustment table eliminates the requirement for these sections.

5. *Section 7.*—Add provisions for insurance in California, Alaska, Maine, Massachusetts, New York, Pennsylvania and Florida. This allows different

planting periods to be indentified by the actuarial table for different areas.

6. *Section 9.d.*—Effective for the 1986 crop year allow the guarantee only on the acreage, share, or practice reported but credit production on the acreage, share, or practice actually planted if the acreage, share or practice reported results in a premium less than the acreage, share or practice actually planted. When acres are underreported, the production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce indemnities when acres are underreported and will reduce the complexity of calculations.

7. *Section 15.c.*—Add a clause to cancel the contract if production history is not furnished on or before the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control.

8. *Section 15.e.*—Add provisions for California and change certain Florida counties to more accurately reflect harvest practices.

9. *Section 17.g.*—Add a definition for the term "Loss ratio" to clarify its use in Section 5.

10. *Section 17.j.*—Add a definition of "Planting Period" to clarify its use in the policy.

11. Changes in the Certified Seed Potato Option Amendment include:

(a) Providing limits for winter test reading of elite or high grade foundation potatoes;

(b) Broadening the reference to seed potato certifying agencies;

(c) Providing that insurable acreage grown under the certified seed potato option amendment may be designated as separate unit(s); and

(d) Providing that a claim for indemnity must be submitted within 10 days after an insured grower receives records from the certifying agency.

12. In addition to the policy changes, FCIC also eliminates the codification of Appendix A. Federal crop insurance for potatoes has been expanded into almost all counties in which potatoes are produced. FCIC service offices will be able to advise a producer if potato insurance is offered in any county.

List of Subjects in 7 CFR Part 422

Crop insurance, Potatoes.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Potato Crop Insurance Regulations (7 CFR Part 422), effective for the 1985 and succeeding crop years in those counties where contract changes must be filed by December 31, and for 1986 and succeeding crop years for all other counties, to read as follows:

PART 422—POTATO CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1985 and Succeeding Crop Years

Sec.

422.1 Availability of potato crop insurance.
422.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
422.3 OMB control numbers.
422.4 Creditors.
422.5 Good faith reliance on misrepresentation.
422.6 The contract.
422.7 The application and policy.
422.8 Certified seed potato option amendment.

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

Subpart—Regulations for the 1985 and Succeeding Crop Years.

§ 422.1 Availability of potato crop insurance.

Insurance shall be offered under the provisions of this subpart on potatoes in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 422.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for potatoes which will be included in the actuarial table on file in service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among thoese levels and prices contained in the actuarial table for the crop year.

§ 422.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 422) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 422.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 422.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the potato insurance contract, whenever—

(a) An insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) said insured person relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

Application for relief under this section must be submitted to the Corporation in writing.

§ 422.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the potato crop as provided in the policy. The contract shall consist of the application, the policy, the Certified Seed Potato Option Amendment, if applicable, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 422.7 **The application and policy.**

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the potato crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1985 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a potato contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1985 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Potato Insurance Policy for the 1985 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Potato—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Insects;

(4) Plant disease;

(5) Wildlife;

(6) Earthquake;

(7) Volcanic eruption; or

(8) Failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(5).

b. We will not insure against any loss of production due to:

(1) Damage that occurs or becomes evident after the potatoes have been placed in storage;

(2) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants or employees;

(3) The failure to follow recognized good potato farming practices;

(4) The impoundment of water by any governmental, public or private dam or reservoir project; or

(5) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be potatoes planted for harvest as certified seed stock or for human consumption, which are grown on insured acreage, and for which we provide a guarantee and premium rate in the actuarial table.

b. The acreage insured for each crop year will be potatoes planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured potatoes at the time of each planting period.

d. We do not insure any acreage:

(1) Planted with non-certified seed except where provided by the actuarial table;

(2) Which does not meet the rotation procedures required by the actuarial table;

(3) Where the farming practices carried out are in accordance with the farming practices for which the premium rates have been established;

(4) Which is irrigated and an irrigated practice is not provided for by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(5) Which is destroyed, it is practical to replant to potatoes, and such acreage was not replanted;

(6) Initially planted after the final planting date contained in the actuarial table, unless you agree in writing on our form to coverage reduction;

(7) Of volunteer potatoes;

(8) Planted to a type or variety of potatoes not established as adapted to the area or excluded by the actuarial table;

(9) Planted with another crop; or

(10) Planted for the development or production of hybrid seed or for experimental purposes.

e. Where insurance is provided for an irrigated practice:

(1) You must report as irrigated only the acreage for which you have adequate facilities and water to carry out a good potato irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good potato irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, and practice.

You must report at each planting period on our form:

a. all the acreage of fall, winter, spring and summer-planted potatoes in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any potatoes planted in the county. This report must be submitted on or before the reporting date established by the actuarial table for each planting period. All indemnities may be determined on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit for each planting period the insured acreage, share, and practice or we may deny liability on any unit for any planting. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices at which indemnities shall be computed.

a. The production guarantees, coverage levels, and prices for computing indemnities are in the actuarial table.

b. Coverage level 2 will apply if you have not elected a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee, times the price election, times the premium rate, times the insured acreage, times your share at the time of each planting.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1983 crop year under the terms of the Experience Table contained in the potato policy for the 1984 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1989 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the 1984 policy;

(4) Once the loss ratio is .80 no further premium reduction will be applicable; and

(5) Participation must be continuous.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

a. Insurance attaches when the potatoes are planted (in California and Florida insurance attaches when the potatoes are planted in each planting period).

b. Insurance ends at the earliest of:

(1) Total destruction of the potatoes on the unit;

(2) Harvesting or removal from the field;

(3) Final adjustment of a loss;

(4) The following dates of the calendar year in which potatoes are normally harvested:

(a) Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, New York, Oregon, Pennsylvania and Washington..... October 31;

(b) Alaska..... October 1;

(c) all other states except California and Florida..... October 15.

(d) California and Florida, the dates established by the actuarial table for each planting period.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) During the period before harvest, the potatoes on any unit are damaged and you decide not to further care for or harvest any part of them;

(b) You want our consent to put the acreage to another use; or

(c) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the potatoes and given written consent. We will not consent to another use until it is too late to replant for that planting period. You must notify us when such acreage has been put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice must be given. A representative sample of the unharvested potatoes (at least 10 feet wide and the entire length of the field) must remain unharvested for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the potatoes on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. We must be given the opportunity to inspect any harvested production on any unit for which you have given notice of probable loss if such production will not be delivered directly to a processing plant.

c. You must obtain written consent from us before you destroy any of the potatoes which are not to be harvested.

d. We may reject any claim for idemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for idemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the potatoes on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of potatoes on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of potatoes to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

d. If the information reported by you under section 3 of the policy:

(1) In the 1985 crop year results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

(2) In the 1986 and succeeding crop years results in a lower premium than the premium determined to be due, the production guarantee on the unit will be computed on the information reported and not on the actual information determined. All production from insurable acreage, whether or not reported as insurable will count against guarantee.

e. The total production (hundred weight) to be counted for a unit will include all harvested marketable and appraised production except if potatoes are marketed or stored without an acceptable inspection, the production to count will be 90 percent of the gross weight so marketed or stored.

(1) The extent of any loss may be determined at the time the potatoes are placed in storage or delivered to a processor.

(2) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good potato farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Not less than the guarantee for any acreage from which the harvested production is disposed of without our prior written consent and such disposition prevents accurate determination of marketable potatoes; and

(d) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage for which we have given written consent for another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of potatoes becomes general in the county for the planting period;

(b) Harvested; or

(c) Further damaged by an insured cause before the acreage is put to another use.

(4) The amount of production of any unharvested potatoes may be determined on the basis of field appraisals conducted after the end of the insurance period.

(5) When you elect to exclude hail and fire as insured causes of loss and the potatoes are damaged by hail or fire, appraisals will be made in accordance with Form FCI-78, "Request to Exclude Hail and Fire".

(6) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You must not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We will pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no instance will we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the potatoes are planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiuns or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all right and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our prescribed form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all potatoes produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will be canceled if you do not furnish satisfactory records of the previous year's production to us on or before the cancellation date. If the insured, prior to the cancellation date, shows, to our satisfaction, that records are unavailable due to conditions beyond the insured's control, such as fire, flood or other natural disaster, the Field Actuarial Office may assign a yield for that year. The assigned yield will not exceed the ten-year average.

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year. The date of payment of the amount due:

(1) If deducted from an indemnity claim will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date both such other payment and set-off are approved.

e. The cancellation and termination dates are:

State and county	Cancellation and termination dates
Manatee, Hardee, Highlands, Okeechobee and St. Lucie Counties, Florida and all Florida counties south thereof.	Sept. 30.
Contra Costa, San Joaquin, Calaveras and Alpine Counties, California and all California counties south thereof.	Nov. 30.
All other Florida counties	Dec. 31.
All other California counties and all other states.	Apr. 15.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any of the terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by:

(1) June 30 prior to the cancellation date for counties with a September 30 cancellation date;

(2) September 30 preceding the cancellation date for counties with an November 30, or December 31 cancellation date; or

(3) December 31 preceding the cancellation date for counties with an April 15 cancellation date.

Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of potato crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premiun rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding potato insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the potatoes are normally grown and will be designated by the calendar year in which the spring-planted potatoes are normally harvested.

d. "Harvest" means the digging of potatoes on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Loss ratio" means the ratio of indemnity(ies) to premium(s).

h. "Marketable potatoes" means potatoes acceptable for use as certified seed or for human consumption and which meet the standards for sale through market outlets for the area and as may be further defined by the actuarial table.

i. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

j. "Planting Period" means potatoes planted within the dates specified by the actuarial table, as fall-planted, winter-planted, spring-planted or summer-planted.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Tenant" means a person who rents land from another person for a share of the potatoes or a share of the proceeds therefrom.

m. "Unit" means all insurable acreage of potatoes in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other that the potatoes on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. We will determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share of the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in

person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

§ 422.8 Certified seed potato option amendment.

(a) Notwithstanding the provisions of § 422.7(d)(9)(e) of this part, an insured producer may, upon submission and approval of a Certified Seed Potato Option Amendment, elect to insure all of the insurable acreage of potatoes grown for certified seed in which the insured has a share, under the provisions of the Certified Seed Potato Option Amendment. To be eligible for this amendment: (1) Insurance must be in effect under the provisions of the potato policy; (2) all potatoes grown for seed must be insured; (3) the insured must be a certified seed producer having acceptable production records; and (4) the management practices required for the production of certified seed potatoes as stated in the amendment must be met. The Certified Seed Potato Option Amendment shall be applicable only for one crop year. A new amendment must be submitted for each subsequent crop year.

(b) For those insureds who elect to insure potatoes under this Amendment, all provisions of the Potato crop insurance policy shall apply except those in conflict with the amendment. The terms of the amendment are:

U.S. DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Potato Crop Insurance Policy Certified Seed Potato Option Amendment

Insured's Name _____
Address _____

_____

Contract No. _____
Crop Year _____
Identification No. _____

SSN _____ Tax _____

When you submit this Amendment each crop year on or before the final date for accepting applications and we approve such amendment, your insurable acreage of potatoes grown for certified seed will be insured, Provided:

1. You are currently insured under the potato insurance program;

2. All potatoes which are grown for certified seed on insurable acreage are insured;

3. You are a person whose potatoes have qualified as certified seed potatoes for the previous five years; after initial approval, you will be exempt from this requirement in subsequent crop years provided you continue to insure your certified seed potatoes under this amendment;

4. You furnish us with acceptable records of your certified seed potato acreage and production for at least the previous 5 years;

5. Potatoes for seed are not grown on the same land on which potatoes have been grown more than 2 years out of every 4;

6. Elite or high-grade foundation seed potatoes or seed potatoes having a winter test reading of not more than 3 percent common virus are used in planting; and

7. Your acreage insured for certified seed production is managed in accordance with standard practices and procedures required for certification as prescribed by the certifying agency and applicable state regulations regarding seed potato certification.

Your production guarantee and premium rate will be provided by the actuarial table for certified seed potatoes. If, due to insurable causes occurring within the insurance period, potato production will not qualify as certified seed on any insured certified seed potato acreage within a unit, we will pay you one dollar ($1.00) per cwt., times your production guarantee for such acreage, times your share. Any production which will not qualify as certified seed because of your failure to carry out the standard practices and procedures required for certification will be considered lost due to uninsured causes.

Insurable acreage grown under the provisions of this amendment may be designated as a separate unit(s).

Any claim for indemnity on a unit must be submitted to us on our form no later than 10 working days after you receive your records from the certification agency.

All provisions of the potato policy not in conflict with this amendment will be applicable.

All determinations regarding the provisions of this amendment will be made by us.

This amendment is not continuous. A new amendment must be submitted each crop year to take advantage of the certified seed potato option.

The insured estimates that the Certified Seed Potato Acreage for the —— crop year will be ———.

Insured's Signature _____ Date _____

Corporation Representative's Signature and Code Number _____ Date _____

Field Actuarial Office Approval _____ Date _____

Following is the Privacy Act Statement found on the reverse side of the Certified Seed Potato Option Amendment:

Collection of Information and Data (Privacy Act)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a)):

The authority for requesting the information to be supplied on this form is the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.)*, and the regulations for insuring potatoes under the Potato Crop Insurance Regulations (7 CFR Part 422). The information requested is necessary for the Federal Crop Insurance Corporation (FCIC) to process the option to insure certified seed potatoes, determine the correct premium and indemnity, and to determine the correct parties to the insurance contract. The information may be furnished to FCIC contract agencies and contract loss adjusters, reinsured companies, other U.S. Department of Agriculture agencies, Internal Revenue Service, Department of Justice, or other State and Federal law enforcement agencies if litigation becomes necessary, and in response to orders of a court, or administrative tribunal as evidence in the course of litigation. Furnishing the Social Security number is voluntary and no adverse action will result from failure to do so. Furnishing the information, other than the Social Security number, is also voluntary; however, failure to furnish the correct, complete information requested except the Social Security Number may result in rejection of the option for insuring certified seed potatoes, and/or subsequent denial of any claim for indemnity which may be filed under such option or may substantially delay acceptance of the Certified Seed Potato Option Amendment, and/or any subsequent claim for indemnity.

Done in Washington, D.C. on December 26, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: December 20, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-33500 Filed 12-26-84; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 609]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 28, 1984–January 3, 1985. Such action is needed to provide for the orderly marketing of fresh navel oranges during this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: December 28, 1984.

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

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. 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.

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

This action is consistent with the marketing policy for 1984–85. The marketing policy was recommended by the committee following discussion at a public meeting on September 25, 1984. The committee met again publicly on December 18, 1984, at Lindsay, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

1. § 907.909 is added as follows:

§ 907.909 Navel Orange Regulation 609.

The quantities of navel oranges grown in California and Arizona which may be handled during the period December 28, 1984, through January 3, 1985, are established as follows:

(a) District 1: 700,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

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

Dated: December 20, 1984.

Thomas R. Clark,

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

[FR Doc. 84–33573 Filed 12–26–84; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 910

[Lemon Regulation 494, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action increases the quantity of fresh California-Arizona lemons that may be shipped to the fresh market to 270,000 cartons during the period December 16–22, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: Effective for the period December 16–22, 1984.

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

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

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

This action is consistent with the marketing policy currently in effect. The committee met by telephone on December 20, 1984, to consider the current and prospective conditions of supply and demand and recommended an increase in the quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the demand for lemons has improved.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.794 Lemon Regulation 494 is revised to read as follows:

§ 910.794 Lemon Regulation 494.

The quantity of lemons grown in California and Arizona which may be handled during the period December 16, 1984, through December 22, 1984, is established at 270,000 cartons.

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

Dated: December 21, 1984.

Thomas R. Clark,

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

[FR Doc. 84–33572 Filed 12–26–84; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Parts 1421 and 1434

Payments to and by CCC

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule increases the amount from $3.00 or less to $9.99 or less that Commodity Credit Corporation (CCC) may disregard with respect to payments which are or may be due CCC or which are payable by CCC with

respect to CCC programs. This action is taken in accordance with the notice of final determination published elsewhere in this issue, which announces the increase from $3.00 or less to $9.99 or less.

EFFECTIVE DATE: December 27, 1984.

FOR FURTHER INFORMATION CONTACT: Steve Gill, Program Specialist, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013; (202) 447–8480.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." It has been determined that provisions of this final rule will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this final rule applies are: Title—Commodity Loans and Purchases; Number—10.051; as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

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

A notice of final determination is published elsewhere in this issue, which increases from $3.00 or less to $9.99 or less the amount which CCC may disregard with respect to payments which are or may be due CCC or which are payable by CCC with respect to CCC programs. The purpose of this final rule is to amend the regulations at § 1421.25 and 1434.32 governing CCC price support programs for various commodities to incorporate this change.

Since the only purpose of this rule is to incorporate the change in CCC policy with respect to small payments as specified in the notice of final determination, it has been determined that no further rulemaking is required.

List of Subjects in 7 CFR Parts 1421 and 1434

Grains, Honey, Loan programs—Agriculture, Price support programs, Warehouses.

PARTS 1421 AND 1434—[AMENDED]

Final Rule

§§ 1421.25 and 1434.32 [Amended]

Accordingly, the regulations at 7 CFR Part 1421—Grains and Similarly Handled Commodities—and Part 1434—Honey—are amended by amending §§ 1421.25 and 1434.32 and the headings thereto to delete the figure "$3" and to insert in lieu thereof the figure "$9.99" whenever it appears.

(Sec. 4, Pub. L. 80–89, 60 Stat. 1070, as amended (15 U.S.C. 714b))

Signed at Washington, D.C. on December 20, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84–33574 Filed 12–26–84; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–ANE–13; Amendment No. 39–4963]

Airworthiness Directives; Allison Gas Turbine Division, General Motors Corporation, Allison Model 250–C30 and –C30S Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective by individual telegrams to all known U.S. owners and operators of certain Allison Model 250–C30 and –C30S engines installed in Sikorsky Model S–76A helicopters. The AD requires inspection of the second stage turbine nozzle interstage seal, repair or replacement as necessary, with additional assembly, alignment, and test procedures on applicable engines having less than 100 hours time in service since gas producer turbine rotor assembly repair or disassembly. The AD is needed to prevent abnormal rub of the second stage turbine nozzle interstage seal which could result in an overspeed burst of the first stage turbine wheel.

EFFECTIVE DATE: December 26, 1984, to all persons except those persons to whom it was made immediately effective by telegraphic AD (TAD) T84–17–51, issued August 31, 1984, which contained this amendment.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

Incorporation by Reference—Approved by the Director of the Federal Register effective December 26, 1984.

ADDRESSES: The applicable service bulletins (SB) may be obtained from Allison Gas Turbine Division, General Motors Corporation, P.O. Box 420, Indianapolis, Indiana 46206–0420.

A copy of each SB is contained in the Rules Docket at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 84–ANE–13, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Royace H. Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE–140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; (312) 694–7132.

SUPPLEMENTARY INFORMATION: On August 31, 1984, TAD T84–17–51 was issued and made effective immediately to all known U.S. owners and operators of certain Allison Model 250–C30 and –C30S engines installed in Sikorsky Model S–76A helicopters. The TAD requires inspection of the second stage turbine nozzle interstage seal, repair or replacement as necessary, with additional assembly, alignment, and test procedures on applicable engines having less than 100 hours time in service since gas producer turbine rotor assembly repair or disassembly. TAD action was necessary to prevent abnormal rub between the rotating knives and the stationary bore of the second stage turbine nozzle interstage seal (29–34 labyrinth seal) which could lead to a curvic coupling failure between the first

and second stage turbine wheels. Failure of the curvic coupling can result in an overspeed wheel burst of the first stage turbine wheel.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual telegrams issued, August 31, 1984, to all known U.S. owners and operators of certain Allison Model 250–C30 and –C30S engines installed in Sikorsky S–76A helicopters. These conditions still exist and the AD, with editorial modification and incorporation of service documents, is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 39

Air transportation, Engines, Aircraft, Aviation safety, Incorporation by Reference.

Adoption of the Amendment

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

Allison Gas Turbine Division, General Motors Corp. (Allison, formerly Detroit Diesel Allison): Applies to Allison Model 250–C30 and –C30S engines having 100 hours or less time in service since gas producer turbine rotor assembly repair or disassembly and installed in Sikorsky Model S–76A helicopters certificated in all categories.

Compliance is require as indicated unless already accomplished.

To prevent abnormal rub of the second stage turbine nozzle interstage seal which could result in an overspeed burst of the first stage turbine wheel, accomplish the following:

(a) Within the next 50 hours time in service inspect the second stage turbine nozzle interstate seal for rub in accordance with Allison Commercial Engine Alert Bulletin CEB–A–72–3127 dated September 14, 1984, or Revision 1 dated November 15, 1984, or FAA-approved equivalent; **Note:** Prior to September 14, 1984, evidence or rub evaluated by the engine manufacturer and determined suitable for continued use in service is equivalent to compliance with the above bulletins.

(b) Components exhibiting signs of abnormal rub as defined in paragraph (a) above must be replaced with serviceable components prior to return to service. The repair or replacement as necessary, with additional assembly, alignment, and test procedures are to be performed in accordance with the following:

(1) *Repair/Replacement, Additional Assembly, and Alignment Procedures:*

(i) Allison Commercial Engine Alert Bulletin CEB–A–72–3127 dated September 14, 1984, or Revision 1 dated November 15, 1984, or FAA approved equivalent.

(ii) Prior to September 14, 1984, compliance with Allison message THO–1977W–RMG–84 dated August 18, 1984, is acceptable.

(2) *Second Stage Nozzle Interstate Seal (29–34 Labyrinth Seal) Clearance:*

(i) Allison Commercial Engine Alert Bulletin CEB–A–72–3131 dated November 15, 1984, or Allison message THO–2111W–RMG–84 dated September 21, 1984, or FAA approved equivalent.

(ii) Prior to November 15, 1984, compliance with Allison Commercial Engine Alert Bulletin CEB–A–72–3127 dated September 14, 1984, or Allison message THO–1977W–RMG–84 dated August 18, 1984, is acceptable.

(3) *Test Stand Requirements for Model 250–C30 and –C30S Engines That Have Undergone The Gas Producer Turbine Special Inspection on the Second Stage Turbine Nozzle*

(i) Allison Distributor Information Letter 250 DIL 223 dated October 1, 1984, or FAA approved equivalent.

(ii) Prior to October 31, 1984, compliance with Allison message THO–1979W–RMG–84 dated August 22, 1984, as revised by THO–2032W–RTM–84 (Revision No. 1) dated September 11, 1984, is acceptable.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate helicopters to a base for accomplishment of this AD.

(d) Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018. **Note:** Gas producer turbine rotor assembly repair or disassembly includes replacement of any gas producer turbine rotor assembly from the total turbine assembly, or maintenance/repair performed on the gas producer turbine rotor assembly associated bearings/seals/parts starting with the No. 7 bearing and ending with the No. 8 bearing oil sump cover. Compliance with AD 83–22–05 (Allison CEB–A–72–3108) does not constitute gas producer turbine rotor assembly repair or disassembly provided no corrective action as outlined above is accomplished as a result of the inspection/cleaning.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Allison Gas Turbine Division, General Motors Corporation, P.O. Box 420, Indianapolis, Indiana 46206–0420. These documents also may be examined at the Office of the Regional Counsel, FAA, ATTN: Rules Docket No. 84–ANE–13, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except federal holidays, between 8:00 a.m. and 4:30 p.m.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.89)

This amendment becomes effective December 26, 1984, to all persons except those persons to whom it was made immediately effective by TAD T84–17–51, issued August 31, 1984.

Issued in Burlington, Massachusetts, on December 4, 1984.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84–33586 Filed 12–26–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–ANE–29; Amendment 39–4964]

Airworthiness Directives; Garrett Turbine Engine Company Model TPE331 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires removal from service of certain high pressure fuel pump output drive shafts on Garrett Turbine Engine Company (GTEC) TPE331 series engines. The AD is prompted by reports of high pressure fuel pump output drive shaft failures which could result in engine failure.

This amendment is needed to broaden the applicability to include an additional fuel pump assembly part number.

DATES: Effective—December 26, 1984. Compliance schedule—As prescribed in body of AD. Incorporation by

Reference—Approved by the Director of the Federal Register effective December 26, 1984.

ADDRESSES: The applicable service bulletins (SB) may be obtained from Garrett Turbine Engine Company, 111 South 34th St., P.O. Box 5217, Phoenix, Arizona 85010; telephone (602) 231–1000.

A copy of each SB is contained in the FAA Rules Docket, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bob Liddiard, Aerospace Engineer, ANM–174W, Western Aircraft Certification Office, Northwest Mountain Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone (213) 536–6380.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–4867 (49 FR 22627), AD 84–10–06, made effective May 30, 1984, which currently provides for measuring the drive shaft running torque and replacement of the fuel pump drive shaft of the engine fuel control/pump assembly on all TPE331 series engines except the TPE331–8 and TPE331–10A which have Garrett electronic fuel controls installed. After issuing Amendment 39–4867, the FAA has determined that one fuel pump assembly part number (P/N) was inadvertently omitted from the applicability paragraph of the AD. Therefore, the FAA is amending Amendment 39–4867 by adding that P/N to the list of applicable fuel pump assemblies installed on the GTEC Model TPE331 engines. A corresponding change was made to GTEC SB TPE331–73–0121 (Revision 3, dated November 5, 1984) only to add that fuel pump assembly P/N.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–4867 (49 FR 22627), AD 84–10–06, as follows:

a. Revise the applicability paragraph by inserting the following fuel pump assemblies: P/N 895413–1/–9, S/N All.

b. Add the following new paragraph:

(f) The Manager, Western Aircraft Certification Office has found GTEC SB TPE331–73–0121 Revision 3, dated November 5, 1984, to be equivalent to GTEC SB TPE331–73–0121 Revision 2 dated April 18, 1984. This revision only adds the fuel pump assembly P/N. There are no changes in inspections or accomplishment instructions.

This amendment becomes effective on December 26, 1984.

This amendment amends Amendment 39–4867 (49 FR 22627), AD 84–10–06.

(Sections 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

Issued in Burlington, Massachusetts, on December 6, 1984.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84–33587 Filed 12–26–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 84–ANE–5; Amendment 39–4965]

Airworthiness Directives, Garrett Turbine Engine Company, Engine Models ATF3–6–4C, 6A–3C, and 6A–4C

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective to all known U.S. owners and operators of certain Garrett Turbine Engine Company (GTEC) ATF3–6 and –6A series engines by individual telegrams. This AD supersedes an existing AD and requires an initial interim inspection as well as eventual modification of certain exhaust deflector liner and seal assemblies to assure that they are not loose and have not made contact with the turbine rotor. This AD is prompted by reports of detachment of the exhaust splitter labyrinth seal which could result in an uncontained engine failure.

DATES: Effective December 26, 1984, to all persons except those persons to whom it was made immediately effective by telegraphic AD No. T84–20–51 issued October 4, 1984.

Compliance required as indicated in the body of this AD, unless already accomplished.

Incorporation by Reference—Approved by the Director of the Federal Register effective December 26, 1984.

ADDRESSES: The applicable service information and maintenance manuals may be obtained from Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010; telephone (602) 231–1000.

A copy of each service document is contained in the Rules Docket, New England Region, Office of the Regional Counsel, Attn: Docket No. 84–ANE–5, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bill Moring, Aerospace Engineer, ANM–174W, Western Aircraft Certification Office, Northwest Mountain Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009; telephone (213) 536–6382.

SUPPLEMENTARY INFORMATION: On October 4, 1984, TAD No. T84–20–51 was issued and made effective immediately to all known U.S. owners and operators of certain GTEC Model ATF3–6–4C, –6A–3C, and –6A–4C engines. TAD T84–20–51 supersedes AD No. 84–11–51. TAD action was necessary to supersede AD No. 84–11–51 which requires initial and interim inspections as well as eventual modification of certain exhaust deflector liner and seal assemblies on low time engines to assure that they are not loose and have not made contact with the turbine rotor. These inspections are necessary to prevent detachment of the exhaust splitter labyrinth seal which could result in an uncontained engine failure. After AD No. 84–11–51 (Amdt. 39–49–00) was issued, the FAA received two reports of this same discrepancy on

high time engines. Therefore, AD No. 84–11–51 was superseded by TAD No. 84–20–51. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires an initial and subsequent inspections as well as eventual modification of GTEC ATF3–6 and –6A engines.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual telegrams issued October 4, 1984, to all known U.S. owners and operators of GTEC model ATF3–6–4C, –6A–3C, and –6A–4C engines. These conditions still exist, and the AD is hereby published in the **Federal Register** as a superseding amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by superseding amendment 39–4900, AD 84–11–51 with the following new AD:

Garrett Turbine Engine Company (GTEC) (formerly AiResearch Manufacturing Company of Arizona): Applicable to all engine models ATF3–6–4C, –6A–3C, and –6A–4C with exhaust deflector liner and seal assembly, Garrett part number (P/N) 3001313–11 thru –14, installed.

Compliance required as indicated unless already accomplished.

To prevent the possibility of an uncontained engine failure, accomplish the following:

A. Prior to the accumulation of an additional 5 hours in service, after the effective date of this AD, and at intervals not to exceed 25 operational hours thereafter, until incorporation of the exhaust deflector liner and seal assembly bolted flange system as specified in section 2.A., "Accomplishment Instructions," of GTEC SB ATF3–72–6092, dated May 25, 1984, or equivalent approved by the Manager, Western Aircraft Certification Office, visually inspect the stationary seal/sixth stage low pressure turbine rotor assembly area of all affected engines for evidence of seal/rotor contact and/or seal looseness as specified in the following GTEC Light Maintenance Manual Revisions, or equivalent approved by the Manager, Western Aircraft Certification Office:

Engine Model and Manual Reference

ATF3–6–4C: Light Maintenance Manual Report No. 72–00–52, Revision 6, dated November 15, 1983; Temporary Revision No. 72–88, 72–00–00, Trouble Shooting, dated April 16, 1984; and Temporary Revision No. 72–89, 72–00–00, Trouble Shooting, dated April 16, 1984.

ATF3–6A–3C: Light Maintenance Manual Report No. 72–03–32, Revision 3, dated November 15, 1983; Temporary Revision No. 72–43, 72–00–00, Trouble Shooting, dated April 16, 1984; and Temporary Revision No. 72–44, 72–00–00, Trouble Shooting, dated April 16, 1984.

ATF3–6A–4C: Light Maintenance Manual Report No. 72–03–42, Revision 4, dated November 15, 1983; Temporary Revision No. 72–44, 72–00–00, Trouble Shooting, dated April 16, 1984; and Temporary Revision No. 72–45, 72–00–00, Trouble Shooting, dated April 16, 1984.

B. Engines with unsuccessful inspection results found during the accomplishment of paragraph A above are to be disassembled as required to modify the exhaust deflector liner and seal assembly and to inspect the sixth stage turbine rotor assembly.

C. Upon removal of the sixth stage low pressure turbine rotor assembly from an affected engine for any reason, or within 200 operating hours after the effective date of this AD, or prior to April 15, 1985, whichever comes first, incorporate the new exhaust deflector liner and seal assembly bolted flange system as specified in Section 2.A., "Accomplishment Instructions," of GTEC SB ATF3–72–6092, dated May 25, 1984, or equivalent approved by the Manager, Western Aircraft Certification Office.

Aircraft may be ferried in accordance with the provisions of Federal Aviation Regulations (FARs) 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request of an operator, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Western Aircraft Certification Office, Northwest Mountain Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010; telephone (602) 231–1000. These documents also may be examined at Office of the Regional Counsel, New England Region, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment supersedes amendment 39–4900 (49 FR 35614), AD No. 84–11–51.

This amendment becomes effective December 26, 1984, to all persons except those persons to whom it was made immediately effective by TAD No. T84–20–51, issued October 4, 1984.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.89)

Note.—The FAA has determined that this regulation only involves 20 aircraft and will cost approximately $40,000 per aircraft. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

Issued in Burlington, Massachusetts, on December 6, 1984.

Robert E. Whittington,

Director, New England Region.

FR Doc. 84–33588 Filed 12–26–84; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 350

Defense Priorities and Allocations System; Correction

AGENCY: Office of Industrial Resource Administration, International Trade Administration, Commerce.

ACTION: Final rule; correction.

SUMMARY: In the **Federal Register** of July 30, 1984 (49 FR 30412) (FR Doc. 84–19909), the Department of Commerce published the Defense Priorities and Allocations System regulation as a final rule. Two errors are noted.

§ 350.50 [Corrected]

Paragraph (c) of § 350.50 (General provisions), appearing on page 30421, is corrected in the eighth line of that paragraph by removing the word, "Field", and adding the word, "District", immediately following the word, "Commerce", and immediately before the word, "Office".

Appendix I to Part 350—[Corrected]

Paragraph (b)(1) of section 3 (Rating Authority) in DPAS DEL. 2 (Appendix I to Part 350), appearing on page 30431, is corrected in the second line of that paragraph by removing the word, "or", immediately following the word, "production"; and immediately before the word, "refining"; and adding the words, "or transportation", immediately following the word, "refining", at the end of the line.

Dated: December 19, 1984.

John A. Richards,

Director, Office of Industrial Resource Administration.

[FR Doc. 84-33529 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Part 350

Defense Priorities and Allocations System

Correction

In FR Doc. 84-19909 beginning on page 30412 in the issue of Monday, July 30, 1984, make the following corrections:

§ 350.8 [Corrected]

1. On page 30416, in the first column, in § 350.8, the fifth definition which reads "Delegated Agency" should read "Delegate Agency".

Schedule II to Part 350—[Corrected]

2. On page 30427, in the Aluminum portion of the Schedule, in the heading for the second column, "(pounds)" should be removed.

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3148]

Biopractic Group, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this Consent Order, requires a Riegelsvillle, Pa., corporation, among other things, to cease representing that any new drug or device provides relief from the inflammation and joint stiffness associated with arthritis and other musculoskeletal ailments, unless such claims are substantiated by competent and reliable evidence. The Order also bars the company from making unsubstantiated claims that any drug or device has been praised as an effective treatment for arthritis and similar ailments by doctors, medical centers and athletic teams; or that any such product has been reported to be an important break-through in pain management in newspaper and magazine articles or on TV or radio. The company is additionally required to maintain records substantiating product claims, and to provide all personnel involved in the preparation of advertising and promotional materials with a copy of the Order.

DATE: Complaint and Order issued December 12, 1984.*

FOR FURTHER INFORMATION CONTACT: Nancy Warder, Federal Trade Commission, B/415-8, Washington, D.C. 20580 (202) 376-8720.

SUPPLEMENTARY INFORMATION: On Wednesday, October 3, 1984, there was published in the **Federal Register**, 49 FR 39070, a proposed consent agreement with analysis in the Matter of Biopractic Group, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.110 Endorsements, approval and testimonials; § 13.170 Qualities or properties of product or service; § 13.170-52 Medicinal, therapeutic, healthful; § 13.205 Scientific or other relevant facts. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; § 13.330-33 Doctors and medical profession; § 13.330-63 Newspapers; § 13.330-64 Olympic or other sporting events; § 13.330-75 Radio and television industries. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1665 Endorsements; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Over the counter drugs, 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, 52)

Emily H. Rock,

Secretary.

[FR Doc. 84-33420 Filed 12-26-84; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-21577, IC-14277; File No. S7-15-84]

Extension of Credit by Broker-Dealers on Investment Company Shares

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting Rule 11d1-2 under the Securities Exchange Act of 1934 ("Exchange Act"). The Rule exempts any security issued by an open-end management investment company or a unit investment trust registered under the Investment Company Act of 1940 ("1940 Act") from certain credit restrictions of the Exchange Act, provided that the security has been owned for more than thirty days by the security holder. The effect of the Rule, when read in conjunction with the credit regulation of the Board of Governors of the Federal Reserve System ("Federal Reserve Board"), is to allow a broker-dealer to extend credit to a customer on fully-paid securities issued by open-end management investment companies or unit investment trusts if the customer purchased the securities held as collateral more than thirty days prior to the extension of credit.

EFFECTIVE DATE: January 28, 1985.

FOR FURTHER INFORMATION CONTACT: Valerie S. Golden, Esq., (202) 272-2848, Office of Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549.

I. Introduction

The Commission today announced the adoption of Rule 11d1-2 (17 CFR 240. 11d1-2) under the Exchange Act.[1] The Rule was published for public comment in April, 1984.[2] The Rule has been

* Copies of the Complaint and the Decision and Order filed with the original document.

[1] 15 U.S.C. 78 *et seq.*

[2] Securities Exchange Act Release No. 20895 (April 25, 1984, 49 FR 18740 (May 2, 1984)

adopted substantially as proposed. In response to a comment received, however, the Rule has been modified in one respect.

The Rule will exempt any security issued by an open-end management investment company or a unit investment trust registered under the 1940 Act from certain credit restrictions of the Exchange Act provided that the security has been owned for more than thirty days by the security holder. The effect of the Rule, together with the credit regulations of the Board of Governors of the Federal System, is to allow a broker-dealer to extend credit to a customer on fully-paid securities issued by open-end management investment companies or unit investment trusts if the customer purchased the securities held as collateral more than thirty days prior to the extension of credit. The thirty day holding period requirement will not apply to shares acquired as a result of the automatic reinvestment of dividends.

II. Discussion

Background. Section 11(d)(1) of the Exchange Act prohibits a broker-dealer from effecting any transactions in connection with which he directly or indirectly extends or maintains credit or arranges for the extension or maintenance of credit to or for a customer on any security, other than an exempted security, which was part of a new issue in the distribution of which the broker-dealer participated as a member of a selling syndicate or group within thirty days prior to such transaction. Section 11(d)(1) prohibits the extension of credit in connection with the original sale of the security. It also prohibits the security from being used as collateral in connection with other transactions that the broker-dealer may effect for his customers within the stated thirty-day period.[3]

Section 11(d)(1) generally applies to the extension of credit on fund shares by a broker-dealer distributing the fund's shares either as a principal underwriter or as a retailer.[4] In either capacity the broker-dealer is a member of a selling group and the fund shares sold in an original distribution are a "new issue."[5] Since fund shares are continuously in registration,[6] section 11(d)(1) prohibits a broker-dealer engaged in the distribution of the shares of a fund from using those shares as collateral for the initial purchase of other securities on margin, whether or not the prior sale of fund shares occurred within thirty days of the credit transaction. In this regard, fund shares are affected differently by section 11(d)(1) than are shares of other companies which are distributed in discrete offerings that usually last far less than thirty days.

Until 1980, section 11(d)(1) was one of two regulatory provisions that prevented broker-dealers from extending credit on fund shares. The other provision was Regulation T, promulgated by the Federal Reserve Board pursuant to its authority under sections 7 and 8 of the Exchange Act. Prior to that date, the Federal Reserve Board had determined that shares of open-end management companies and unit investment trusts had no loan value upon which broker-dealers could extend credit. The Federal Reserve Board amended Regulation T, effective November 3, 1980, to include fund securities among those securities which have loan value for margin accounts.[7] Therefore, broker-dealer could extend or arrange for the extension of credit on fund shares for customers to whom it did not sell the shares under the circumstances set forth in Rule 11d1–1.[8]

Rule 11d1–2. Rule 11d1–2 exempts from the provisions of section 11(d)(1) mutual funds shares and shares of unit investment trusts sold by a broker-dealer to a customer more than thirty days prior to an extension of credit by the broker-dealer on such shares. The exemption will not be available for the initial sale of fund shares on margin where the purchases shares are to be used as collateral. The Rule will, however, eliminate seemingly unnecessary restrictions upon the use of fund shares for margin purposes that are caused by the fact that the shares are in continuous registration. At the suggestion of the commentators, the proposed rule was changed specifically to provide that fund shares that result from the automatic reinvestment of dividends be exempt from the provisions of section 11(d)(1).

The commentators unanimously supported the Rule and urged its adoption. They argued that many of the perceived conflicts and potentials for abuse have disappeared, that the present regulatory framework is adequate and that the Rule would eliminate an artificial and uneconomic preference for industrial securities in the marketplace. The commentators also believe that the Rule would be in the public interest and consistent with the protection of investors.

Several commentators suggested deletion of the thirty day holding period or reexamination of the thirty day holding period at some future time. These commentators believe that the manner in which fund shares are priced, *i.e.*, on the basis of their net asset value and not on the basis of the supply of, or demand for, shares, precludes the possible increase in volatility which the immediate availability of credit otherwise might cause. In addition, commentators stated that the broker-dealer's rule in distributing fund shares did not present the potential for conflicts of interest which section 11(d)(1) was intended to avoid because the broker-dealer has no capital at risk or market exposure from unsold shares. One commentator also noted that the thirty day holding period could present operational and data processing problems for broker-dealers because of the continuous nature of the offering of fund shares. Another commentator, however, stated that it felt that the thirty day holding period was fair. For several reasons, the Commission does not believe that it would be appropriate to eliminate the thirty day holding period without first having some experience with the extension of credit on fund shares. A broker-dealer that has

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[3] See H.R. Rep. No. 1542, 83rd Cong., 2d Sess. 27 (1954).

[4] For purposes of this notice, the term "fund" refers to registered open-end management companies as defined in section 5 of the 1940 Act, and unit investment trusts as defined in section 4 of the 1940 Act.

[5] Hearings before the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce on H.R. 7696 and H.J. Res. 946, 90th Cong. 2d Sess. 35–36 (1968). *See also* July 5, 1980, letter of Roger D. Blanc, Chief Counsel, Division of Market Regulation, to Robert S. Plotkin, Assistant Director, Division of Banking Supervision and Regulation, Federal Reserve Board. If, among other things, the broker-dealer has no agreement with an investment company to distribute or sell its shares, section 11(d)(1) would not prohibit extensions of credit on mutual fund shares. *See* letter dated June 29, 1983 from Colleen Curran Harvey, Esq., Office of Chief Counsel, Division of Market Regulation to Mary B. Templeton, Esq., Re: Charles Schwab & Co., Inc.

[6] To avoid reductions in the size of unit trusts through redemptions, their sponsors often indicate that they intend to purchase units submitted for redemption and to resell them with a fixed sales charge. As a result, continuously effective registration statements under the Securities Act of 1933 are maintained for such unit trusts. The sponsors do not, however, commit themselves to make such purchases, and they have the right to redeem any units purchased by them which they do not resell.

[7] 12 CFR 220.2(o).

[8] Rule 11d1–1(a) under the Exchange Act provides that a security shall be exempt from the provisions of Section 11(d)(1) in connection with a transaction in which a broker-dealer extends or arranges for the extension of credit for a customer if the broker-dealer has neither sold that security to the customer nor brought that security for the customer's account.

participated in a distribution of securities is generally prohibited by section 11(d)(1) from extending credit on those securities for 30 days after the distribution, and the primary purpose of this rulemaking was to place fund shares and other types of securities on equal regulatory footing. Also fund shares are often sold with the kinds of sales compensation that could lead to the abuse that prompted the Congress to prohibit the use of credit in the sale of new issues of securities. Accordingly, the Commission has retained this 30-day holding period requirement, but will attempt to monitor its effects.

One commentator suggested that the Rule specifically address the treatment of reinvested dividends. The commentator indicted that broker-dealers would have significant operational problems if the thirty day holding period applied to automatically reinvested dividends. In response to this suggestion, the Commission has revised the Rule to allow fund shares resulting from automatically reinvested dividends, to be freely used for margin purposes.

Finally, one commentator suggested that issuers of fund shares be given an option to prohibit the extension of credit on their shares. Issuers of corporate securities, however, are not given the option to prohibit the extension of credit on their shares. While the Commission recognizes that fund shares differ from corporate securities because fund shares may be redeemed, the Commission does not believe that that distinction is necessarily a suffificent basis for permitting issuers of fund shares to prohibit the extension of credit on their shares. According, the Commission has not adopted that suggestion. If, however, redemption of fund shares to meet margin calls should begin to occur to a degree that other fund shareholders may be injured, the Commission would, of course, evaluate whether the rule should be modified.

III. Certain Findings, Effective Date and Statutory Basis

Section 23(a)(2) of the Exchange Act [9] requires the Commission, in adopting rules under the Exchange Act, to consider the anti-competitive effect of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Exchange Act. The Commission has considered Rule 11d1–2 in light of the standard cited in section 23(a)(2) and believes that adoption of the Rule will not impose any burden on competition not necessary or appropriate in furtherance of the Exchange Act.

Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 605(b), the Chairman certified when the Rule was proposed that the Rule, if adopted, would not have a significant economic impact on a substantial number of small entities. No comments were received on the certification.

Statutory Basis

The Securities and Exchange Commission hereby adopts Rule 11d1–2, § 240.11d1–2 in Chapter II, Title 17 of the Code of Federal Regulations, pursuant to its authority under the Exchange Act, and particularly sections 2, 3, 11, and 23 thereof (15 U.S.C. 78b, 78c, 78k and 78w).

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Text of Rule 11d1–2

Part 240 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 240.11d1–2 to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT

§ 240.11d1–2 Exemption from section 11(d)(1) for certain investment company securities held by broker-dealers as collateral in margin accounts.

Any securities issued by a registered open-end investment company or unit investment trust as defined in the Investment Company Act of 1940 shall be exempted from the provisions of section 11(d)(1) with respect to any transaction by a person who is a broker and a dealer who, directly or indirectly, extends or maintains or arranges for the extension or maintenance of credit on such security, provided such security has been owned by the person to whom credit would be provided for more than 30 days, or purchased by such person pursuant to a plan for the automatic reinvestment of the dividends of such company or trust.

By the Commission.

John Wheeler,

Secretary.

December 18, 1984.

[FR Doc. 84–33624 Filed 12–26–84; 8:45 am]

BILLING CODE 8010–01–M

[9] 15 U.S.C. 78w(a)(2).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79–14]

Publication of Incremental Pricing Acquisition Cost Thresholds

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Prescribing Incremental Pricing Thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: January 1, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE, Washington, D.C. 20426, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

Publication of Prescribed Incremental Pricing Acquisition Cost Threshold of the NGPA of 1978

Issued December 21, 1984.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of January 1985 is issued by the publication of a price table for the applicable month. The incremental pricing acquisition cost threshold prices for months prior to January 1985 are found in the tables in § 282.304.

List of Subjects in 18 CFR Part 282

Natural Gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Calendar Year 1984												Calendar year 1985—Jan.
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
Incremental pricing threshold	$2.283	$2.291	$2.299	$2.307	$2.315	$2.323	$2.331	$2.338	$2.345	$2.352	$2.359	$2.366	$2.373
NGPA section 102 threshold	3.586	3.609	3.632	3.656	3.680	3.705	3.730	3.752	3.774	3.797	3.821	3.845	3.869
NGPA Section 109 threshold	2.359	2.367	2.375	2.383	2.391	2.399	2.407	2.414	2.421	2.428	2.436	2.444	2.452
130 percent of No. 2 fuel oil in New York City threshold	7.730	7.570	7.570	8.550	8.590	7.670	7.930	7.740	7.650	7.230	7.040	7.290	7.170

[FR Doc. 84-33621 Filed 12-26-84; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary for International Affairs

31 CFR Part 129

Foreign Portfolio Investment Survey

Note.—This document was originally published in the **Federal Register** of Tuesday, December 11, 1984, on page 48184. It is being republished today at the request of the agency.

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

POSTAL SERVICE

39 CFR Part 3

Amendment to Bylaws of Board of Governors

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends the method by which the Board of Governors of the United States Postal Service calculates the cost of lease/rental agreements in considering capital investments, in order to reflect those costs more accurately.

EFFECTIVE DATE: December 12, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. David F. Harris, Secretary, Board of Governors, U.S. Postal Service, Washington, D.C. 20260-1000 (202) 245-3734.

SUPPLEMENTARY INFORMATION: The bylaws of the Board of Governors reserve to the Board the approval of each Postal Service capital investment project, including each lease/rental agreement, exceeding $5 million. On

December 12, 1984 the Board adopted an amendment specifying that, in calculating costs of a lease/rental agreement, the Board will use the present value of expected future payments under the lease applying the cost of capital of the Postal Service. This requirement replaces a cost estimation method based on the balance-sheet cost of the lease/rental agreement as of the date on which the liability is first incurred.

List of Subjects in 39 CFR Part 3

Administrative practice and procedure, Reporting and recordkeeping requirements.

For the reasons set out above, the Board amends title 39, Code of Federal Regulations, as follows:

PART 3—BOARD OF GOVERNORS [ARTICLE III]

1. In § 3.4 revise paragraph (g) to read as follows:

§ 3.4 Matters reserved for decision by the Board.

* * * * *

(g) Approval of the Postal Service Five-Year Capital Investment Plans, including specific approval of each capital investment project and each new lease/rental agreement exceeding $5 million total cost. For the purpose of determining the cost of a capital investment project or lease/rental agreement,

(1) All such projects and agreements undertaken as part of a unitary plan (either for one location or for contemporaneous or sequential development in several locations) shall be considered one project or agreement, and

(2) The cost of a lease/rental agreement shall be the present value of all lease payments over the term of the lease, including all periods covered by renewal options or all periods for which failure to renew imposes a penalty or a hardship such that renewal appears to be reasonably assured, plus the cost of any leasehold improvements planned in connection with the lease/rental agreement. The present value will be determined using the cost of capital of the Postal Service.

(39 U.S.C 202, 205, 401(2), (10))

David F. Harris,

Secretary.

[FR Doc. 84-33645 Filed 12-26-84; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 84-04; Notice 2]

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

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends Safety Standard No. 108 to allow motor vehicles to be equipped with a new four-lamp rectangular sealed beam headlamp system smaller than that currently allowed. A notice of proposed rulemaking ("NPRM") on this subject was published on April 30, 1984 (49 FR 18321).

The system, to be known as Type F, consists of two lamps which produce lower beam light and two lamps which produce upper beam light. The system will not utilize the supplementary upper beam from the lower beam headlamp as is the practice in current four-lamp systems.

Type F headlamps, though mechanically aimable, do not incorporate traditional lens-mounted aiming pads, and a special aimer adapter has been designed for the system. Because the aiming and seating planes are identical, the minimum amount of required horizontal aim is reduced from plus or minus 4 degrees to plus or minus 2½ degrees.

The weight and volume of Type F headlamps are about half those of headlamps used in current four-lamp rectangular headlamp systems and the new system therefore offers the prospect of improved fuel economy through lighter vehicle weight and more aerodynamic front end design.

This notice completes initial rulemaking action implementing the agency's grant of petitions for rulemaking by General Motors Corporation, which developed the system, and American Motors Corporation. A second notice of proposed rulemaking on issues of simultaneous use of Type F headlamps, co-aiming and optional availability of an auxiliary filament will be published shortly.

DATES: Effective date: July 1, 1985. Date for receipt of petitions for reconsideration: January 28, 1985.

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

FOR FURTHER INFORMATION CONTACT: Richard Van Iderstine, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: On April 30, 1984, NHTSA published a notice of proposed rulemaking implementing grants of petitions for rulemaking submitted by General Motors Corporation (GM) and American Motors Corporation (AMC) to amend Standard No. 108 to permit the use of new, smaller, rectangular sealed beam headlamps in a four-lamp system. GM, which developed the system, believes that it offers improvements in lower and upper beam photometric output, and improved aiming characteristics.

Because of reduction in weight and volume, the system offers the potential for improved aerodynamics and enhancement of fuel economy. Comments were received from eight manufacturers of vehicles or lighting equipment, the Motor Vehicle Manufacturers Association (MVMA) and the California Highway Patrol (CHP).

Characteristics of the GM System

The new four-lamp rectangular sealed-beam system features headlamps with upper and lower beam performance which is different than that currently required. The supplementary upper beam traditionally found in four lamp systems is not necessary for the system to meet photometric requirements for the upper beam. NHTSA chose to designate the lamp as Type F with a prefix indicating its function, "UF" for the upper beam Type F, and "LF" for the lower beam Type F. Each Type F headlamp is of a size, 92 mm x 150 mm, such that its overall volume and weight are approximately half those of headlamps used in the current 4½"x6" four-lamp rectangular system (Types 1A1 and 2A1). Thus, there is an inherent potential for more aerodynamic front ends featuring the new lighting system which, together with the lower weight of the system and its mounting hardware, offer the opportunity for improved fuel economy.

Upper Beam Performance

Auxiliary Filament

One feature of the original system that was requested by GM was an auxiliary filament in the lower beam lamp that

would provide some light during upper beam operation.

The primary photometric contribution of this 35-watt, auxiliary filament would be to provide "incidental" light (5000 cd max, 1500 cd min) at the brightest light intensity test point (H–V). However, the upper beam lamp alone could meet the requirement at this test point as well as all other test points.

GM said that there were four other possible reasons for an auxiliary upper beam filament to be located in the lower beam lamp:

1. To serve as a heating element to prevent ice from forming on the lower beam lamp during upper beam use.
2. To mark the outside, leading edges of the vehicle during upper beam use.
3. To be used as a daytime front running lamp.
4. To prevent the owner from perceiving that there is less available light during upper beam use.

GM did not believe that the auxiliary filament was necessary for upper beam enchancement, heating purposes, or edge delineation, but it could be offered as a driver option to allow consumers to have a choice between more light or better fuel economy during upper beam use or, alternatively, to be used as a daytime running light. GM's wish to offer the auxiliary filament as a driver option was not accepted by NHTSA in the NPRM because no requirements were recommended, and NHTSA did not desire to propose additional requirements for switching and "tell-tales" that advise the driver about what headlamp elements would be in operation. Without proper advisories and switching safeguards, driver confusion and mis-use could result.

Since the upper beam lamps alone could meet current upper beam photometric requirements NHTSA proposed use of upper beam lamps alone as one option during upper beam operation. NHTSA also proposed the option of using the lower beam lamp along with the upper beam lamp during upper beam selection. Since the 35-watt, auxiliary filament in the lower beam lamp provided only incidental light with low, light-energy efficiency, the agency rejected use of this filament during ordinary upper or lower beam operation. However, the auxiliary filament could conceivably serve as a daytime running light, a concept under consideration in Canada, and the NPRM proposed that an auxiliary filament could be incorporated and used for that purpose.

In an initial response to the NPRM, GM stated that there were several good reasons for eliminating the auxiliary filament in the lower beam lamp. First, the NPRM proposed that this filament would be permitted to be used only as a daytime running lamp, and GM had found alternative methods of producing such a light at lower operating wattages. Eliminating the auxiliary filament would eliminate filament shadow and improve lamp reliability and durability. Therefore, on May 11, 1984, GM directed a letter to NHTSA and 41 other headlamp manufacturers, users, and researchers noting that GM intended to recommend eliminating the auxiliary filament and inviting comment on that recommendation.

On May 30, 1984, GM recommended deletion of the auxiliary filament instead of allowing it as an option as the NPRM had proposed. GM pointed out that this would eliminate the need to develop and provide two versions of the lower beam headlamp—one with and one without the auxiliary filament. GM noted that the proposed upper beam headlamp could be used as a daytime running light by electronically reducing the power consumption to 16 watts per upper beam lamp, which would provide a better lamp for that purpose since it would provide more efficient light with appropriate beam pattern, rather than "extraneous" or "incidental" auxiliary beam light. Other claimed advantages for eliminating the auxiliary beam were savings due to fewer connections and leakage paths in the lower beam lamp, a smaller-diameter bulb tube that might allow longer lamp life, lower piece cost, and less capital investment.

Seven other commenters recommended deletion of the auxiliary filament (Lucas Industries, VW, GE, Ford, AMC, CHP, and MVMA with the exception of Chrysler), citing advantages similar to those stated by GM and noting no disadvantages. The CHP stated they were not "overwhelmed by the ethereal reasons for lighting all four lamps" that were given by car manufacturers at the time these lamps were introduced, and therefore had no objection to deleting the auxiliary filament. Chrysler requested an opportunity to incorporate an auxiliary filament in the headlamp system so that such a filament could be used as a potential daytime running light in Canada. Chrysler's analysis indicated that incorporating the auxiliary filament might be significantly more cost efficient than adding supplemental lamps.

Sylvania believed that from a safety standpoint, it may be unwise not to emit light from the lower beam headlamp during upper beam selection because this lamp is installed at the outside edges of vehicles and serves as an indicator of car position for on-coming drivers. Because of these factors, Sylvania believed that elimination or the optional use of this capability to illuminate the lower beam lamp be given careful thought.

NHTSA considered all the above comments, and has decided not to incorporate the proposed auxiliary filament in the lower beam lamp since its removal offers overall better headlamp performance, and viable alternatives appear to exist for daytime running lights. Sylvania's recommendation to use the proposed auxiliary filament for edge delineation was considered along with other comments regarding the optional use of either the upper beam lamp alone or both the upper beam lamp and main lower beam filament during upper beam selection. NHTSA believes that there are no other safety reasons for mandating the use of the outer lamp as discussed below.

- As designed by GM the new system does not need the illumination assistance of the "extra" filaments, requiring only the single upper beam filaments to perform as well as many other lamps currently available.
- When four headlamp systems were first introduced, front parking lamps were not required to be illuminated when the headlamps were on. At that time, it probably seemed reasonable that the illuminated outboard lower beam headlamps marked the edge of the vehicle. Parking lamps are now required to be on and help perform this edge marking function.
- Additionally, when the upper beams are on, it is unlikely that side markers lamps and possibly the parking lamps would be seen because of positional and contrast problems. Thus the relationship of the vehicle width and the inboard headlamp location would still be unknown to the oncoming driver. But it is also unlikely that upper beams would be on when oncoming drivers are close enough to need to know where the front corner of the opposing vehicle is.
- Another reason suggested in the comments for illumination of the lower beam lamp is to provide heat to prevent ice from forming on the lower beam lens while using the upper beam. While this may have been the argument for lighting the low beam when four-lamp systems were initially developed in the 1950's, the agency knows of no data which support the need to provide, by regulation, a solution to a problem of ice forming on a lens that is temporarily not is use.
- Thus while there may be historical precedence for having the outer lower beam headlamp illuminated during upper beam use, there appears to be no valid safety oriented basis to require it.

For the reasons discussed above, NHTSA has determined that an auxiliary filament is not needed in the Type LF lamp and therefore that feature of the April 30, 1984, NPRM has not been adopted. However, in light of the interest shown by at least one manufacturer (Chrysler) in incorporating such a filament on an optional basis, the agency will seek, in a notice to be issued shortly, additional comments as to whether to permit the inclusion of an auxiliary filament.

Simultaneous Use

More efficient and potentially effective light for upper beam enhancement seemed available from the main lower beam filament in the lower beam lamp. Instead of providing light to the right and above the road as the auxiliary beam would, the lower beam would provide significant additional light on the road, and add significant spread light to further illuminate the roadway shoulders. Using this filament during upper beam selection would also eliminate any potential concern about ice formation, edge delineation, or less available light. Preliminary GM test data were examined to evaluate potential upper beam photometric compliance problems is using this approach. NHTSA concluded that the probability of exceeding the two current maximum values, 75,000 cd. and 7500 cds. respectively, for the brightest light intensity test point (H–V) and the foreground light test point (4D–V) was very low. Both the lower beam and the upper beam are limited in total output at or near the point of highest intensity (H–V), production practices tend to limit the number of very high output lamps, and the likelihood of four very high output lamps being placed on the same vehicle was considered to be very low. Therefore, NHTSA proposed that manufacturers have a second option of using both the main lower beam filament and the upper beam lamp during upper beam operation and requested comment on the feasibility of this approach.

Data submitted by GM on pre-production lamps has shown, contrary to NHTSA's belief, that some photometric maxima values may be exceeded during the simultaneous use of the upper and lower beams. The CHP also expressed its concern over the potential for this. Therefore, NHTSA has decided to reconsider this proposal in a separate notice of proposed rulemaking.

Photometric Performance

In the April 30, 1984, Notice of Proposed Rulemaking, it was proposed that the upper beam light of the Type F system would be produced by only one of the two lamps on each side of the vehicle. This is in contrast to all existing four-lamp systems which use both lamps to produce the upper beam. It was also proposed that the manufacturer have the option of wiring a vehicle in such a way that the lower beam lamps would operate during upper beam operation. These two features of the type F system led to a proposed set of photometric criteria for the UF lamp that are different than the upper beam criteria for other four-lamp systems. The CHP noted that this change would provide a "worthwhile" increase in required lamp output since it was above the lowest-performing, current production designs. Based on the response to the proposed upper beam photometric values, and since they provide a level of safety equivalent to that already provided by Standard 108, NHTSA is amending standard No. 108 to incorporate these values.

Lower Beam Performance

At present, the lower beam lamp in a four-lamp system provides some of the upper beam light—it has a second filament to do this. Also, the lens prescription of the current lower beam lamp is designed for this dual function. In the system requested by GM, the lower beam lamp produces only lower beam light and thus its lens prescription can be optimized for the low beam function. GM claimed that the benefit of using this design approach would be that the lower beam lamp could be designed for optimum performance and increased seeing light.

Except for 1 of 13 test point values, GM's final recommended lower beam photometrics were within the currently required test point value ranges. The one exception was an increase to a maximum value at a test point (1/2D–1 1/1L to L) that was located near the glare zone. GM wanted to increase this value from 2500 cd to 3000 cd to reduce the sensitivity of the lamp to horizontal misaim and to permit more uniform left land lighting. In conjunction with this increase, GM recommended increases in the minimum values at the seeing light test point and at spread light points.

The California Highway Patrol (CHP) believed the proposed changes would be the first concrete step taken to improve the Federal lower beam requirement, citing the increase in minimum test point values by 20 to 33% in four areas of the lower beam with no further increase in maximum glare values above the horizontal. Ford recommended that the Type F system should be approved but disagreed with all new proposed photometric values and with NHTSA's tentative position that the proposed values represented an improvement in lighting. Ford pointed out that its CHESS computer headlamp evaluation model was gaining wide respect as an appropriate and objective tool for testing lighting performance, and commented that the proposed lower beam lamp "did not show any significant improvement in overall headlamp performance" when it was evaluated by the CHESS model.

Sylvania stated that the proposal offered improvements in photometrics, noting "it is desirable to improve the performance of headlamp systems whenever they are considered. It should be the policy of NHTSA and the lighting industry to insure that any item or device that is considered, both now and in the future, be equivalent or better than existing lighting systems." Sylvania believed the increased spread light requirements of the proposed lamp system were justified and it urged adoption of these requirements.

General Electric (GE) endorsed the improved photometrics but also desired an increase in the 10U–90U glare value from 125 cd maximum to 175 cd maximum. The purpose for this glare increase would be to allow for random spots of higher intensity light that can occur from stray reflections of light inherent in halogen bulbs. NHTSA believes this increase is not the best solution because lamp designers would then be designing for a higher level of 175 cd, and increase the potential for unsafe veiling glare that would result during inclement weather.

AMC fully supported the photometric changes sought by GM and proposed in the NPRM. GM noted that it designed the proposed system for its customers, but felt that no justification had been shown that this level of performance should be required of all new headlamp systems.

The one suggested increase in a maximum test point value (½D–1½L to L) was initially of some concern to NHTSA because that test point location is close to the glare zone. Increases in this test point value could result in higher glare intensity levels if the headlamps were aimed too high, but it would also permit more uniform lighting ahead of the vehicle. A recent NHTSA study[1] recognized this potential

[1] "Improved Low Beam Photometrics," Olson and Sivak, University of Michigan Transportation Research Institute; Interim Report No. UM-HSRI-81-4, February, 1981; Final Report No. UMTRI-83-9, March, 1983.

problem, but the study also found that drivers can accept higher glare levels without discomfort. A 100% increase in this test point value was thought to be reasonable based on the study data, while GM recommended only a 20% increase.

The CHP and Ford also expressed some concern about increasing this test point value. The CHP noted that the 20% increase should allow better seeing ability, but it does not alleviate the complaints of compact car drivers about the excessive brightness of high-mounted headlamps on taller four-wheel-drive pickups. Ford noted that photometric values are more sensitive to the vertical aim of the headlamp and an increase in the general intensity of a beam in these areas makes the lamp more susceptible to causing glare. The MVMA stated that there was no reason to expect this headlamp system to exhibit any new performance characteristics that would cause a level of glare significantly different from the glare produced by currently permitted headlamps. However, the MVMA believed that more research was needed to address the subject of discomfort glare from headlamps. GE supported this value, and no other commenters directly addressed this subject.

After considering these comments, NHTSA has concluded that the 20% increase in this test point value is well within the 100% increase thought to be reasonable by the most current research on the subject, and that adopting this value should not pose any safety problem.

In its petition, GM had also added a new test point value (1D–V) that it claimed was necessary to prevent the lower beam from being aimed too far to the right. GE, the only commenter on this subject, believed this new test point was design-restrictive and redundant, noting that the test point ½D–1½R controls excessive aim to the right. NHTSA believes that beam patterns which meet this specification at 1D–V have the potential for placing more light down the road, as the petitioner claimed. However, NHTSA accepts the GE position that the specification for this point may be redundant with the specification at ½D–1½R. Therefore, this specification is not adopted as part of Figure 15.

In summary, on the basis of the proposal and the comments, NHTSA continues to believe that the level of safety inherent in the proposed photometric test points is equivalent to the level provided by existing lamp systems and that the proposed photometrics are appropriate for lamp systems of this design. Additionally, NHTSA will apply these photometrics to future lamp systems of similar design, where one optical system is dedicated to lower beam use and another optical system is dedicated to upper beam use. Such systems would include those with either four lamps or four light sources.

The proposed photometric values seemed to represent an improvement in lower beam photometrics because more light would be provided in roadway locations where pedestrians and other objects must be seen and avoided. Therefore the NPRM asked whether these photometrics should be required for all headlamp systems. All commenters who addressed this question felt that it was inappropriate at the time to apply these photometric criteria to all existing systems. In the absence of significant, quantitative evidence on the safety effects of these values, the agency is not adopting their use on all headlamp systems.

Additionally, NHTSA agrees with the suggestion from Ford and MVMA that some type of objective evaluation tool is needed for identifying safety improvements in roadway illumination performance. A program for development of such a tool will be initiated in the near future. This progam will build on the extensive research base that already exists as well as the computer techniques that have been developed by Ford, MVMA and others.

Luminance

According to GM, the proposed lamp has a lens light-emitting area of 9271 square mm, and the current small rectangular headlamp has a lens light emitting area of 14,014. Therefore, the proposed lamp is about ⅓ smaller in lens light-emitting area than the current small rectangular headlamp. Since both of these lamps have similar glare point intensity limits, the proposed lamp would have a higher luminance value. (Luminance is the ratio of light intensity to the light emitting area.) Generally, there is a potential for an increase in glare when a lamp of given intensity is reduced in lens area and, therefore, is increased in luminance. To date, there is no known recognized method to objectively compare the influence of headlamp luminance values to the potential for discomforting glare. GM stated that its subjective tests did not indicate a glare problem, and NHTSA tentatively accepted this finding. However, comment on this issue was requested in the NPRM.

Four commenters did not directly address this issue (Lucas, VW, GE, and AMC); Chrysler stated that it did not have sufficient experience with the proposed system to make any recommendations; five commenters (GM, Ford, Sylvania, MVMA, and the CHP) believed there would be no safety problem. GM noted that test results to date indicate "substantially less" light intensity levels in the glare zone for the proposed headlamps as compared to current large rectangular headlamps (142 mm × 200 mm). As a result, GM believed these lower light intensity levels "should more than make up for any brightness differences which may be attributed to size differences." GM also noted that for a comparable amount of seeing light, the proposed system will have a substantially lower intensity of glare light than any other headlamp size. Subjectively, GM believes that increased seeing light is the more important factor, and does not find the brightness to be objectionable.

Ford noted that the brightness distribution over the lens area of headlamps generally is not uniform—the size, shape and brightness gradients all are contributing factors. Ford surmised that although the proposed lamp is smaller, it will not exhibit any difference in glare than other headlamps of slightly greater size. Sylvania believed the design geometry of the lamp, along with the photometric requirements, would prevent the luminance factor from being a problem. The CHP and MVMA did not expect any discomfort glare effects. Since there was no objection from commenters and no additional information is available, NHTSA has concluded that luminance will likely not be a problem with the Type F headlamp system.

Improved Aiming Features

Current sealed beam headlamps are positioned or seated in their mountings through the use of lugs located on the back of the reflector, which form a seating plane, but they are aimed through the use of aiming pads located on the lens face, which form an aiming plane. GM claimed that the proposed new headlamp would have more accurate aiming feature than current sealed beam headlamps because it would be designed to have the seating plane and the aiming plane coincide. Pads on the front of the lens-to-refector flange would be used as a common plane to seat the lamp in it mounting and to aim the lamp.

A NHTSA evaluation of the dimensional tolerances that are allowed for current headlamp units indicated that the skew error in angular alignment between the seating and aiming planes can be as large as ±2.9°. Since the seating plane and aiming plane would be constructed to coincide in the

proposed GM lamp system, this skew error would be eliminated. As a result, if a properly aimed headlamp is replaced, the replacement headlamp should remain properly aimed. Since replacement of headlamps without re-aiming has become a frequent practice, this new design should result in greater numbers of properly aimed replacement headlamps. The agency believes that proper aim reduces glare to oncoming drivers and improves seeing distance for both drivers. Eliminating the skew error would also reduce the amount of mechanical aim adjustment that must be provided to aim the lamp. Therefore, NHTSA proposed to reduce the minimum amount of required horizontal aim adjustment from ±4° to ±2½°. And, since this approach has the potential to improve aim retention and reduce mechanical aim adjustment requirements on future headlamps, NHTSA asked whether common seating/aiming planes should be required on future headlamps.

Four commenters did not directly address this proposed common seating/aiming plane requirement (Lucas, Ford, GE, and AMC). Chrysler stated that it did not have any experience with the proposed headlamp system and could not make any recommendations, but it believed that the inclusion of design-oriented requirements inhibits design freedom and innovation. Five commenters (GM, Sylvania, VW, MVMA, and the CHP) generally agreed that the design seemed achievable and had merit. While GM and MVMA agreed that the requirements seemed appropriate for the Type F lamp system, they did not support such a requirement for other headlamp systems, noting this requirement would not necessarily be practical for replaceable bulb headlamps and could stifle future innovation.

The CHP argued this aspect should be clearly stated in the standard as a direct requirement rather than its intent being inferred by the proposed figures. NHTSA believes that the proposed rule is quite specific about requiring the lamps to be designed to meet the requirements of the new proposed Figures and, therefore, does not believe further statements are necessary. Since all comments favored applying this requirement to only the proposed lamp system, and not to all future headlamp systems, NHTSA has adopted this aspect of the proposal for only the Type F system and will not consider it for all future headlamp systems.

Regarding the proposed reduction in horizontal aim adjustment, three commenters did not directly address ths issue (Lucas, GE, and AMC) while six commenters (GM, Sylvania, Chrysler, VW, Ford, and the MVMA) supported the reduction and the CHP opposed it. Sylvania believed that the current horizontal and vertical aim adjustments of ±4° were more than was necessary for any headlamp system. Chrysler submitted that current horizontal aim adjustment requirements were excessive and could be reduced for all headlamp systems. The CHP agreed that the common aiming/seating plane would eliminate the described skew error, but it also found that, during its random inspection of vehicles, a number of headlamps were misaimed "considerably beyond" the 1.9° range of aim measuring equipment. Therefore, reducing the minimum adjustment range to ±2.5° did not seem to leave much room for all the possible sources of misaim due to lamp and mounting hardware tolerances.

The report "Analysis of Sources of Error in Headlamp Aim" [2] indicates that when aiming/seating plane skew errors are eliminated, the range needed to compensate for other sources of error is about ±0.115° when mechanically aiming and about #0.968° when optically aiming. An adjustment range of ±2.5° appears adequate to compensate for errors. The standard is therefore amended to reduce horizontal aim adjustment for headlamps with a common aiming/seating plane.

GM had petitioned for, and NHTSA subsequently proposed a method to simultaneously aim both the lower and upper beam lamps. Both lamps would be mounted in a common housing and would have a common aim adjustment. Comments from the CHP and GE noted that applying requirements to the entire headlamp assembly was not normal industry practice. The CHP also pointed out that on the requirements for aim tolerances, it is necessary to specify what portion of the ±¼° reaim would be applied to the lamps and what portion would be applied to the mounting assembly. CHP's suggestion about the further need for specifying such tolerances may have merit, but such changes cannot be accomplished unless the public is allowed to comment. Therefore, this proposal for simultaneous aim will be reconsidered and addressed in the separate notice of proposed rulemaking.

Headlamp Aimer Adapter

The current standard requires that all headlamps must be mechanically aimable. In order to meet these requirements, GM proposed an adapter for current mechanical aiming equipment that seemed to offer an acceptable means of mechanical aim. To provide sufficient lead time for inspection stations and repair facilities to obtain the adapters, NHTSA proposed that these adapters be provided with each vehicle that is manufactured with the proposed headlamps up to July 1, 1986.

No comments were received about the type of adapter proposed, and only GM and AMC commented on the requirement to equip vehicles with these adapters. Both GM and AMC project that use of the proposed lamps will be "very substantial," with GM tentatively planning to market over a half million vehicles with the proposed headlamp system prior to July 1, 1986. GM estimated it would be issuing almost 10 times the number of adapters that are needed in the field if it must meet the proposed requirement. Therefore, as an alternative to meeting this requirement, GM proposed to assure that an ample supply of adapters would be available for sale in more than adequate time to meet any field needs. GM noted that its good faith has already been demonstrated since it has already purchased the adapter tooling and it will not realize any profit. AMC believes that there will be sufficient motivation to supply these adapters, and with the normal industry pre-model process and practice of keeping up with new technology, there should be no problem in incorporationg the use of these adapters. Therefore, both GM and AMC recommended against adoption of this aspect of the proposal. NHTSA has concurred in those comments.

Three principal aspects of the April proposal have been determined to merit further consideration. The first of these was the optional use of the lower beam during the use of the upper beam. The second was the co-aimability of the upper and lower beam Type F lamps. The last is the optional use of the auxiliary filament. The agency has decided to re-propose these features of a Type F system in a separate notice. That notice will provide an analysis of the comments on these issues from the April 1984 NPRM as well as the reasons behind the new proposal. It is anticipated that the proposed changes to the rule being adopted today will have an effective date on July 1, 1985.

NHTSA has considered this rule and has determined that it is not major within the meaning of Executive Order 12291 "Federal Regulation" or significant under Department of

[2] "Analysis of Sources of Error in Headlamp Aim," Olson and Mortimer, University of Michigan Transportation Research Institute, March, 1974.

Transportation regulatory policies and procedures, and that neither a regulatory impact analysis nor a full regulatory evaluation is required. However, a regulatory evaluation has been prepared and placed in the public docket. Since use of Type F headlamps is optional, the rule will impose no additional requirements but will permit manufacturers greater flexibility in use of headlighting systems.

NHTSA has analyzed this rule for the purposes of the National Environmental Policy Act. The rule may have a small positive effect on the human environment since the weight and quantity of materials used in the manufacture of headlamps will be reduced.

The agency has also considered the impacts of this rule in relation to the Regulatory Flexibility Act. I certify that this rule would not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the rule, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Finally, small organizations and governmental jurisdictions will not be significantly affected since the price of new vehicles, headlamps, and aimer adjusters will be minimally impacted.

List of Subjects in 49 CFR Part 571

Imports, motor vehicle safety, Motor vehicles, Rubber and rubber products.

The engineer and lawyer primarily responsible for this rule are Richard Van Iderstine and Taylor Vinson, respectively.

PART 571—[AMENDED]

§ 571.108 [Amended]

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

1. Paragraph S4.1.1.34 is revised by adding the following at the end of the chart:

* * * * *

System	Headlamp type	Number of headlamps
*	*	*
6	Type UF	1
	Type LF	1
*	*	*

2. New sections S4.1.1.43, S4.1.1.44, and S4.1.1.45 are added to read:

* * * * *

S4.1.1.43 Instead of being equipped with a headlighting system specified in Table I or Table III, a passenger car, multipurpose passenger vehicle, truck or bus manufactured on or after July 1, 1985, may be equipped with a headlighting system of two Type UF and two Type LF headlamps designed to conform to:

(a) The dimensions specified in Figures 11, 12, 13, and 14.

(b) The photometric requirements of Figure 15.

(c) The requirements of SAE Standard J579c *Sealed Beam Headlamp Units for Motor Vehicles*, December 1978, with the following exceptions:

(1) The definitions in Sections 2.4 through 2.11 do not apply.

(2) In Section 2.12, the definition of "Mechanically Amiable Sealed Beam Unit" is: "A unit having three pads, defining a mechanical aiming plane, used to adjust and inspect the aim of the unit when installed on the vehicle."

(3) In Section 2.13, the definition of "Aiming Plane" is: "A plane defined by the three aiming pads."

(4) Section 3.4 does not apply.

(5) Tables 1 and 2, and Figures 1 and 2 do not apply.

(6) In Sections 3.5.1 and 3.5.3, references to "Tables 1 and 2" and Figure 3 are replaced by "Figure 15."

(7) Section 3.6 does not apply.

(d) When tested in accordance with section 3.5.2 of SAE Standard J579c *Sealed Beam Headlamp Units for Motor Vehicles*, December 1978, the mounted assembly (either Type UF or Type LF headlamps, respective mounting ring, aiming ring, and aim adjustment mechanism) shall be designed to conform to meet the requirements of Figure 15 for upper or lower beams respectively without reaim when any conforming Type UF or LF headlamp is tested and replaced by another conforming headlamp of similar type.

(e) The requirements of SAE Standard J580 August 1979 *Sealed Beam Headlamp Assembly*, with the following exceptions:

(1) Section 2.2 Mounting Ring reads: "the adjustable ring upon which the sealed beam unit is mounted and which forces the sealed beam unit to seat against the aiming ring when assembled into a sealed beam headlamp assembly."

(2) The definition "2.3 Aiming Ring" reads: "The clamping ring that retains the sealed beam unit against the mounting ring, and that provides an interface between the unit's aiming/seating pads and the headlamp aimer adapter (locating plate)."

(3) In Section 3, the correct version of SAE J575 is "SAE 575f (April 1975).

(4) Section 4 does not apply.

(5) Section 5.1 reads: "Headlamps shall be designed so that they may be inspected and aimed by mechanical aimers as specified in SAE J602 October 1980, without the removal of any ornamental trim rings or other parts."

(6) Section 6.1.1 reads: "When the headlamp assembly is tested in the laboratory, a minimum aiming adjustment of ± 2.5 deg. shall be provided in the horizontal plane and ± 4 deg. in the vertical plane."

(7) Section 6.1.2 reads: ". . . through an angle of ± 2.5 deg. and ±4 deg., respectively."

(8) Section 6.3 is retitled "Retaining Ring/Aiming Ring Tests."

(9) In Section 6.3.2 add the flange thickness

"92 x 150 mm.....0.340 in (8.6 mm)"

(10) Figures 2, 3, and 4 do not apply, and the reference to them in Section 6.5 is replaced by "Figure 16, Deflectometer, or Federal Motor Vehicle Safety Standard No. 108."

S4.1.1.44 The lens of each headlamp designed to conform to paragraph S4.1.1.43 shall be marked with:

(1) The designation "UF" if it provides an upper beam, or "LF" if it provides a lower beam; and

(b) The symbol "DOT" (either horizontally or vertically) which shall constitute certification that the headlamp conforms to all applicable Federal motor vehicle safety standards.

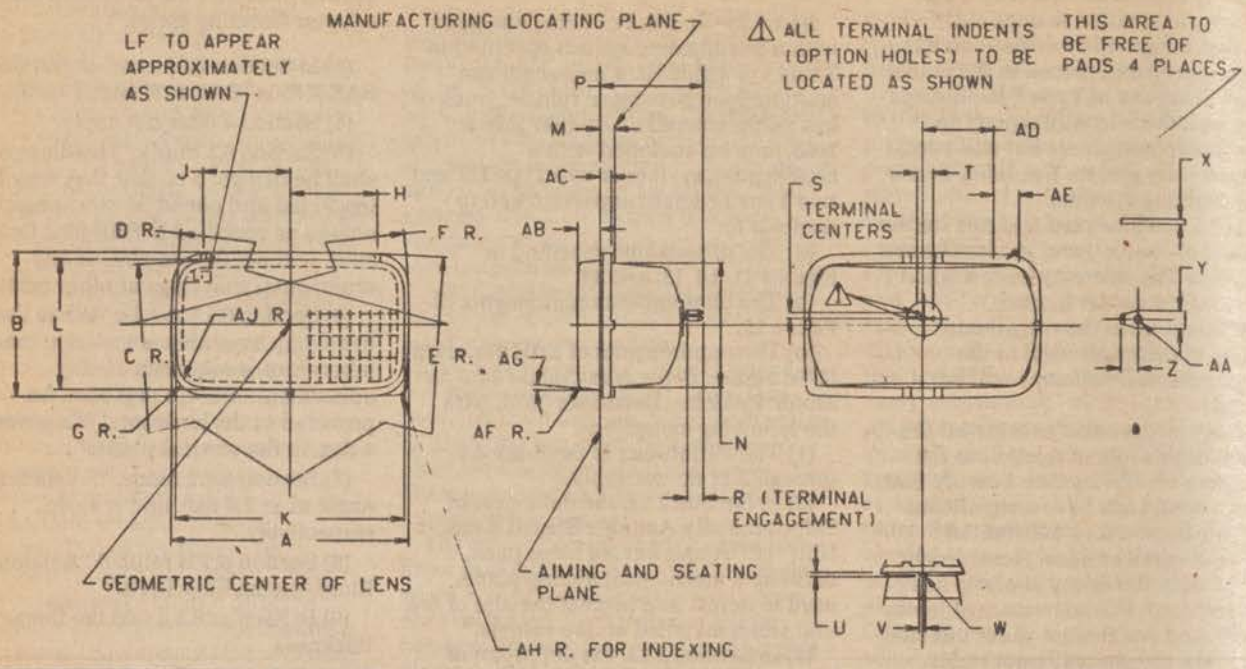
S4.1.1.45 Each headlamp designed to conform to paragraph S4.1.1.43 shall also be designed to conform to the following specifications:

	Type LF	Type UF
Watts @ 12.8 V (design voltage)	[1] 60	[1] 70
Average Life @ 14.0 V (rated voltage)	[2] 320	[2] 150

[1] Maximum.
[2] Hours.

3. New Figures 11, 12, 13, 14, 15, and 16 are added as follows:

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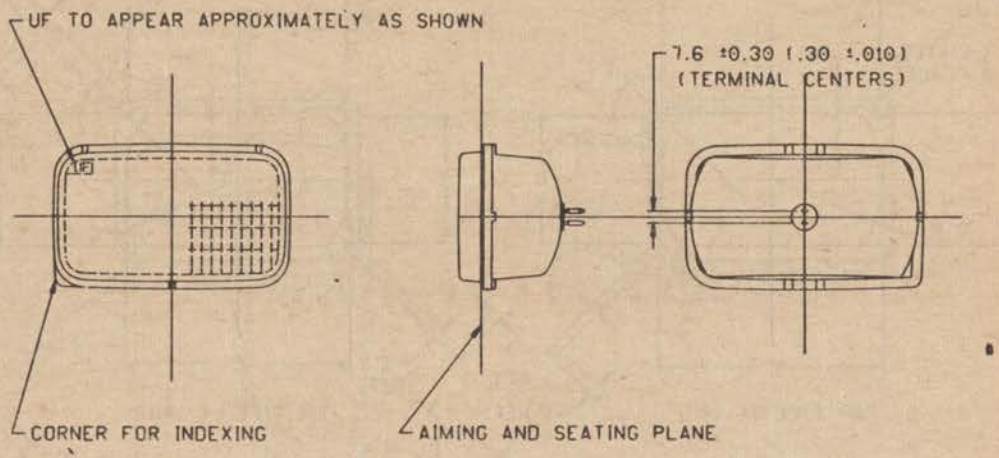


LETTER	INCH	MM
A	5.93 +.050 −.040	150.50 +1.20 −1.00
B	3.64 +.050 −.040	92.50 +1.20 −1.00
C	63.0 ± 3.94	1600.0 ± 100.0
D	23.6 ± 1.97	600.0 ± 50.0
E	63.0 ± 3.94	1600.0 ± 100.0
F	23.8 ± 1.97	600.0 ± 50.0
G	.787 ± .010	20.00 ± 0.30
H	2.16 ± .010	55.0 ± 0.30
J	2.16 ± .010	55.0 ± 0.30
K	5.689 +.008 −.040	144.50 +0.20 −1.00
L	3.252 +.008 −.040	82.60 +0.20 −1.00
M	.46 MAX.	11.7 MAX.
N	3.19 MAX.	81.0 MAX.
P	2.87 MAX.	73.0 MAX.

LETTER	INCH	MM
R	.41 MIN.	10.5 MIN.
S	.15 ± .010	3.8 ± 0.30
T	.41 ± .010	10.43 ± 0.30
U	.024 MIN.	0.60 MIN.
V	.315 MAX.	8.0 MAX.
W	RADIUS	RADIUS
X	.032 ± .002	0.82 ± 0.04
Y	.110 ± .004	2.80 ± 0.10
Z	104 ± .010	2.65 ± 0.30
AA	.051 ± .010 DIA.	1.30 ± 0.30 DIA.
AB	.54 ± .020	14.3 ± 0.50
AC	.295 MAX.	7.50 MAX.
AD	1.77	45.0
AE	.63	16.0
AF	.13 ± .02	3.2 ± 0.5
AG	5° ± 1°	5° ± 1°
AH	.24 ± .02	6.0 ± 0.5
AJ	63 MIN.	16.0 MIN.

FIG. 11 - TYPE LF RECTANGULAR SEALED BEAM HEADLAMP UNIT

GL-176A 047

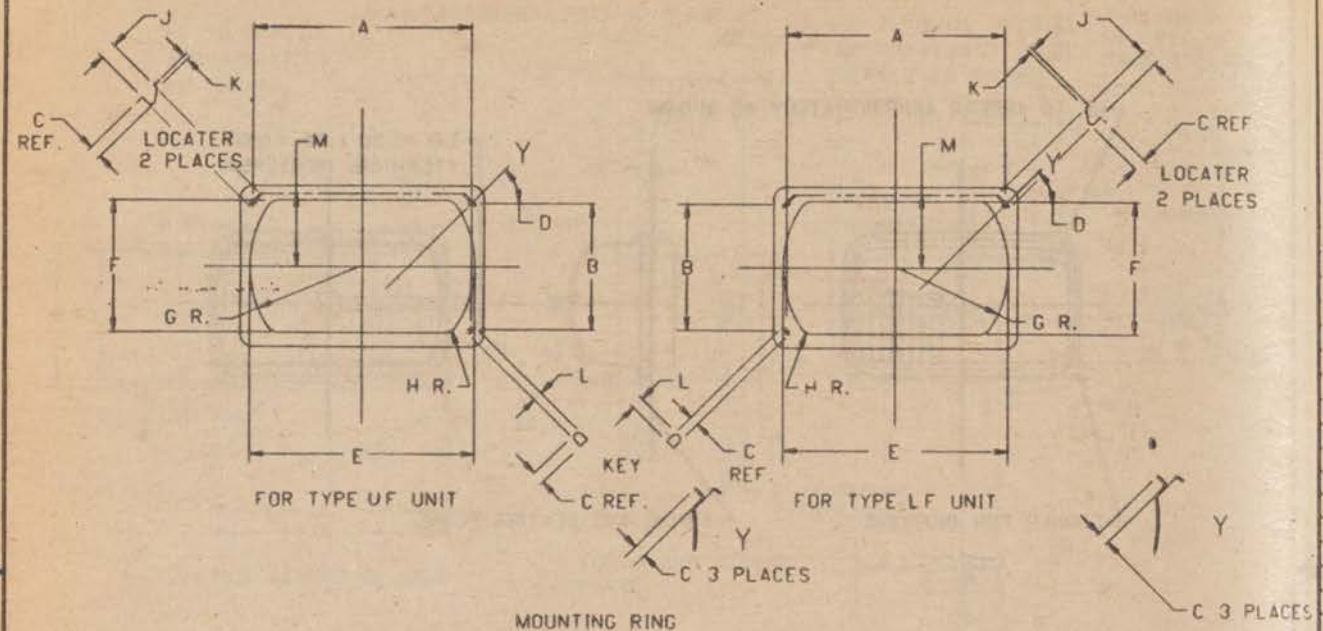


NOTE: SAME AS TYPE LF EXCEPT AS SHOWN
(.XX) INCH DIM.

FIG. 12 - TYPE UF

RECTANGULAR SEALED BEAM HEADLAMP UNIT

GL-176A GAF



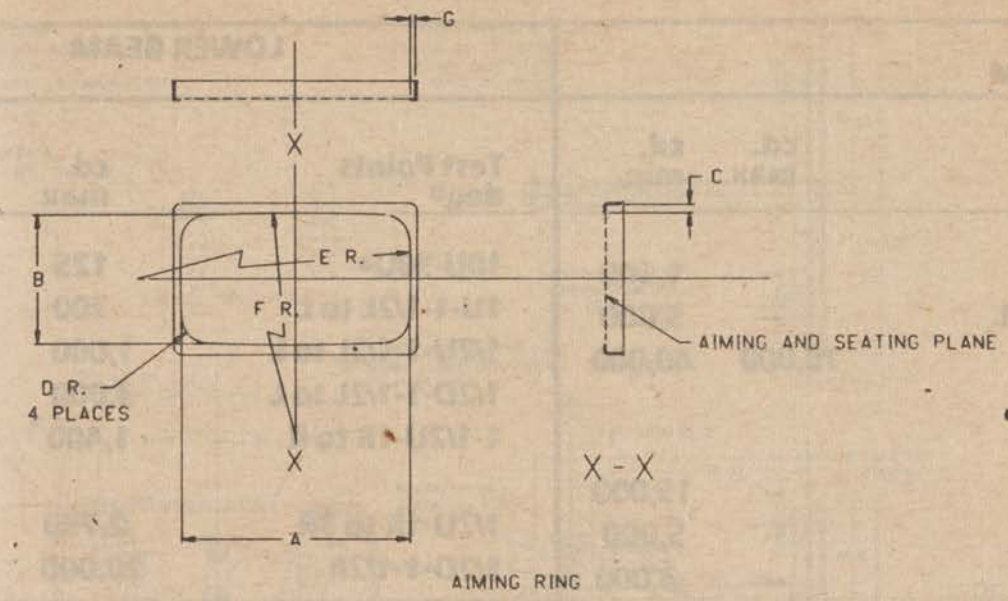
MOUNTING RING

LETTER	INCH	MM
A	5.433 +.012 -.000	138.00 +0.30 -0.00
B	3.150 +.012 -.000	80.00 +0.30 -0.00
C	.315 ± .02	8.0 ± 0.5
D	45° 3 PLACES	45° 3 PLACES
E	5.63 ± .010	143.0 ± 0.30
F	3.307 ± .010	84.00 ± 0.30
G	2.79 ± .12	71.0 ± 3.0
H	.32 ± .04	8.0 ± 1.0
J	.39 ± .04	10.0 ± 1.0
K	.17 ± .07	4.3 ± 1.7
L	.24 ± .04	6.0 ± 1.0
M	1.823 ± .013	46.30 ± 0.30

FIG. 13 - FRONT VIEW OF KEYS OR LOCATORS FOR TYPE LF AND UF

RECTANGULAR SEALED BEAM HEADLAMP UNIT MOUNTING RINGS

GL-178A GAF



AIMING RING

LETTER	INCH	MM
A	5.721 ± .006	145.30 ± 0.30
B	3.284 ± .006	83.40 ± 0.30
C	.213 MIN.	5.40 MIN.
D	.670 MAX.	17.00 MAX.
E	23.7 ± 2.0	602.2 ± 50.0
F	63.0 ± 3.93	1600.0 ± 100.0
G	.134 MIN.	3.40 MIN.

FIG. 14 - AIMING/SEATING RING
FOR TYPE LF AND UF RECTANGULAR SEALED
BEAM HEADLAMP UNITS

GL-176A GAF

FIG. 15

PHOTOMETRIC TEST POINT VALUES

UPPER BEAM		
Test Points deg[b]	cd. max.	cd. min.
2U-V	--	1,500
1U-3R and 3L	--	5,000
H-V	70,000	40,000
H-3R and 3L	--	15,000
H-6R and 6L	--	5,000
H-9R and 9L	--	3,000
H-12R and 12L	--	1,500
1-1/2D-V	--	5,000
1-1/2D-9R and 9L	--	2,000
2-1/2D-V	--	2,500
2-1/2D-12R and 12L	--	1,000
4D-V	5,000	--

LOWER BEAM		
Test Points deg[b]	cd. max.	cd. min.
10U-90U[a]	125	--
1U-1-1/2L to L	700	--
1/2U-1-1/2L to L	1,000	--
1/2D-1-1/2L to L	3,000	--
1-1/2U-1R to R	1,400	--
1/2U-1R to 3R	2,700	--
1/2D-1-1/2R	20,000	10,000
1D-6L	--	1,000
1-1/2D-2R	--	15,000
1-1/2D-9L and 9R	--	1,000
2D-15L and 15R	--	850
4D-4R	12,500	--

[a] From the normally exposed surface of the lens face.

[b] A tolerance of ±1/4 deg in location may be allowed for at any test point.

HEADLAMP TEST FIXTURE

92 X 150 MM

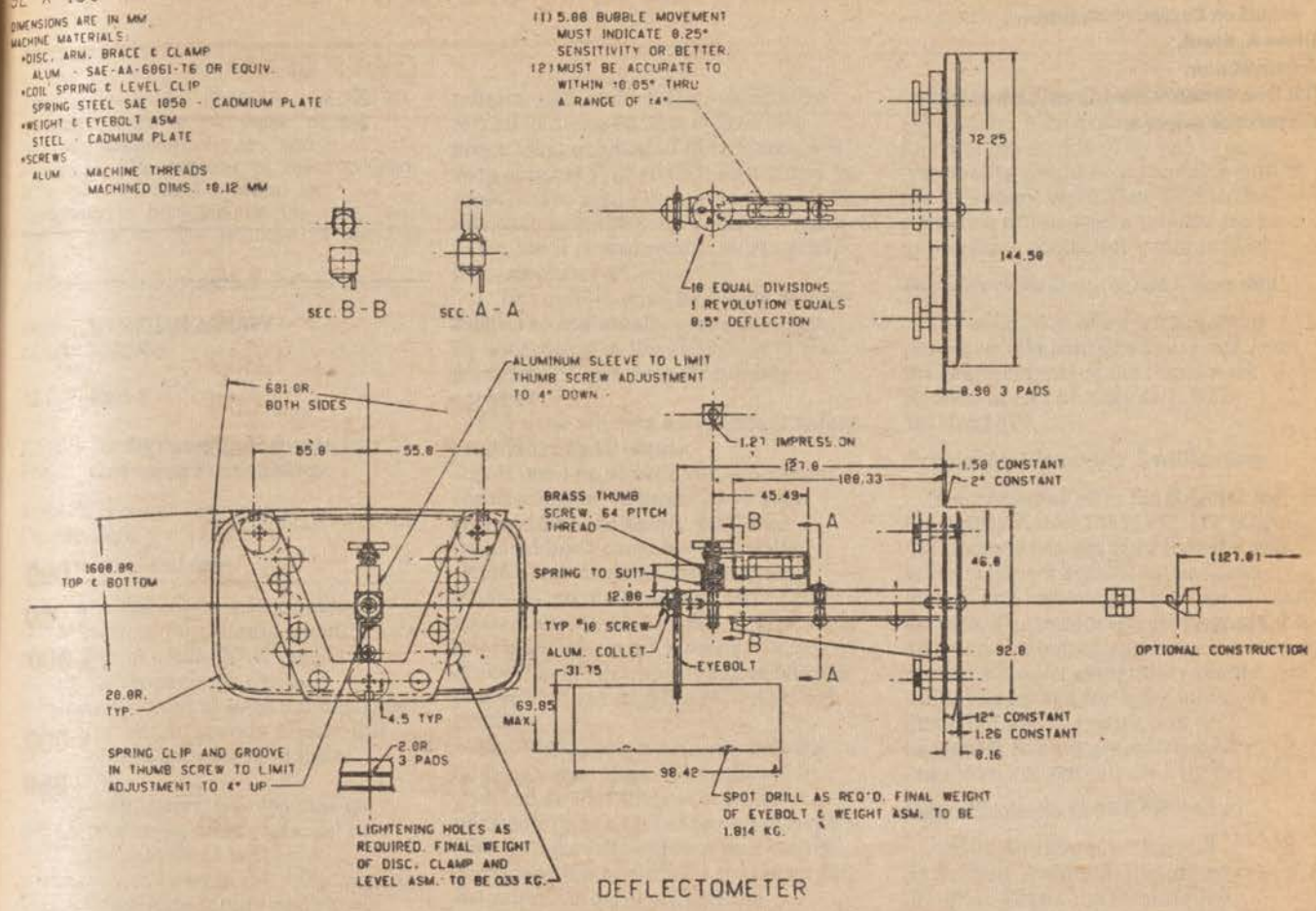


FIG.-16

BILLING CODE 4910-59-C

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

Issued on December 20, 1984.

Diane K. Steed,

Administrator.

[FR Doc. 84–33532 Filed 12–26–84; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 49, No. 250
Thursday, December 27, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Criteria for Reopening Reports in Formal Licensing Proceedings

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its regulations to codify NRC case law criteria for reopening a closed evidentiary record in a formal licensing proceeding and to specify further the documentary bases for motions to reopen.

The Commission believes that the current reopening criteria should be codified so that there will be no uncertainty as to what the rules require. This will facilitate proper and timely consideration of motions to reopen by the adjudicatory boards while maintaining fairness to all of the other parties to a proceeding.

DATE: Comment period expires February 11, 1985.

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

ADDRESSES: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Carole F. Kagan, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (202) 634–1493.

SUPPLEMENTARY INFORMATION: NRC case law has established decision criteria under which the evidentiary record in a closed formal licensing proceeding conducted in conformance with subpart G of 10 CFR Part 2 may be reopened to admit new evidence. Under this case law, the proponent of a motion to reopen a closed record must satisfy three decision criteria:

1. The motion must be timely, except that an exceptionally grave issue may be considered in the discretion of the presiding officer even if untimely presented.

2. It must address a significant safety or environmental issue.

3. It must be shown that a different result might be or might have been reached had the newly proffered material been considered initially. *Pacific Gas and Electric Company* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB–598, 11 NRC 876, 879 (1980). *Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station) ALAB–124, 6 AEC 358 (1973).

The Commission believes that the current reopening criteria should be codified so that there will be no uncertainty as to what the rules require. This will facilitate proper and timely consideration of motions to reopen by the adjudicatory boards while maintaining fairness to all of the other parties to a proceeding.

While the existing decision criteria have proved to be generally adequate, the Commission believes that there is a need for further specifications of the manner and degree of documentation required to support a motion to reopen. At least one recent motion filed before an Atomic Safety and Licensing Appeal Board was accompanied by voluminous, unorganized or poorly organized materials, with little evidence of any systematic effort by the movant to delete irrelevant or immaterial information. The task of sorting out the relevant evidence fell to the Board. Not only does this situation result in delay in considering the merits of the motion, but it also carries the risk that some piece of evidence that the proponents consider especially crucial to their allegations might be overlooked.

In order to insure timely and proper consideration of motions to reopen, the Commission is proposing that a motion to reopen be accompanied by affidavits setting forth with particularity the bases for the movant's claim. Each issue would be required to be identified separately. Allegations stemming from information provided by anonymous informants would be acceptable only if the informant were identified to the presiding officer and a request for an appropriate protective order is filed.

Paperwork Reduction Act Statement

The collection of information this proposed rule contains is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3518(c)(1)(B).

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that the rule will not have a significant economic impact on a substantial number of small entities. The proposed rule imposes the additional requirement that a movant, to reopen a closed evidentiary record, file affidavits setting forth the movant's claim before the record will be reopened. Significant additional resources are not required by the rule.

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, the NRC is proposing to adopt the following amendments to 10 CFR Parts 2 and 50.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 continues to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C.

5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Section 2.300–2.309 also issued under Pub. L. 97–415, 96 Stat. 2071 (42 U.S.C. 2133). Section 2.600–2.606 also issued under sec. 102, Pub. L. 91–190 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770 also issued under 5 U.S.C. 557. Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29 Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Appendix A also issued under sec. 6, Pub. L. 91–580, 84 Stat. 1473 (42 U.S.C. 2135).

2. A new § 2.743a is added to read as follows:

§ 2.743a Motions to reopen.

(a) A motion to reopen a closed record to consider additional evidence will not be granted unless the following criteria are satisfied:

(1) The motion must be timely, except that an exceptionally grave issue may be considered in the discretion of the presiding officer even if untimely presented.

(2) The motion must address a significant safety or environmental issue.

(3) The motion must demonstrate that a different result might be or might have been reached had the newly proffered evidence been considered initially.

(b) The motion must be accompanied by one or more affidavits which set forth the factual and/or technical bases for the movant's claim that the criteria of paragraph (a) of this section have been satisfied. Each of the criteria must be separately addressed, with a specific explanation of why it has been met. Where multiple allegations are involved, the movant must identify with particularity each issue it seeks to litigate and specify the allegations which it believes support the claim that that issue meets the criteria in paragraph (a) of this section.

(c) A motion predicated in whole or in part on the allegations of a confidential informant must identify, to the presiding officer, the source of the allegations and must request the issuance of an appropriate protective order.

(d) A motion to reopen which relates to a contention not previously in controversy among the parties must also satisfy the requirements for nontimely contentions in § 2.714(a)(1)(i–v).

For the Nuclear Regulatory Commission.

Dated at Washington, DC this 20th day of December 1984.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84–33644 Filed 12–26–84; 8:45 am]

BILLING CODE 7590-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Trade Time-Sequencing Standards and Exchange Audit Trail Systems

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule amendment.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to amend regulation § 1.35(g) to require, within ninety days following the effective date of final regulations in this regard, that each contract market adopt and submit for Commission approval rules which would enable the contract market to reconstruct the exection-time sequence of trading. In particular, the proposed regulations would require that, following Commission approval, the contract markets implement rules which require a trade reconstruction system consisting of the verifiable mechanical or electronic recordation of the time of trades by or for each party to every transaction, and that such trade execution time be reflected in the trade register which the contract markets are required to maintain under Commission regulation § 1.35(e). Such system would be required to be in accordance with a performance standard which specifies within what timeframe execution times must be accurate.

The Commission is further proposing to amend regulation § 1.35(g) to require that if, within ninety days following the effective date of final regulations in this regard, a contract market cannot adopt and submit for Commission approval rules for a verifiable mechanical or electronic trade reconstruction system, the contract market must instead, within the same ninety day period, submit for Commission approval interim rules, including a plan for their immediate implementation and enforcement, which provide for a trade reconstruction system which includes recordation by both parties to each transaction of the time of trade execution, and that such trade execution time be reflected in the trade register required under regulation § 1.35(e).

If a contract market chooses to implement the proposed interim trade reconstruction requirement, the Commission also is proposing to require that such contract market, within two hundred seventy days following the effective date of final regulations (that is, one hundred eighty days after submission of its interim rules), submit for Commission approval rules and an implementation plan for its proposed verifiable mechanical or electronic trade reconstrcution system which would include detailed specification of the proposed system, and a timetable for its implementation, with a justification for the implementation dates contained in the timetable. Finally, the Commission proposes that within one year of Commission approval of a contract market's submission, the Commission-approved system must be fully operational. The Commission notes that, under its proposed amendments, failure to timely implement the requirements of the proposed regulation would constitute a violation of regulation § 1.51.

DATES: Comments on the proposed amendments to regulation § 1.35(g) must be received on or before February 25, 1985.

ADDRESS: Comments on the proposed amendments to regulation § 1.35(g) should be sent to: Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Thomas M. McGivern, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Section 4j and Dual Trading

A 1974 amendment to the Commodity Exchange Act ("Act") added new Section 4j.[1] This section contained, among other things, a directive from Congress that the Commission determine, after notice and opportunity for hearing, whether floor brokers and/or futures commission merchants ("FCMs") should be permitted to engage in dual trading, and if so, the terms, conditions and circumstances under which such trading would be permitted. Dual trading occurs when a floor broker executes customer orders and, on the

[1] Section 4j (7 U.S.C. 6j (1982)) was added to the Act by Section 203 of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93–463, 80 Stat. 1389, 1396.

same day, trades for his own account or an account in which he has an interest or trading discretion. Dual trading also occurs when an FCM carries customer accounts and also trades, or permits its employees to trade, in accounts in which the FCM has a proprietary interest, also on the same trading day. A potential conflict of interest is inherent for the broker or FCM in these situations because brokers and FCMs could take advantage of customers by executing their own trades ahead of customer orders. In response to the Congressional directive, in August 1975 the Commission formed the "Advisory Committee on Regulation of Contract Markets and Self-Regulatory Associations" ("Advisory Committee"), to study, among other things, the issue of dual trading. *See* 40 FR 32866 (August 5, 1975).

In November 1975, the Commission received recommendations on the issue of dual trading from the Advisory Committee. The Commission's response to these recommendations was a series of proposed regulations under which dual trading would be allowed to continue, but the inherent potential for abuse was to be controlled by requiring each contract market to develop a trade-timing system, through time-stamping or otherwise, which would enable that contract market or the Commission to reconstruct trade sequences quickly and accurately. 40 FR 58660 (December 18, 1975). The proposed regulations would have banned dual trading on any contract market which, by January 16, 1977, had not submitted to the Commission a plan for the development of such a system. Dual trading also would have been banned if the plan submitted by the contract market was not accepted by the Commission and put into operation by the contract market by April 17, 1977. *Id.*

The Commission's **Federal Register** release noted that the importance of transaction timing was stressed in the legislative history [2] of sections 4j and 4g of the Act. *Id.* at 58661. Section 4g [3] was strengthened in 1974 to permit the Commission to require daily trading records to include "such information as the Commission shall prescribe by rule." Although Congress ultimately decided not to include a trade-timing requirement in section 4j, House and Senate conferees addressed this issue at length and, in keeping with many other provisions of the Commodity Futures Trading Commission Act of 1974, left the establishment of the details of such a requirement to the discretion of the Commission.

The Commission received written comments and held public hearings on its proposed regulations and, in April 1976, established an internal working group to consider whether thirty-minute bracketing was a feasible interim step towards full trade-sequence reconstruction. The group concluded that bracketing would always be of limited utility in the reconstruction of trade sequences and, in many instances, would not result in accurate trade sequencing. Thus, the group concluded that bracketing should be viewed merely as an interim step and that continued emphasis should be placed on achieving the ultimate goal of timed trade-sequencing. This report, together with the Advisory Committee's report on dual trading, plus written and oral comments received from the public on the proposed regulations, resulted in Commission adoption of final regulations governing dual trading and trade-timing in December 1976.

B. Former Regulation § 1.35(g)—One-Minute Timing

To protect the trading public from dual trading abuses as well as other trade practice abuses, the Commission adopted regulation § 1.35(g)(1), which required each contract market to show on the record of each futures trade "the mechanically or electronically verified [recorded] time of execution of such futures trade to at least the nearest minute. . . ." 41 FR 56134 (December 23, 1976).[4] This one-minute timing requirement was proposed to meet four Commission objectives:

(1) To help prevent dual trading abuses;

(2) To enable each contract market and the Commission to reconstruct the sequence of transactions to facilitate the detection of trade practice abuses;

(3) To make available further data to prove trade practice abuses detected by other means; and

(4) To provide accurate time of execution information for the purpose of conducting general market studies to evaluate the impact of trading activity over a given period of time.

Id. at 56139.

The Commission recognized, however, that some contract markets would have to make certain adjustments in their internal operations in order to comply with regulation § 1.35(g)(1). Thus, the Commission also adopted regulation § 1.35(g)(2), under which a qualifying contract market could petition the Commission for an extension of time in which to comply with the one-minute timing requirement of regulation § 1.35(g)(1) if immediate compliance would seriously disrupt the functioning of its marketplace. Regulation 1.35(g)(2) permitted extensions of up to one year (per extension) to comply with § 1.35(g)(1) and required petitioners to adopt an interim plan, such as thirty-minute bracketing, which would represent progress toward an accurate record of the time and sequence of execution of each trade executed on the contract markets. Regulations §§ 1.35(g)(1) and 1.35(g)(2) became effective on June 13, 1977.

Although all ten of the then-existing exchanges petitioned the Commission for extensions of time in which to comply with regulation § 1.35(g)(1), the Commission, in November 1977, granted only four such extensions. The petitions of the other six exchanges were denied at that time because the exchanges failed to adopt an interim trade-timing plan as required under regulation § 1.35(g)(2). The Commission notified each of these exchanges that it would not institute enforcement action against the exchanges if they took immediate steps to comply with regulation § 1.35(g)—specifically, the implementation of thirty-minute

[2] The Conference Report to H.R. 13113, the bill which became the Commodity Futures Trading Commission Act of 1974, stated:

> If, for example, the Commission determines that it needs the time of each trade made on the exchanges and the identification of the traders involved in each trade, it can require that a record be kept of this information and that it be reported to the Commission by the Clearinghouse and contract market.

S. Rep. No. 93–1194, 93d Cong., 2d Sess. 42 (1974).

[3] Section 4g presently requires every person registered as an FCM, introducing broker, or floor broker to make reports required by the Commission regarding the transactions and positions of that registered person, and the transactions and positions of their customers, and to keep books and records pertaining to such transactions and positions as may be required by the Commission. Section 4g also requires the contract markets and clearing houses to maintain daily trading records as the Commission prescribes.

[4] The Commission used mechanically or electronically "verified" as a term of art, to mean a system where the time of each trade was mechanically or electronically *recorded* to the nearest minute and was verifiable by various means.

bracketing systems and the filing of reports with the Commission concerning market reconstruction and accuracy testing under such systems. By April 1978, all six exchanges whose petitions initially had been denied notified the Commission that they would take the steps noted above to comply with the conditions set forth in regulation § 1.35(g)(2).

From December 1976, when it adopted regulation § 1.35(g), to the present, the Commission has received market-reconstruction and accuracy-test reports both from exchanges with one-minute timing systems and those with thirty-minute bracketing systems. Significantly, these reports generally have shown that exchanges which employ one-minute timing systems have higher time record accuracy rates than those exchanges which employ thirty-minute bracketing systems. The Commission has noted that the general lack of accuracy exhibited by exchanges employing thirty-minute bracketing systems is a significant factor in preventing the Commission from developing a computerized capability to perform trade practice investigations [44 FR 10392, 10395 (February 20, 1979)].[5]

C. Proposed Revisions to Former Regulation § 1.35(g)

Concerns regarding the technological feasibility and the potential for market disruption of the one-minute timing requirements of regulation § 1.35(g)(1) prompted the Commisson, on February 20, 1979, to publish proposed revisions to this regulation 44 FR 10392. The Commission proposed to revise regulation § 1.35(g)(1) to delete the requirement that trade execution times be mechanically or electronically verified to the nearest minute, and instead to require only that brokers and traders record the thirty-minute bracket period in which trades were executed. *Id.* The Commission also stated, however, that it had insufficient data upon which to make a final determination that bracketing was an appropriate substitute for one-minute timing, and that the exchanges using bracketing systems had to first attain a much higher degree of accuracy in recording the half-hour period of execution. More importantly, the Commission further stated that the proposed revisions of regulation § 1.35 were not to be viewed as a final Commission determination that bracketing adequately satisfied the objectives of one-minute timing. *Id.* at 10395–96.

These proposed revisions generally were received favorably by the futures industry. However, the Amex Commodities Exchange noted that it had a one-minute timing systems in place, and expressed its concern that the proposed revisions not prevent it from continuing to operate that system as an alternative to thirty-minute bracketing. A floor broker from the Kansas City Board of Trade ("KCBT") was critical of the proposal, noting that KCBT members had been timing trades on a one-minute basis for more than a year, and questioned whether trade practice surveillance could be conducted effectively without one-minute timing. The KCBT floor broker also noted that it is the number of executions or transactions, and not the total volume of trading, that is the critical factor in determining how active a contract market may be, and thus the difficulty of recording trade times to the nearest minute. In this connection, the floor broker stated that a lower volume market may be just as busy as a high volume market if the average trade size on the latter is larger, because the larger average trade size means fewer executions for the same volume.

Notwithstanding the general support in the futures industry for the proposed revisions to regulation § 1.35 which would have substituted thirty-minute bracketing for the then-existing one-minute timing requirement, the Commission determined not to adopt the revisions as proposed. Instead, the Commission decided to issue a temporary exemption from the one-minute timing requirement of regulation §1.35(g)(1). This temporary exemption, regulation § 1.35a–(T), was to replace any temporary exemptions which had been granted under regulation §1.35(g)(2), and to provide the exchanges with an additional year to demonstrate that thirty-minute bracketing was an effective means of achieving the objectives of one-minute timing. 44 FR 71817 (December 12, 1979). Although it was the sense of the Commission that all contract markets should move as rapidly as possible to implement one-minute timing systems, the Commission recognized that to test thirty-minute bracketing adequately, the exchanges needed a period "of actual trading for a length of time that will yield sufficient data upon which to make a decision based on empirical analysis." *Id.* at 71818. The exemption under regulation § 1.35a–(T) was scheduled to end on January 1, 1981, and exchanges which chose to avail themselves of that exemption were required to submit reports on bracketing accuracy and their use of bracketing-generated data for compliance and trade practice investigations. The Commission stated it would review the operation of thirty-minute bracketing systems during the pendency of the temporary exemption to determine whether an "accurate system of thirty-minute bracketing should be adopted on a permanent basis, modified, or allowed to expire." *Id.*

D. Amendment of Former Regulation § 1.35(g)—Thirty-Minute Bracketing

On September 15, 1980, the Commission's Division of Trading and Markets ("Division") submitted to the Commission a memorandum discussing its review of reports submitted by the exchanges pursuant to regulation § 1.35a–(T). In general, the Division found that bracketing accuracy levels were low, and that the exchanges had made little or no effort to improve compliance with bracketing requirements through the use of disciplinary sanctions.

The Division's memorandum further stated that although some exchanges did use bracketing data to reconstruct trades when investigating customer complaints, other exchanges, notably the Chicago Board of Trade ("CBT") and the Chicago Mercantile Exchange ("CME"), maintained that the use of bracketing data was largely insignificant in their investigatory procedures.[6] Also, and significantly, not one of the six exchanges using thirty-minute bracketing had made any effort to implement a system of one-minute timing. Accordingly, in a related presentation to the Commission on September 23, 1980, the then-Director of the Division concluded that the contract

[5] This point was emphasized by the General Accounting Office ("GAO") in its oversight report issued in May 1978. General Accounting Office, "Report to the Congress, Regulation of the Commodity Futures Market—What Needs to Be Done," p. 80 (May 17, 1978). In discussing time record accuracy and trade sequencing, the GAO in a later report reiterated what it said in 1978, stating "that the ability to detect and to investigate trading abuses is heavily dependent on the ability of the investigator (either an exchage or CFTC) to reconstruct trading after the fact." General Accounting office, "Report to the Congress—Commodity Futures Regulation—Current Status and Unresolved Problems," GAO/CED–82–100, p. 127 (July 15, 1982). The 1982 GAO report stated that the Commission's decision not to adopt one-minute timing was a serious flaw in the exercise of its rulemaking authority. *Id.* at 127–28.

[6] September 15, 1980 memorandum, pp. 2–3. The CME reiterated these contentions during the Division's 1983 rule enforcement review of that Exchange. Rule Enforcement Review of the Chicago Mercantile Exchange, October 3, 1983, p. 39. In conducting its investigations, the CME stated that it relies principally on time data as indicated by order tickets, the sequence of trades recorded on trading cards, and comparison of this information with price change registers, in lieu of bracketing information.

markets had been less than diligent in attempting to demonstrate that their procedures under thirty-minute bracketing were effective in achieving a high degree of bracketing accuracy, or in achieving the objectives of one-minute timing.

After some questioning and discussion, the Commission, by a 3–1 vote, determined that due to perceived technological difficulties that some exchanges would encounter in implementing one-minute timing systems by January 1, 1981, it would let regulation § 1.35a–(T) expire, and instead require only that the exchanges operate under thirty-minute bracketing systems. The Commission nonetheless directed the Division to come forward at any time in the future with recommendations regarding improvements in, or alternatives to, thirty-minute bracketing.

Consequently, the Commission eliminated the then-current regulation § 1.35(g) and replaced it with the thirty-minute bracketing requirement of § 1.35a–(T), which was re-designated as regulation § 1.35(g)(1). 45 FR 79753 (December 2, 1980). The Commission also authorized the contract markets, upon specific Commission approval, to institute any superior time sequencing methods they had developed. In addition, new regulation § 1.35(g)(2) required the exchanges, upon the request of the Director of the Division, to submit reports concerning trade record accuracy and the use of trade record information in the exchange's affirmative trade practice surveillance program.

Trade record accuracy reports requested by the Division pursuant to regulation § 1.35(g)(2) have exhibited unacceptably low accuracy levels for exchanges using bracketing.[7] The overall bracketing accuracy levels reported by the exchanges generally remain insufficient to assure the use of bracketing information as an effective means of assisting in the detection or prosecution of trade practice abuses even by those exchanges which attempt to use this data. Furthermore, as discussed below, even if bracketing accuracy were significantly improved, bracketing does not provide data of sufficient precision to aid effectively in the detection or prosecution of dual trading abuses and other trade practice abuses.

[7] For instance, the Division requested bracketing accuracy reports from each of the contract markets for all transactions executed on December 1 through 3, 1981. At that time, bracketing accuracy rates ranged from 61.66% at the MidAmerica Commodity Exchange to 88.84% at the New York Cotton Exchange. Bracketing accuracy reports have also been requested as part of the rule enforcement reviews conducted by the Division. For instance, a 1982 rule enforcement review of the CBT disclosed the following matched bracket rates:

October 1981—69.25%
November 1981—68.05%
January 1982—69.00%
February 1982—68.00%

Moreover, these rates may not fully reflect the actual percent of bracketing accuracy because there may be instances in which both parties to a trade record the same incorrect bracket. Further, an October 1983 rule enforcement review of the CBT noted bracketing accuracy rates of 66.59% for June 1983, and 65.00% for July 1983.

II. Trade Reconstruction Systems at Futures Exchanges

Commission regulation § 1.35(d) requires a trader or broker to record on a trading card or order ticket his name, the name of the member firm clearing the trade, the opposite broker or trader, the transaction date, time period (thirty-minute bracket period or such superior time sequence indicia) as may be authorized by the Commission, price or premium, quantity, commodity and future or option, and for options, whether a put or call, the strike price and the underlying physical or contract for future delivery. The trading card or order ticket must also identify the opposite clearing member, if required by the rules of the particular contract market. Commission regulation § 1.35(e) requires that each contract market maintain, or cause to be maintained by its clearing members, a single record (commonly referred to as the "trade register") which shows for each futures or option trade all of the information required under regulation § 1.35(d), including the time period in which the trade was executed.

The surveillance system employed by the contract markets vary in relation to the quality of audit trail information input into these systems. If, as part of an exchange's overall surveillance program, a suspicious pattern of trading is detected, it may be necessary to reconstruct the sequence of trading, *i.e.*, construct an audit trail. The underlying documentation used in attempting to reconstruct trading generally consists of:

(1) Customer order tickets with time-stamps to the nearest minute indicating (a) when the orders reached the exchange floor, and (b) for executed orders, when they were returned to the members' order booths;

(2) Broken trading cards, with the time period of execution (usually the bracket) noted; and

(3) "Time and sales reports" (price changes registers), which indicate price changes to the nearest ten seconds.

In the investigation of certain suspected trade practice abuses, exchanges which employ thirty-minute bracketing systems attempt to reconstruct the sequence of trading by matching the times on order tickets and the sequence of trades on a bracketed trading card with the reported time of execution, if any, on the time and sales report. This method of reconstruction, however, is a difficult and often impossible means of reconstructing the actual time of execution. For instance, if there are recurring prices during the same bracket period, or relevant order tickets lack time-stamps, or the opposite side of the transaction is a floor trader trading for his own account (and thus, there is no time-stamp because traders are not required under regulation § 1.35 to prepare order tickets for their personal trades), it may be impossible to determine independently (*i.e.*, without testimony from the broker) the actual sequence of trading, and thus to detect and prosecute potential trading abuses.

Conversely, in those instances when the price is moving in one direction, or when the time-stamps on the relevant order tickets are relatively close in time, order tickets can be compared to time and sales reports, and those two documents compared to the broker trading cards, in an attempt, albeit a time-consuming one, to pinpoint the execution time of a particular trade. However, because of the inherently volatile nature of futures prices, prices can recur several times during a half-hour period. Furthermore, the ability to reconstruct trading sequences, which is problematic with thirty-minute bracketing, can be made even more difficult by the failure of traders and brokers to accurately record the time period and the failure of exchanges to sanction members for such errors or omissions.

By comparison, contract markets which employ one-minute timing systems have much-enhanced surveillance capabilities. In these systems, the time of trade execution to the nearest minute is recorded by or for the broker or trader and also appears on the trade register. This more precise data substantially aids market and trade practice surveillance by permitting exchange compliance staff to more readily determine whether a particular pattern of trading is suspicious, and thus whether further investigation is needed. In contrast, when the thirty-minute bracket indicator (and for customer trades, the time stamps on the order

ticket) is the only time reference available, in many instances a determination of whether trading is suspicious is not possible without the laborious and time-consuming reference to the underlying documents, such as the order tickets and trading cards.

The exchanges' surveillance systems also vary with regard to the extent of their automation. Although manual surveillance of trade registers and other information may be adequate for less actively traded contracts, such surveillance is a labor-intensive and time-consuming process. Thus, computerized trade practice surveillance is a practical necessity for the more active contracts. Computerized surveillance is typically accomplished by identifying normal trade practice parameters, and then designing appropriate programs to identify instances where trading falls outside of those parameters. The advantages of inputting more precise trade time execution data into computerized surveillance systems is obvious—such data permits programming for more precise analysis, and consequently increases the potential for accurate identification of possible trading abuses. Although computerized surveillance of actively traded contracts which employ thirty-minute bracketing systems is more timely than manual surveillance of data from such systems, it nonetheless suffers from a material lack of precision compared to computerized surveillance of trading in which one-minute timing data is available.

The Commission is aware that commenters on earlier Commission proposals contended that there was a lack of factual evidence that dual trading and other trade practice abuses occurred with significant frequency to render thirty-minute bracketing inadequate as a surveillance tool. The Commission notes, however, that under the current limitations of thirty-minute bracketing systems, it is impossible in many instances to determine whether certain abuses have occurred, even though the circumstances may suggest the existence of such abuses. Consequently, the Commission believes that it may not be possible for it adequately to fulfill its statutory responsibilities under the Act in the absence of the ability on the part of the contract markets to reconstruct, rapidly and accurately, the time and sequence of transactions.

Further, the Commission believes that current thirty-minute bracketing systems may not be sufficient to enable the futures exchanges to fulfill their self-regulatory responsibilities effectively. Specifically, section 5a(8) of the Act requires the contract markets to enforce all bylaws, rules, regulations and resolutions; this is to be accomplished through a continuing affirmative action program, required under regulation § 1.51(a), which results in the taking of prompt and effective disciplinary action when trading abuses are found to have occurred. In interpreting the requirements of sections 5a(8) and regulation § 1.51, Commission Guideline Number 2 requires that exchanges have rule enforcement programs which are "reasonably calculated to enforce" exchange rules.[8] The Commission believes that the inadequacies of thirty-minute bracketing systems hinder both the Commission and the exchanges from fulfilling their respective statutory obligations.

III. Trade Reconstruction Systems and the Detection and Prosecution of Trade Practice Abuses

Although the prevention of dual trading abuses was the impetus for trade-timing improvements following the enactment in 1974 of section 4j of the Act, the Commission now proposes audit trail enhancements to aid in the detection and prosecution of a wide range of trade practice abuses.[9] Among the dual trading abuses which an improved audit trail requirement will make more readily detectable and provable are:

Trading ahead of customer orders: The practice of a dual trading floor broker who, with a customer's executable order in hand, executes an order for his personal account (or an account he controls) ahead of the customer's order; and the practice of a dual trading floor broker who, with a customer's order in hand which he believes will affect the market price, first trades for himself (or an account he controls) in order to take advantage of the price movement which is expected to result from the subsequent execution of the customer's order.

Allocation of trades: The practice of a dual trading floor broker allocating favorable execution prices to his personal account (or an account he controls) rather than to those of his customers. A floor broker may also allocate better prices to certain customer accounts to the detriment of other customers.

Bucketing (direct and indirect): The practice of a dual trading floor broker taking the opposite side of a customer's order he is executing into his own account (or an account he controls). In direct bucketing, the floor broker's account (or an account he controls) is traded directly opposite the customer's account. In indirect bucketing, a third account is used, resulting in the floor broker's account trading, in effect, opposite the customer's account.

Enhanced audit trails will also improve the contract markets' and the Commission's ability to detect and prove instances of other (non-dual trading) abuses, such as:

Wash trading: The practice of entering into or offering to enter into a transaction for the purpose of giving the appearance that purchases and sales are being made, but without actually taking a *bona fide* position in the market.

Noncompetitive trading: The execution of a transaction other than by open and competitive outcry of bids and offers (and not otherwise in accordance with Commission-approved rules of the contract market).

Fictitious trading: The recording and reporting of the execution of a trade which did not in fact take place.

Price manipulation: An operation, transaction, or practice calculated to cause or maintain a price at a level artificially high or low—a price not reflective of supply and demand conditions. For instance, one purpose of price manipulation by floor brokers may be to distort prices just enough to trigger customers' protective stop orders which the floor brokers know to be in hand; once the stop order price is touched, the stop orders become market orders that must be filled.

Capping and pegging: Forms of price manipulation that can occur in the underlying futures market when an option grantor engages in some activity designed, in the case of capping, to keep the price of the futures contract underlying call options from rising to prevent those options from going "into-the-money." Pegging occurs when the option grantor acts to prevent the underlying futures contract from falling to a level at which it would be profitable to exercise put options against the grantor. These forms of price manipulation will generally be short-term, and are most likely to occur as an option approaches expiration.

Illegal add-ins/insert trades: The practice of causing fictitious trades and prices to be added to, or inserted into, the price change register based on claims by both parties to the alleged trade that the price at which the trade

[8] Guideline for Contract Market Rule Enforcement Program, Comm. Fut. L. Rep. (CCH) ¶ 20,042 (May 13, 1975).

[9] The following definitions of certain specified improper practices are intended only for the purpose of discussion within the context of this **Federal Register** release, and are not to be construed as official definitions of the Commission.

was executed was not captured by the price reporter in the pit at the time of execution, and thus not entered on the price change register.

The Commission believes that the proposed amendments to regulation § 1.35(g)(1) would, if adopted, substantially assist in providing materially improved data for the detection and prosecution of dual trading and other trade practice abuses. For instance, the Commission recently completed a study of trading activity from August through December 1983 in the soybean futures market. Due to the installation of new computer systems at the Commission, this study was aided significantly by the extensive computerized analysis of data from the study period. Further improvements in its computer capabilities for surveillance and investigative purposes are already underway. However, the study also highlighted the need for exchanges to develop detailed, more accurate, and automated audit trail systems for the reconstruction of trading activity to better analyze intra-day trading patterns and their impact on intra-day price movements.

The Commission also believes that the implementation of improved audit trail systems will increase the promptness and effectiveness of the detection and prosecution abilities of both the exchanges and the Commission, and that more precise trade execution time indicia will be indispensable to effective computerized surveillance systems, which are a practical necessity for more actively traded contracts. The Commission notes that improved detection and proof of the abuses identified above requires that improved audit trails include the time and sequence of trades. Finally, and importantly, the Commission believes that the very presence of an improved audit trail requirement will provide a formidable deterrant to those contemplating dual trading and other trade practice abuses.

IV. Trade-Sequencing and Market Disruption

One of the primary arguments advanced in opposition to the Commission's earlier one-minute timing rule was that recording the time of each transaction to the nearest minute would be disruptive to the markets, especially in the more actively traded contracts. In proposing amendments to regulation § 1.35(g), the Commission has considered the numerous facts and circumstances surrounding the way business is currently conducted on the contract markets. Commission staff has observed trading and trade-sequencing procedures on all of the contract markets, and also has reviewed the contract markets's current audit trail systems and capabilities. Commission staff also has observed trading, and investigated the audit trail systems and capabilities, at a number of exchanges regulated by the Securities and Exchange Commission ("SEC"), and discussed the subject of audit trails with both exchange and SEC staff. These discussions addressed the technological innovations in use or being considered at SEC-regulated exchanges in order to evaluate the availability of applicable technology. Therefore, based on this and other background,[10] the Commission believes that a number of circumstances, including technological developments since the Commission initially considered the issue of one-minute timing in 1976, counter arguments that more precise trade-sequencing systems are not reasonably available.

For instance, three futures exchanges, the New York Mercantile Exchange ("NYMEX"), The KCTB and the Minneapolis Grain Exchange ("MGE"), currently employ one-minute timing systems. At the KCBT and MGE, the trade execution time is manually written by the broker or trader.[11] At NYMEX, which uses a "pit card" system, selling brokers and traders direct into the center of the trading ring at pit card for each transaction which identifies the selling broker or trader, commodity, quantity, price, delivery month, and buying broker or trader. Pit cards are time-stamped within one minute of excution by NYMEX officials and immediately forwarded to key-punch operators who record trade data, including the time, on the Exchange's trade register, called the "Street Book."

NYMEX has recorded this trade information even on days when its contracts experienced record volume and a high number of transactions. For instance, on October 17, 1984, the Exchange's crude oil futures contract traded on record 23,378 contracts in approximately 3,238 transactions. On October 23, 1984, NYMEX's heating oil contract reached a record volume of 18,808 contracts in approximately 4,144 transactions. Average daily transaction figures compiled by the Commission reveal that of all futures contracts traded in 1983, only ten such contracts averaged more than 4,150 transactions per day.[12] The NYMEX system would, therefore, appear to indicate that many contracts currently traded on contract markets immediately could be traded under more precise trade-timing system with limited additional technology. However, the Commission acknowledges that for those more actively traded contracts, other practices or technologies may have to be adopted to achieve more precise trade time sequencing.

In this regard, systems employed by securities and option exchanges regulated by the SEC are worthy of note. For instance, trading at the Chicago

[10] Part of this background includes a September 26, 1984 memorandum from the Commission's Division of Trading and Markets ("Division") entitled "Thirty-Minute Bracketing and Exchange Audit Trail Systems." This memorandum addressed the efficacy of trade-sequencing systems presently in use at commodity futures exchanges, specifically, one-minute timing systems and thirty-minute bracketing systems. The Division concluded in this memorandum that the data generated by the thirty-minute bracketing systems in use at most futures exchanges is not as useful or effective an input to exchange audit trail systems as the data generated by one-minute timing systems, and that the lack of more precise trade sequencing prejudices both the exchanges' and the Commission's ability to detect and prosecute instances of trade practice abuses. The Division also concluded that more precise trade sequencing systems would serve as a deterrent to those contemplating trading abuses, and that general technological advances since the Commission first considered the issue of trade-timing in 1976 indicated that technology for more precise trade-timing is presently, or could quickly become, available.

This background also includes a Congressionally-mandated study of the nature, extent and effects of futures trading by persons possessing material, nonpublic information ("insider trading"), which the Commission completed and submitted to Congress in September 1984. "A Study of the Nature, Extent and Effects of Futures Trading by Persons Possessing Material, Nonpublic Information," submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, by the Commodity Futures Trading Commission, pursuant to section 23(b) of the Commodity Exchange Act, as amended (September 1984). The Commission stated in this study that, because of the inherent limitations of thirty-minute bracketing data and resulting problems of detecting and prosecuting insider trading abuses related to dual trading, it intended to propose regulations requiring exchanges to install trade-sequencing systems which would lead to improved audit trails. As a possible alternative to the installation of improved trade-sequencing systems, the Commission suggested that it might propose permitting exchanges to ban dual trading in certain active markets. *Id.* at 102–07.

Technological issues are discussed in Section V herein.

[11] At the KCBT, the trade execution time to the nearest minute must be recorded for trading in the Value Line Index futures contract. For both the wheat futures and options contracts, either the time to the nearest minute or the bracket period may be recorded.

[12] Those ten contracts included Chicago Board of Trade corn, soybeans, and Treasury Bond futures contracts; CME live cattle, 90-day Treasury Bill, and Standard and Poors 500 stock Price Index futures contracts; Coffee, Sugar & Cocoa Exchange sugar # 11 futures contract; Commodity Exchange, Inc. gold and silver futures contracts; and New York Futures Exchange, New York Stock Exchange Composite Stock Index futures contract. There may be some variance in this list based on trading in 1984.

Board Options Exchange ("CBOE") in the Standard and Poors 100 Stock Price Index option contract ("S&P 100") is comparable to the more actively traded futures contracts. Trading in the S&P 100 is conducted by open outcry in a "Pit" by a "crowd" of approximately 200 floor brokers, market-markers and order book officials. The amount of customer business transacted in the S&P 100 is comparable to the amount of customer business transacted on futures exchanges (approximately 34% of total volume), and average daily transaction totals are also comparable to the average transaction totals for the ten more actively traded futures contracts.

To improve its audit trail capability, the CBOE recently adopted rules, and in August 1984 commenced a phased plan, which required both parties to each transaction manually to denote the transaction time to the nearest minute.[13] Synchronized digital clocks located in and around the S&P 100 trading arena facilitate this requirement. Trade execution time is either written manually on trading cards, or recorded on "mark-sense" trading cards,[14] and becomes part of the CBOE's permanent equivalent of a trade register.[15] Concurrently with the implementation of its new trade-timing system, the CBOE is enhancing its surveillance computer programs to take advantage of its newly enhanced (with the execution time) data base.

In its study of insider trading,[16] the Commission suggested that for those contracts which are relatively liquid and for which the contract markets could substantiate that they are unable to improve their trade-timing and audit trail systems, such contract markets could, in the alternative, elect to ban dual trading. Although such an alternative is not part of the proposed amendments to regulation § 1.35(g), the Commission requests comments in this regard, particularly with respect to those designated contracts for which the trading pit is relatively congested.

[13] In addition to the transaction time, the time, to the nearest minute, is recorded when orders reach the Exchange floor, and for executed orders, when they are returned to the members' order booths on the Exchange floor, similar to the practice on futures exchanges. Prior to implementation of the manual recordation, requirement, the time of execution was stamped on the "price-reporting copy" of the seller's trading card when that copy was submitted to the Exchange immediately following each trade. Although this meant that the time on the seller's price reporting copy of the trade was usually recorded within a minute, or at most two to three minutes, following the actual time of execution, this practice was considered insufficient for self-regulatory and governmental oversight purposes.

[14] "Mark-sense" trading cards are computer-legible cards on which trade information is recorded by making (often with a pencil stroke) pre-printed numbers, letters or symbols to identify appropriate trade information.

[15] In the current phase of the CBOE's implementation of this plan, the Exchange is focusing its efforts on increasing the percentage of accuracy in the recordation of the trade execution time.

[16] *See* note 10, *supra*.

V. Advances in Technology

The Commission believes that general advancements in technology since the Commission initially considered the issue of trade-timing in 1976 indicate that systems for more precise trade-sequencing are presently available. The Commission notes that certain of the futures exchanges are examining the efficacy of various innovative trade information recordation systems, particularly for those contracts in which the current pit size, pit crowd, and the number of transactions may threaten the efficient operation of the marketplace.

The Commission is not endorsing any particular technological application at this time. Instead, consistent with its proposal to amend regulation § 1.35(g)(1) to establish a performance standard rather than a design standard, the Commission is proposing to permit individual contract markets to select the most desirable means to accomplish the requirements of proposed regulation § 1.35(g)(1). The Commission recognizes that this may mean that different execution time recordation systems could ultimately be used for different exchanges, as well as for different contracts at the same exchange.

Recent technological advances generally support the conclusion that the contract markets can implement more precise trade time sequencing systems. One of these advances has been the development, refinement, and mass production of microprocessors, or "computers on a chip." Advances in microprocessor technology have served as a basis for the development of the high-growth microcomputer industry, which in turn has led to increased research to determine additional uses for microprocessor technology and continued microprocessor cost reductions. Microprocessor technology and its various applications illustrate some of the alternatives already available for improved trade-timing and audit trail systems. Moreover, the current capability, adaptability, and economy of microprocessor technology make it well-suited to offer potential "off the shelf" solutions to the proposed improved trade-timing requirements.

The following three examples demonstrate how microprocessor technology might be applied to improved trade-sequencing systems. Each of these examples is described in broad technical terms and would require further definition prior to implementation. The Commission is not endorsing any of these approaches nor has the Commission assessed the feasibility of these technological alternatives; rather, the Commission is presenting these alternatives merely to demonstrate the type of technology presently available.

Paper Imaging. Upon execution of a trade, the floor trader or floor broker would write on the trading card and/or order ticket all of the trade information that is currently recorded, with the exception of the time period (either bracket or time to the nearest minute). The trader or broker would then insert the trading card and/or order ticket in the card slot of a hand-held microprocessor unit which would print the time on the card and/or ticket. The trading card and/or order ticket would then be removed from the card slot for disposition by the trader or broker. This type of microprocessor unit could be battery-powered, with an alphanumeric printer, a mechnical transport for the trading ticket and a date/time clock.

Paper Imaging and Optical Processing. This type of hand-held microprocessor unit would include a programmable read-only memory ("PROM") which could be programmed to include certain trade information elements, such as broker or trader name or identification symbol, clearing member, and commodity being traded. Upon execution of a trade, the remaining requisite trade information, such as price, quantity, trade type, contract month, and opposite broker or trader, would be keyed into the microprocessor unit by the broker or trader, and the time and date would be applied to the transaction by the microprocessor. The broker or trader would then insert the trading ticket in the card slot for the automatic recordation of the trade information. This trade information, including the date and time, would be simultaneously stored, printed on the ticket in legible characters, and magnetically imaged on the trading ticket, which would then the removed from the card slot for disposition by the broker or trader and subsequent processing by the exchange.

This type of microprocessor unit could also be battery-powered, with a display, a magnetic recording head, a mechanical transport for the trading ticket, a buffer, a numeric keypad and a date/time clock. An added advantage of this type of system is that the trading ticket could be used to submit trade information directly to clearing, thus

doing away with the need to separately key-punch this information into computer-legible form and the attendant risk of key punch error.

Real Time Forwarding, Acknowledgement and Processing. The key elements in this application of microprocessor technology would be hand-held date entry transceivers and a high-frequency receiver. Like the paper imaging and optical processing microprocessor units discussed above, these transceivers would also include a PROM for the selective programming of certain trade information elements, and the automatic capture of trade as the time remaining requisite trade information is keyed in upon trade execution. The pre-programmed information would be appended in a buffer to be keyed information and trade time, and the entire trade message assembled in the buffer would be forwarded electronically from the trading pits to the receiver. Upon receipt of the electronically-forwarded trade message by the exchange's message processing and accounting system, an acknowledgement would be returned to the transceiver. Following receipt and acceptance of this acknowledgement, the buffer would be cleared. Various transceiver/receiver systems have been, and continue to be, investigated and researched by both commodities and securities exchanges.

The Commission reiterates that the technological applications discussed above, and in particular microprocessor technology, are not the only acceptable technologies that may be applied to improve trade time recordation. The foregoing discussion is intended only to indicate the changes in available technology since the original proposals by the Commission to improve trade-time sequencing were first made almost nine years ago.

VI. The Commission's Proposal

The Commission is proposing to amend regulation §1.35(g) to require, within ninety days following the effective date of final regulations in this regard, that each contract market adopt, submit for Commission approval pursuant to section 5a(12) of the Act and regulation § 1.41(b), and upon approval, implement rules which provide for the sequential reconstruction of each futures or option transaction executed on or subject to the rules of the contract market.

A. Proposed Paragraph (g)(1)—Final Trade-Timing Improvement

Proposed regulation § 1.35(g)(1) provides that, at a minimum, contract market rules must have three basic requirements. First, the verifiable time of execution must be recorded mechanically or electronically for each futures or options transaction to at least the nearest minute. This use of a minute to frame the time of execution is intended as an accuracy and performance criterion. The proposal would not require any specific mechanical or electronic approach for assuring that such time would be recorded. The Commission notes that this is not a time-stamping proposal, but instead is intended to have exchanges improve the method by which they generate an audit trail of the requisite specificity, consistent with the volume of trading and other particularized circumstances of each exchange.

The Commission believes that timing to at least the nearest minute is necessary in order to provide data of sufficient precision to enable the contract markets to maintain their continuing affirmative action programs required by the Act and regulation § 1.51. The Commission notes that for more actively-traded contracts, some form of computerized trade practice surveillance is becoming a practical necessity; more precise trade timing will substantially enhance the efficacy of such systems. By using the term "verifiable," the Commission is indicating its expectation that the systems to be implemented, in addition to various enforcement processes that will need to be employed, will ensure that the recorded trade execution time accurately reflects the actual time of such trade. The Commission proposes that mechanical or electronic means be used to record the time of execution because these appear to offer the best potential for achieving accurate trade timing and reasonably independent trade time verification. Nonetheless, the Commission invites comments on any other methods of trade time recordation that could achieve a high degree of accuracy and reasonably independent verifiability.

The second requirement of proposed paragraph (g)(1) is that the regulation § 1.35(d) record for each futures or option transaction must include execution time to the specificity required in part one. The Commission notes, however, that the proposal would not require that such recorded times be a clearing criteria; bracketing data likewise are not clearing criteria. Because regulation § 1.35(d) already requires each "member of a contract market" [17] who executes trades on or subject to the rules of the contract market to show the time period (as described in paragraph (g)) of trade execution, this second requirement of proposed paragraph (g)(1) means that both parties to each transaction will be required to show the trade execution time on trading cards and/or another record, such as order tickets.

The third requirement of proposed paragraph (g)(1) is that the mechanically or electronically recorded trade execution time be shown on the regulation § 1.35(e) trade record, or trade register. The Commission is requesting specific comments regarding the potential impact, if any, of this third requirement on the present operational and data processing capabilities of the contract markets—specifically, the extent of changes, if any, that would need to be made in existing systems to implement such a requirement.

The Commission notes that certain of the exchanges presently operate systems which employ some of the three elements of proposed paragraph (g)(1). It appears to the Commission that, if the proposed amendments to regulation § 1.35(g)(1) are adopted, these exchanges could expeditiously implement the requirements of paragraph (g)(1). The Commission also believes and expects that in less actively traded contracts on other exchanges the implementation of proposed paragraph (g)(1) could be accomplished expeditiously, and invites comments in this regard. Thus, the Commission believes that verifiable mechanically or electronically recorded trade timing in accordance with the performance requirements contained in the proposed rule can be achieved in several instances within ninety days following the effective date of final regulations adopted in this regard.

B. Proposed Paragraph (g)(2)—Trade Record Accuracy Reports

The amendments the Commission proposes for paragraph (g)(2) are essentially non-substantive in nature. At present, paragraph (g)(2) requires:

> A contract market, in order to demonstrate that it is exercising due diligence in maintaining the continuing affirmative action program required of it by the Act and § 1.51 of these regulations, shall submit to the Commission such reports as the Director of the Division of Trading and Markets requests concerning the accuracy of all information

[17] "Member of a contract market" is defined in Commission regulation § 1.3(q) to include "individuals, associations, partnerships, corporations, and trusts owning or holding membership in, or admitted to membership on a contract market or given members' trading privileges thereon." Thus, the definition also includes those who lease memberships, or in some other way have less than full memberships.

recorded under § 1.35(e) and the use of such information in the contract market's affirmative action program.

The introductory paragraph of proposed regulation § 1.35(g) states that, in order to demonstrate its diligence in maintaining the requisite affirmative action program, a contract market must implement and enforce rules which enable it to sequentially reconstruct trading. Proposed paragraph (g)(1) states the minimum standards for those rules. Proposed paragraph (g)(2) would require the contract markets to submit trade record accuracy reports as required by the Director of the Division of Trading and Markets. If the amendments to regulation § 1.35(g) are adopted, such trade record accuracy reports could aid the Commission, both initially and subsequently, in assessing the extent of compliance with the requirements of paragraph (g)(1) (and in the proposed optional interim period, paragraph (g)(3)).

C. Proposed Paragraph (g)(3)—Interim Trade-Timing Improvement

In the event a contract market could not, within ninety days following the effective date of this regulation, adopt and submit for Commission approval rules which would satisfy the requirements of proposed paragraph (g)(1), the Commission is proposing that the contract market be required to instead adopt interim trade-timing improvements and implement the requirements of proposed regulation § 1.35(g)(1) over a specified period of time. Such interim compliance could be achieved through the manual recordation of trade execution times.

Proposed paragraph (g)(3)(i) would require a contract market which could not initially implement the requirement of proposed paragraph (g)(1) to, within ninety days following the effective date of this proposed regulation, adopt and submit for Commission approval interim rules, including a detailed plan for immediate implementation and vigorous enforcement, which require that the time of execution of each futures or option transaction be recorded to at least the nearest minute. As in proposed paragraph (g)(1), each member of the contract market would be required to record the time of trade execution on trading cards and/or other records to at least the nearest minute. In addition, the contract market would be required to show this time on the trade register required by regulation §1.35(e).

The Commission believes that the simplest means by which to achieve immediate compliance with the proposed imterim trade timing requirement of paragraph (g)(3)(i) may be to have both parties to each trade manually recorded the time of trade execution by reference to synchronized digital clocks located in, above or around the trading pits, and to have the contract markets vigorously enforce such a requirement. The Commission believes that this interim requirement, if vigorously enforced, would provide an immediate improvement in most exchanges' audit trail systems, while allowing sufficient time for the implementation of the automated trade timing systems required by proposed paragraph (g)(1).

Due to the self-reporting nature of the proposed interim trade-timing requirement of paragraph (g)(3)(i), the Commission believes that accurate execution time recordation could be achieved only through vigorous enforcement of such a requirement by the contract markets from the outset. Thus, the Commission would require a contract market which chose to implement an interim trade-timing requirement to submit for Commission approval its plans to enforce the interim requirement. The Commission notes that an aggressive enforcement program in this area could include, among other things: (1) The use of personnel in and around the trading pit to monitor and report violations; (2) improved procedures for the prompt collection of trading cards or other trade records on which trade information, including the time period of execution, is manually recorded; (3) the use of a specified symbol in the trade register if a time to the nearest minute is not recorded, or legibly recorded, on the trading card or other record that serves as an information source for the regulation § 1.35(e) trade register; (4) the comparison of the trade register to the price change register in an attempt to determine the accuracy of the time reported on the trade register; (5) the comparison of the trade execution times entered by both parties to the transaction; and (6) meaningful, progressively severe sanctions for members who fail to record the time of trade execution accurately. The Commission invites comment on whether these and other possible components of a contract market's potential enforcement program are sufficient to assure the accuracy and integrity of the program and notes that accuracy would be a factor to be considered by the Commission under regulation § 1.51.

As a second step for a contract market which could not, within ninety days following the effective date of the proposed regulation, comply with the requirements of regulation § 1.35(g)(1), the Commission proposes to require that the contract market adopt and submit for Commission approval, pursuant to section 5a(12) of the Act and regulation § 1.41(b), within two hundred seventy days following the effective date of this regulation (or one hundred eighty days following submission of its interim trade-timing rules), rules which would satisfy the requirements of paragraph (g)(1), and plans for the implementation of such rules. As part of the implementation plans, the Commission would require sufficient details regarding the specifications of the systems the contract market intended to employ to enable the Commission to evaluate such systems effectively.[18] The Commission would also require that the plan include a timetable or schedule, with justification for the time period(s) proffered for the implementation of the plan, which was consistent with the time limit of the final requirement of proposed regulation § 1.35(g)(3).

The Commission expects that the implementation of such a plan would not necessarily occur on the same date for each contract traded on a particular exchange and requests comments on the appropriate timeframe for completing such implementation. Such comments should address whether and under what circumstances, if any, it may be appropriate to permit a contract market to delay or suspend the implementation of the trade-sequencing system contemplated by proposed paragraph (g)(1). Persons commenting on this aspect of the Commission's proposal should be aware that one critical factor the Commission would expect to consider in determining whether it might permit such a result would be a contract market's ability to demonstrate its success, consistent with specific standards, in achieving compliance with the interim trade-timing requirement. In any event, the Commission would expect serious commitment to any interim approach taken by a contract market pending the development of any final plan.

Regulatory Flexibility Act

The Commission has previously determined that contract market are not "small entities" for purposes of the Regulatory Flexibility Act (5 U.S.C. 605) and that the requirements of that Act do not, therefore, apply to contract markets. 47 FR 18618 (April 30, 1982).

[18] The Commission notes that if the proposed amendments to regulation § 1.35(g) are adopted, the Commission intends to commit sufficient resources to permit the prompt evaluation of the systems proposed by the contract markets to satisfy the requirements of the proposed amended regulation.

Furthermore, the Chairman of the Commission has previously certified on behalf of the Commission that comparable rule proposals would not, if adopted, have a significant economic impact on a substantial number of small entities. *See, e.g.*, 48 FR 32835, 32836 (July 19, 1983).

For the reasons set forth above, and pursuant to Section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chairman hereby certifies, on behalf of the Commission, that the following amendment to Commission regulation § 1.35(g)(1) will not, if adopted, have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1980, Pub. L. 96–511, 94 Stat. 2812 *et seq.* ("PRA"), imposes certain requirements on federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the PRA, 44 U.S.C. 3501 *et seq.* OMB control number 3038–0022 has previously been assigned to Commission regulation § 1.35. The Commission believes that the proposed amendments to regulation § 1.35 will not materially change the amount of information the contract markets and individual market participants will be required to collect. The Commission nonetheless recognizes that a particular method chosen by a contract market to conform to the amended requirements of regulation § 1.35 may, in some cases, change the amount of time or resources the contract markets or individual market participants would have to devote to the recordation of this trade time information. A discussion of these aspects of the Commission's proposal, as well as a copy of this **Federal Register** release, are being provided to the Office of Management and Budget.

List of Subjects in 17 CFR Part 1

Reporting and recordkeeping requirements, Trading cards, Time-stamp, Time period, Price change register, Brokers, Commodity futures.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 4b, 4c, 4g, 4j, 5, 5a, 8, 8a and 8c thereof, 7 U.S.C. 6b, 6c, 6g, 6j, 7, 7a, 12, 12a, and 12c, the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.35 is proposed to be amended by revising paragraph (g) to read as follows:

§ 1.35 Records of cash commodity, futures, and option transactions.

* * * * *

(g) *Time of trade execution.* Each contract market, in order to demonstrate that it is exercising due diligence in maintaining the continuing affirmative action program required by the Act and by § 1.51, must maintain in effect rules which have been approved by the Commission pursuant to section 5a(12) of the Act and § 1.41(b), which provide for the sequential reconstruction of each futures or option transaction executed on or subject to the rules of such contract market as provided in this section.

(1) Such contract market rules must provide, at a minimum, that each member of the contract market must show on the record of each futures or option transaction required by paragraph (d) of this section, and that the contract market must show on the record of each futures or option transaction required by paragraph (e) of this section, the verifiable mechanically or electronically recorded time of execution to at least the nearest minute of such futures or option transaction.

(2) A contract market shall submit to the Commission such reports as the Director of the Division of Trading and Markets may require concerning the accuracy of all information recorded under § 1.35(e) and the use of such information in the contract market's affirmative action program.

(3) In the event a contract market cannot, within ninety days following the effective date of this regulation, adopt and submit for Commission approval the rules required by paragraph (g)(1) of this section, such contract market shall be deemed to be in compliance with the requirements of this paragraph (g) if:

(i) Within ninety days following the effective date of this regulation, adopts and submits for Commission approval interim rules, including a plan for their immediate implementation and enforcement, which require that each member of the contract market show, on the record of each futures or option transaction required by paragraph (d) of this section, and that the contract market show, on the record of each futures or option transaction required by paragraph (e) of this section, the time of execution of such futures or option transaction to at least the nearest minute; and

(ii) Within two hundred seventy days following the effective date of this regulation, submit for Commission approval rules, and detailed specifications of the electronic or mechanical systems to effect such rules, which fully comply with the requirements of paragraph (g)(1) of this section and a timetable for their implementation with a justification therefor; and

(iii) Within one year following Commission approval of the proposed rules submitted pursuant to paragraph (g)(3)(ii) of this section, fully implements such rules.

* * * * *

Issued in Washington, D.C. on December 21, 1984, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 84–33601 Filed 12–26–84; 8:45 am]

BILLING CODE 6351-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 403

[W–5–FRL 2743–4]

Reconsideration of Approval of Michigan's Pretreatment Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule:

SUMMARY: On June 7, 1983, the EPA approved the State of Michigan's NPDES pretreatment program under Section 402 of the Clean Water Act (48 FR 27291, June 14, 1983), and formally delegated the administration of that program to the State of Michigan. Subsequently, the National Wildlife Federation (NWF) and the Michigan United Conservation Clubs (MUCC) filed a petition worth the U.S. Court of Appeals for the Sixth Circuit to review EPA's delegation of the pretreatment program. Following negotiations between EPA and the petitioners, EPA filed a motion requesting that they be allowed to review their earlier decision, without requiring withdrawal of the delegation of the program approval prior to that review. On September 27, 1984, the Court granted EPA's request to reconsider their approval of Michigan's pretreatment program. On November 19, 1984, EPA received Michigan's amended application which included revisions to the State's administrative rules implementing the program and a revised program description. EPA has reviewed

the application and preliminarily, subject to public comment, has found that it meets the requirements for submittal as set forth in 40 CFR 123.62(b).

As part of EPA's review of their decision to delegate the pretreatment program to Michigan, they agreed that public comments would be requested either in writing or in the course of the public hearing to be held in Michigan. This notice sets forth the procedure for submitting written comments and announces that EPA will hold a public hearing in Lansing, Michigan, on January 29, 1985.

DATE: To be considered, comments must be received on or before February 9, 1985. EPA has scheduled a public hearing on January 29, 1985, at 1:30 p.m. E.S.T., in Lansing, Michigan.

ADDRESSES: Comments should be addressed to: U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604, Attention: John J. O'Grady, Water Quality Permits Section (5WOP). The Michigan submission may be reviewed by the public at the State of Michigan, Department of Natural Resources, Surface Water Quality Division, Eighth Floor, Stevens T. Mason Building, P.O. Box 30028, Lansing, Michigan, 48909, and at the U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604. The public hearing will be held on January 29, 1985, at 1:30 p.m. E.S.T., at the Law Building Auditorium, 525 West Ottawa, Lansing, Michigan, 48909. Copies of the submittal may also be obtained (at a cost of 20 cents per page) from these offices.

FOR FURTHER INFORMATION CONTACT: John J. O'Grady, Water Quality Permits Section (U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604, (312) 353-2105.

SUPPLEMENTARY INFORMATION: On June 26, 1978, EPA promulgated the General Pretreatment Regulations (40 CFR Part 403). Amendments to the General Pretreatment Regulations were promulgated on January 28, 1981 (46 FR 9404). These regulations, mandated by the Clean Water Act of 1977 (Pub. L. 95-217), govern the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs), commonly referred to as municipal sewage treatment plants. The objectives of the regulations are to: (1) prevent introduction of pollutants into POTWs which will interfere with operations of a POTW, including interference with its use or disposal of municipal sludge; (2) prevent introduction of pollutants into POTWs which will pass through treatment works or otherwise be incompatible with such works; and (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

The guidelines and regulations which EPA has promulgated in 40 CFR Part 123, under the authority of Sections 304(i)(2) and 402(b) of the Clean Water Act, apply to all aspects of State NPDES programs, including State pretreatment program applications. In addition, EPA has promulgated regulations in 40 CFR 403.10 that are particularly applicable to the State pretreatment program applications.These regulations, among other things, require each State applicant to provide a description of the funding and personnel available to implement the program and demonstrate that the funding and qualified personnel are sufficient to carry out the program (40 CFR 403.10 (f)(3) and (g)(2)).

On October 28, 1982, Michigan submitted an application to EPA to add the pretreatment program to their approved NPDES program. On December 3, 1982, EPA published a notice in the **Federal Register** seeking comment on Michigan's application. One of the commentors on Michigan's application was NWF. NWF stated that in light of the December 20, 1982, internal reorganization within MDNR (the State agency which administers the NPDES and pretreatment program in Michigan), clarification of the resulting administrative responsibilities for the Michigan pretreatment program was needed.

In response, on January 28, 1983, representatives from EPA Region V, and the State of Michigan met with NWF and other environmental groups to listen to their concerns, to explain why the MDNR was reorganized, and how the reorganization would strengthen the pretreatment program. The MDNR detailed the number of personnel from various MDNR offices to be committed to the pretreatment program and explained the pretratement role to be played by experts from the MDNR's Toxic Chemical Evaluation Section (TCES) in the regulation of toxic pollutants. The State agreed to provide NWF with a written description of pretreatment personnel responsibilities.

On February 10, 1983, Charles H. Sutfin, Water Division Director for EPA Region V, informed NWF that after considering the comments made by NWF and others, EPA Regional staff had decided to recommend that the EPA Administrator approve the Michigan pretreatment program.

On February 18, 1983, NWF wrote to EPA to express continued concern whether MDNR was committing sufficient staff expertise to the pretreatment program and requesting written documentation of internal Michigan task assignments. EPA mailed this information to NWF on April 4, 1983. On April 26, 1983, NWF wrote to EPA to again express their concern that Michigan had not yet demonstrated that qualified personnel were available to implement the pretreatment program. NWF argued that the task assignments document, transmitted to them on April 4, did not demonstrate the necessary academic credentials or relevant experience of personnel assigned to the program and did not formally assign TCES personnel into the pretreatment process.

On June 7, 1983, EPA approved Michigan's NPDES pretreatment program (48 FR 27291, June 14, 1983). This action authorized the State of Michigan to administer the National Pretreatment Program as it applies to municipalities and industries within the State. On September 5, 1983, NWF and MUCC filed a petition with the U.S. Court of Appeals for the Sixth Circuit (Case No. 83-3616) for review of EPA's approval, under the Clean Water Act, of Michigan's delegation application to administer the NPDES pretreatment program. In response, EPA filed a motion on May 16, 1984, requesting that they be allowed to review their earlier decision, without requiring withdrawal of the delegation of the program approval prior to that review. In their brief, EPA acknowledged that they had not adequately documented the factual premises and reasons supporting their approval of Michigan's delegation application. EPA moved the Court for an order: (1) allowing reconsideration of their approval of the State of Michigan's pretreatment program; (2) allowing Michigan's approved pretreatment program to continue in effect pending final action on EPA's reconsideration; and (3) staying further proceedings pending final action on their reconsideration.

The U.S. Court of Appeals for the Sixth Circuit granted EPA's motion to review the Michigan pretreatment program for reconsideration on September 27, 1984. Pending this reconsideration, the Court, at EPA's request, allowed Michigan's pretreatment program to continue in effect pending final action on EPA's reconsideration. The lawsuit is stayed pending the reconsideration. The Court Order requires EPA to take final action upon Michigan's program within 180 days of entry of the Court Order (by March 26, 1985), including a detailed written statement of the basis for their decision and a response to all comments submitted. The Court Order also

requires EPA to take several interim steps, including: filing monthly status reports; publishing a **Federal Register** notice soliciting additional public comments on the approval of Michigan's delegation application; and holding a public hearing.

Therefore, EPA is soliciting public comments to supplement their original record in their initial decision. The comment period extends from December 27, 1984, through February 9, 1985. In addition, EPA has scheduled a public hearing on January 29, 1985, at 1:30 p.m. e.s.t., at the Law Building Auditorium, 525 West Ottawa, Lansing, Michigan, 48909. Mr. Kenneth A. Fenner, Chief of the Water Quality Branch for EPA, Region V, has been designated by the Regional Administrator as the Presiding Officer for the public hearing, with authority to appoint a panel to assist him in conducting the hearing.

The State of Michigan has submitted revised pretreatment program rules that have been recommended for approval by the Michigan Water Resources Commission on November 15, 1984. If the rules are approved and become effective, then they will satisfy the requirements of 40 CFR 403.10(f)(1). In addition, the State of Michigan has submitted a revised narrative that describes the administration, implementation, review, compliance, overview, and personnel resource requirements for their pretreatment program. The revised program narrative addresses changes in the staffing and organization, the addition of a pretreatment program coordinator, utilization of available expertise within MDNR for toxicant evaluation, financial resources, and legal review of ordinances. In addition, Michigan has included revised attachments to the program narrative on funding sources, organizational changes, position descriptions, and personnel qualifications.

The Administrator's decision to approve or disapprove the proposed revisions to the Michigan pretreatment program will be based on a determination of whether the proposed revisions to the pretreatment program meet the requirements of the Clean Water Act, 40 CFR Part 403, 40 CFR Part 123, and the comments received.

The Michigan submission may be reviewed by the public at the State of Michigan, Department of Natural Resources, Surface Water Quality Division, Eighth Floor, Stevens T. Mason Building, P.O. Box 30028, Lansing, Michigan, 48909, and at the EPA office in Chicago at the address appearing at the beginning of this notice. Copies of Michigan's amended application have been sent to the petitioners, as well as to the environmental and industrial groups that were involved in commenting on the State's administrative rules revisions. Copies of the submittal may also be obtained (at a cost of 20 cents a page) from these offices.

List of Subjects in 40 CFR Part 403

Confidential business information, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: December 17, 1984.

Valdas V. Adamkus,

Regional Administrator, Region V.

[FR Doc. 84-33467 Filed 12-26-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 720

[OPTS-50002K; TSH-FRL 2743-6]

Premanufacture Notification; Proposed Revisions of Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under section 5 of the Toxic Substances Control Act (TSCA), any person who intends to manufacture or import a new chemical substance for commercial purposes must notify EPA at least 90 days before manufacture or import begins. On October 26, 1983, final rules implementing section 5 of TSCA went into effect, but four provisions were stayed, including limitations on research and development activities. EPA is proposing revisions to those stayed provisions and revisions to other provisions to clarify the rule.

DATES: Comments on this proposal must be submitted on or before February 25, 1985. A public meeting will be held only if requested before February 25, 1985. The date of any such public meeting will be approved later.

ADDRESS: Written comments and requests for a public meeting should bear the document control number OPTS-50002K and should be submitted to: TSCA Public Information Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, D.C. 20460.

All written comments filed under this notice will be available for public inspection in Rm. E-107 at the address given above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (202-554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes must notify EPA at least 90 days before manufacture of import begins. This requirement has been in effect since July 1, 1979. Since then, EPA has received and reviewed more than 4000 notices on new substances.

EPA promulgated a final premanufacture notice (PMN) rule and notice form in the **Federal Register** of May 13, 1983 (48 FR 21722) interpreting and clarifying PMN requirements. The rule covers the scope and applicability of section 5 requirements; the general procedures for submitting notices; information requirements, including a mandatory notice form; and EPA's procedures for processing information contained in the notices, including treatment of confidential business information.

In June 1983, the Chemical Manufacturers Association (CMA) and the Society of the Plastic Industry (SPI) petitioned EPA to stay the effective date of the PMN rule to provide EPA time to clarify and modify certain provisions of the rule. CMA particularly expressed concern about: (1) The research and development (R&D) exemption, (2) the PMN notice form, (3) information requirements on polymer identity, (4) the submission of test data, (5) the submission of data on related chemicals, (6) the submission of descriptions of risk assessments, (7) the procedures for declaring PMNs incomplete, and (8) the definition of "possession or control." SPI raised concerns about polymer information requirements.

In response to these petitions, EPA postponed the effective date of the rule so that it could review the rule language. During the postponement period, EPA received further comments from CMA, SPI, the Natural Resources Defense Council, and the American Chemical Society on the issues raised in the CMA and SPI petitions. In the **Federal Register** of September 13, 1983 (48 FR 41132), EPA stated that the rule would become effective on October 26, 1983. In addition, EPA stayed the effective date

of § 720.3(y) (the definition of "possession or control"), §§ 720.36 and 720.78(b) (requirements concerning new chemical substances manufactured under the section 5(h) (3) R&D exemption), and § 720.50(c) (data requirements on related chemicals), and issued a nonsubstantive amendment to § 720.102(b)(1) (timing of submission of the notice of commencement of manufacture). EPA also clarified several other provisions of the rule (primarily those concerning polymer information requirements, test data requirements, and information requirements on risk assessments and uses) and explained why other provisions do not require revision.

Two definitional provisions of the rule relevent to the R&D exemption were not stayed. Section 5(h)(3) of TSCA authorizes exemptions from the PMN requirements for chemical substances manufactured or processed "only in small quantities solely for purposes of" R&D. EPA did not stay the rule's definition of the term "small quantities solely for research and development," § 720.3(cc), and is not proposing revisions at this time. In addition, the definition of the term "technically qualified individual," §720.3(ee), used in the R&D exemption, was not stayed and is not being revised.

II. Summary of Action

In this notice, EPA proposes revisions to the four stayed provisions of the PMN rule (§§ 720.3(y), 720.36, 720.50(c), and 720.78(b)), clarifies certain provisions, particularly the R&D exemption, and proposes additional revisions to clarify other provisions of the PMN rule. The purpose of this rulemaking is to eliminate ambiguities in the stayed rule provisions and to revise the language of the rule to simplify compliance and enforcement. EPA requests comments on the proposed revisions and indicates in the following discussion specific areas for comment.

III. Proposed Rule Revisions and Clarifications

A. Research and Development Exemption

1. *Revised § 720.36.* Section 5(h)(3) of TSCA exempts from the PMN requirements the manufacture or import of small quantities of new chemical substances solely for R&D if the manufacturer or importer notifies persons engaged in R&D of any health risks that it or EPA has reason to believe may be associated with the chemical substance.

The proposed revision of § 720.36 clarifies specific requirements associated with the section 5(h)(3) R&D exemption. It requires manufacturers or importers to notify all persons engaged in R&D, including transporters and disposers, of health risks associated with the substance. The proposed revision specifies that a technically qualified individual, defined in § 720.3(ee) of the PMN rule, must supervise the R&D. It also requires manufacturers and importers to evaluate certain information in their possession or control to determine if notification is necessary. However, it states that if the R&D is conducted only in a laboratory and if prudent laboratory practices have been adopted to control exposure to chemical substances of unknown toxicity, a specific evaluation of health risks is not required. Like the stayed § 720.36, the proposed revision identifies appropriate methods of notification to persons employed by the manufacturer or importer. However, it adds that if the substance is distributed to other persons, the manufacturer or importer must provide written notice (1) of the requirement that the substance be used only for R&D, and (2) of any health risks it has reason to believe may be associated with the substance. The proposed revision also prohibits the processing, use, sale, or commercial distribution for non-R&D uses of R&D substances and products containing the R&D substances without the submission of a PMN. However, disposal of such substances is allowed.

2. *Scope of R&D.* Section 5(h)(3) of TSCA exempts "small quantities" of chemical substances used for scientific experimentation, research, or analysis (including activities associated with product development) from PMN requirements. In revising the stayed provision, EPA considered redefining the term "small quantities." However, the Agency is instead retaining its generally qualitative approach to defining R&D and providing further guidance on the interpretation of the R&D exemption.

The PMN rules defines "small quantities solely for research and development" as quantities that are "not greater than reasonably necessary for such purposes." This is the same definition as that used in § 710.2(y) of the Inventory reporting rule published in the **Federal Register** of December 23, 1977 (42 FR 64572). EPA considered redefining the term "small quantities" by setting a quantitative limit on the volume of a substance that could be manufactured for R&D under the section 5(h)(3) exemption, either by setting a single production volume limit (production above the limit would be subject to the PMN requirements, production below the limit would be subject to the PMN requirements, if not used for R&D purposes), or by setting a production volume limit be category of chemical substance. However, EPA has concluded that a quantitative definition of "small quantities" for R&D is not necessary or appropriate at this time.

The volume of a chemical substance needed for legitimate R&D activities varies considerably with the category of substance, the use of substance, and the stage of R&D. Therefore, EPA is not proposing that a single quantitative limit be established on the volume of chemical substance allowed to be manufactured or produced for R&D purposes. Although a single production volume or volume by category of substance may be easier to enforce, a production volume limit would be arbitrary and, to have any effect, would exclude some legitimate R&D activities from the exemption. This could have a negative impact on R&D innovation. The qualitative approach also recognizes the legitimate need for relatively high volume R&D production in some cases and allows for reasonable flexibility.

EPA recognizes that R&D consists of several levels of activities, including the bench-level or laboratory synthesis stage, pilot plant stage, and the performance testing stage. R&D activities include tests of physical, chemical, production, and performance characteristics. Tests of physical and chemical properties typically occur at the laboratory stage. Tests of production characteristics could include tests of manufacturing equipment and production processes. Tests of performance characteristics for R&D purposes could include carefully monitored tests using limited quantities of the chemical substance by the manufacturer or potential customer (unlike test marketing activities, which usually involve sale or distribution to potential customers to determine the competitive value of the substance).

Under PMN provisions now in effect, manufacturers are exempt from the PMN requirements only if they make quantities of R&D substances that "are not greater than reasonably necessary for" R&D. In general, this means that amounts manufactured must correspond to reasonable estimates of amounts required to conduct R&D activity. In deciding whether quantities are reasonable, the manfacturer should consider such factors as the stage of R&D, the nature of the R&D operations, and the number and quantity of R&D samples distributed. Legitimate R&D activities may require the manufacture of relatively large volumes of the

substance (e.g., 80,000 barrels of crude shale oil produced in a pilot plant operation over a several-month period has been called "small quantities"). Furthermore, manufacture of an R&D substance for production or performance testing may result in excess material (e.g., if the minimum batch size is larger than needed specifically for testing, or if production testing leads to more material that would be needed for physical-chemical properties or performance testing), but does not necessarily remove it from the R&D exemption, unless processed, used, or distributed for non-R&D purposes. Manufacturers may, under the R&D exemption, distribute samples to potential customers for performance testing. However, the distribution of R&D samples without legitimate R&D reasons fall outside the definition of "small quantities."

EPA has received questions concerning the application of the R&D exemption requirements to R&D involving pesticides, food, food additives, drugs, and cosmetics. In previous documents, EPA has stated that if the manufacturing, processing, distribution, or use of a substance is regulated under either the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or the Federal Food, Drug, and Cosmetic Act, the substance would not be subject to regulation under TSCA insofar as it is actually manufactured, processed, or distributed in commerce for use as a pesticide, food, food additive, drug, cosmetic, or device. (See Inventory Reporting Requirements, 42 FR 64572.) Ordinarily such substances are not subject to TSCA. However, EPA has determined that for the purposes of FIFRA, a substance is not considered a pesticide until submission of an application for an experimental use permit (FIFRA section 5; 40 CFR Part 172) or an application for registration (FIFRA section 3; 40 CFR Part 162). Prior to this stage, the substance will be presumed to be a chemical substance within the meaning of TSCA and will be subject to these proposed R&D requirements. (See Inventory Reporting Requirements, 42 FR 64585, Comment 38.)

3. *Sale and disposal of R&D substances or products.* Sale of an R&D substance does not necessarily remove it from the category of R&D. Section 5(h)(3) of TSCA exempts from the PMN requirements chemical substances manufactured in small quantities "solely" for "scientific experimentation or analysis," or "chemical research on, or analysis of such substance or another substance." In other words, the exemption includes not only the R&D substance itself, but substances used to produce or analyze an R&D substance. As EPA clarified in the comments to the Inventory Reporting Requirements (42 FR 64572, Comments 29, 47), a manufacturer or importer may sell those R&D substances, articles, or mixtures to other companies for R&D purposes under the R&D exemption. For example, a company that produces research substances, such as reagents, indicators (e.g., in litmus paper), and standardized chemicals (e.g., for quality control in R&D), for sale to other persons for R&D purposes is not required to submit PMNs for those substances. Furthermore, one company may sell an R&D substance, article, or mixture to another company to conduct R&D tests rather than conduct those tests itself.

However, EPA believes that the sale of R&D substances and mixtures containing R&D substances for non-R&D purposes is inconsistent with section 5(h)(3) of TSCA. Therefore, EPA is proposing to prohibit the processing, distribution in commerce, or use of R&D substances and mixtures containing R&D substances for non-R&D commercial purposes. Under this proposal, processing, distribution in commerce, or use of any amount of the R&D substance (except as an impurity) for non-R&D commercial purposes and without PMN review, would violate the PMN requirements. Thus, if a manufacturer produced new substance X for R&D, the manufacturer could not distribute X in commerce for any non-R&D commercial purposes without completing PMN review. Similarly, the manufacturer could not distribute in commerce mixtures containing the R&D substance that were made as part of the R&D activities (e.g., formulated paints). In such a situation, the person must either store the remaining R&D substance or mixture or dispose of it. Once a PMN has been submitted and review completed without regulatory action, the person would be free to distribute these substances or mixtures.

At the same time, the proposed rule would allow companies to distribute substances and mixtures made during R&D activities, if they did not contain the R&D substance, except as an impurity. For example, if an R&D substance were tested for its effectiveness as a process aid (e.g., a catalyst) or as an intermediate, the final product resulting from this activity could be used for commercial purposes—as long as it contained the R&D substance only as an impurity and as long as the other conditions of the R&D exemption were met.

The proposed rule would also allow the sale for non-R&D uses of R&D substances as part of an article without requiring the submission of a PMN. This rule would apply to R&D substances incorporated into articles during R&D (e.g., R&D pigment on a painted automobile, an R&D plasticizer in a finished plastic article), but not to R&D substances distributed in containers (e.g., cans of paint). Thus, paper products, which are articles that contain an R&D substance added solely as part R&D activities, could be commercially distributed without submission of a PMN. In general, this approach is comparable to the one taken with imported articles in the PMN rule. Under §720.22(b)(1) of the PMN rule, new chemical substances imported as part of an article are not subject to PMN requirements. EPA believes that this approach is appropriate for R&D substances as well as imports because risks from R&D substances contained in finished articles will generally be very low, while the costs, both to industry and the public, that could be associated with storing or disposing of finished articles, once R&D is completed, could be relatively high. It should also be noted that the R&D exemption would apply in these cases only if the articles were produced as part of legitimate R&D activities—rather than, for example, test marketing activities—and the other conditions of the R&D exemption were met.

EPA is also considering the possibility of prohibiting the non-R&D sale or distribution of articles in which R&D substances have been incorporated until a PMN has been submitted. This alternative would ensure EPA review of the substance before the article is distributed for non-R&D purposes, but might also significantly affect chemical innovation. EPA requests comments on these two alternatives, including specific examples of impact on innovation and potential human and environmental effects.

The question of disposal of R&D substances is a different matter. EPA believes that disposal of R&D substances is consistent with the R&D exemption as long as persons involved in disposal are notified of risks as required by § 720.36, and relevant federal, state, and local regulations governing waste disposal (e.g., Resource Conservation and Recovery Act) are followed. Methods of disposal for R&D substances or resulting products could include landfilling, incineration, and chemical destruction. In addition, EPA

believes that disposal of R&D substances and products made with R&D substances by burning them as fuel and by recycling for the purpose of extracting component chemical substances should be allowed without requiring a PMN. This approach is consistent with EPA's general approach to disposal of byproducts under the PMN rule. Section 720.30(g) exempts byproducts from PMN requirements when they are burned as a fuel, disposed of as a waste, and recycled to extract component chemical substances. Therefore, EPA considers excess R&D substances and excess articles and mixtures made using R&D substances as byproducts that may be disposed of in the ways described here without submission of a PMN.

4. *Risk evaluation.* Section 5(h)(3) of TSCA requires the manufacturer or importer to notify persons associated with the R&D of "any risk to health which the manufacturer . . . or the Administrator has reason to believe may be associated with such chemical substance." The stayed § 720.36(b) would have required the manufacturer or importer to identify the health risks of the R&D substance by evaluating certain information in its possession or control and actions taken by EPA under sections 4, 5, or 6 of TSCA. The proposed revision suggests changes in the risk evaluation that should reduce burdens on the manufacturer or importer but still protect employees and others from health risks. Under the proposed revision, the manufacturer or importer is still required to evaluate information in its possession or control concerning (1) reports of any significant adverse reactions which may be associated with the substance (see TSCA section 8(c)), (2) reports of any health risks which may be associated with the substance, and (3) data on health and environmental effects of the substance.

As structured, § 720.36(b) requires the manufacturer or importer to review information only on the specific chemical substance with which it is conducting R&D activities. EPA considered requiring the manufacturer or importer to review information on structural analogues of the chemical substance to determine what risks may be associated with it. Such an approach would be consistent with the type of review EPA makes of new chemical substances under section 5 TSCA. However, EPA has decided not to propose that manufacturers and importers be required to review information on structural analogues and determine whether their chemical substance is likely to present the same or similar risks because such a requirement would be difficult to define in meaningful regulatory terms. EPA solicits comment on this issue.

The proposed revision to § 720.36(b) also requires the manufacturer or importer to review any rules or orders issued by EPA under sections 4, 5, or 6 of TSCA that apply to the subtance and of which the manufacturer or importer has knowledge. Manufacturers and importers would be presumed to have knowledge of any rule published in the **Federal Register.** In the case of orders that are not published in the **Federal Register,** the manufacturer or importer is responsible for reviewing them only if it has actual knowledge of the order. For both orders and rules, if EPA has determined that the specific substance with which the manufacturer or importer will be conducting R&D presents or may present a specific risk, the manufacturer or importer must notify persons engaged in R&D of that risk.

EPA is proposing to exclude manufacturers and importers from the evaluation requirement for R&D conducted in the laboratory according to prudent laboratory practices. The term laboratory, as used in this proposal, refers to a facility where relatively small quantities of chemical substances are used on a nonproduction basis and where activities involve the use of containers for reactions, transfers, and other handling of substances designed to be easily manipulated by a single individual. EPA recognizes that in many laboratories, research activitives involve the synthesis of large numbers of substances in relatively small quantities, which are evaluated and then disposed of, so that exposures are brief and infrequent. In addition, the activities are conducted by or under the supervision of technically qualified individuals (defined at § 720.3(ee)). EPA is proposing that where exposure to R&D substances, manufactured in very small quantities and used in a laboratory is controlled through "prudent laboratory practices," an evaluation of health risk information would not be required. Prudent laboratory practices mean those laboratory procedures and equipment accepted by health and safety experts as effective in minimizing the potential for employee exposure to toxic substances. Although EPA has not published regulations or guidelines specifying prudent laboratory practices, manufacturers or importers should follow procedures that are applied to control exposure to known toxic substances. (See e.g., National Research Council, "Prudent Practices for Handling Hazardous Chemicals in Laboratories," National Academy Press (1981); U.S. Department of Health and Human Services, "NIH Guidelines for the Laboratory Use of Chemical Carcinogens," Washington, DC, Government Printing Office (May 1981).)

If R&D activities using the chemical substance are conducted outside of the laboratory of the manufacturer or importer, the health risk information specified in the revision must be evaluated to determine whether notification is necessary, regardless of exposure controls. At the later stages of R&D, employees are less likely to be adequately trained or experienced in using chemical substances of unknown toxicity, and standard laboratory practices may be less effective in protecting those employees.

EPA has also considered adopting a quantitative rather than a qualitative approach to the risk evaluation requirement. Instead of specifying that activities conducted outside the laboratory must be evaluated for health risks, the provision would require the risk evaluation for quantities in excess of a stated amount, such as 10 kilograms per year. Although EPA is not proposing a quantitative limit at this time, the Agency requests comments on both the qualitative and quantitative approach to the health risk evaluation requirement.

5. *Notification.* EPA has retained in the proposed revision the approach used in the stayed § 720.36 for providing notice to the manufacturer's or importer's employees, i.e., the person is free to adopt any appropriate method of notification so long as it adequately informs persons of risks that the manufacturer or importer has reason to believe may be associated with the substance.

However, EPA is concerned that this level of notification may be inadequate where an R&D substance is distributed to other persons, for example when the manufacturer or importer provides R&D substances to other companies or potential customers for R&D uses. While the chemical substance remains under the control of the manufacturer or importer (e.g., if the manufacturer distributes the substance from its laboratory to its pilot plant) and its technically qualified individual, the manufacturer or importer retains direct responsiblity and control over its use, but when it is distributed to other companies, including potential customers, the manufacturer or importer loses this control. Therefore, the proposed rule adds the requirement that if the substance is distributed to other persons, the manufacturer or importer must give written notice: (1) Of the

requirement that the substance be used only for R&D, and (2) of any health risks the manufacturer or importer has reason to believe may be associated with the substance. In addition, if the manufacturer or importer has reason to believe that the person receiving its R&D substance is using it for non-R&D purposes, the manufacturer or importer should either submit a PMN or cease supplying the substance to that person.

EPA's proposal to require written notice when an R&D substance is distributed to other persons formalizes a procedure followed by most manufactures and importers. The requirement will assure that persons receiving R&D substances will understand that the substances are only to be used for R&D and will learn of any known health risks. The proposed rule will also simplify enforcement. The manufacturer or importer may adopt any appropriate written method of notification, for example, by providing the information on the container label or on the invoice. The written notice should accompany each shipment. If the manufacturer or importer believes that labeling required under other statutes, such as the Resource Conservation and Recovery Act or the Hazardous Materials Transportation Act, provides sufficient notice of health risks, no additional written notice concerning hazards would be necessary. However, the manufacturer would still be required to notify other companies that the substance was for R&D use only.

6. *Recordkeeping.* The stayed § 720.78(b) would have required manufacturers and importers to retain documentation of compliance with the R&D exemption, including copies of the information used to determine the need for notification. The proposed revision of § 720.78(b) creates a two-tiered recordkeeping requirement. For all R&D substances, the manufacturer or importer must maintain records of: (1) The identity of the substance, (2) the health risk information evaluated, (3) the method of notification, including copies of written notification, and (4) the prudent laboratory practices used in lieu of notification. (See discussion of risk evaluation under Unit IV.A.4 of this notice.) In addition, for R&D substances produced in quantities greater than 100 kilograms per year or distributed to other persons at any volume (e.g., distributed to persons other than the manufacturer or importer), the manufacturer or importer must maintain records of: (1) The production volume, (2) the names and addresses of other persons receiving the substance, and (3) the method of disposal by the manufacturer or importer. All records must be retained for five years after they are developed.

EPA believes that recordkeeping is essential for ensuring compliance with section 5(h)(3) and revised § 720.36. The proposed recordkeeping provisions do not impose overly burdensome requirements since, for the most part, they are consistent with current industry practices. EPA is proposing the additional recordkeeping requirements for substances produced in quantities greater than 100 kilograms per year or distributed to other companies to ensure compliance with PMN requirement and simplify enforcement. EPA has proposed the 100 kilogram quantity limit based on the assumption that if greater than 100 kilograms have been produced, R&D activities have likely reached an advanced stage and the company is more likely to have retained records for its own purposes. A quantitative limit also eases compliance. The Agency also considered imposing the additional recordkeeping requirements on substances only when produced outside of the laboratory, rather than setting a quantitative limit, but is not proposing that alternative at this time. EPA requests comments on the two-tiered approach, the quantity proposed in this notice, and the alternatives considered.

7. *New § 720.30(i).* EPA has received several inquiries about the meaning of section 5(i) of TSCA, which specifies that section 5 applies only to chemical substances manufactured or processed "for commercial purposes." Therefore, EPA has proposed an addition to § 720.30 of the PMN rule to identify R&D activities that are not subject to either the PMN or the R&D exemption requirements, because they are not conducted for commercial purposes. Section 720.30 identifies chemical substances that are not subject to the requirements of section 5 of TSCA. The proposed new paragraph (i) excludes from the PMN and R&D requirements any chemical substance manufactured solely for non-commercial research purposes. Non-commercial purposes generally include research activities conducted by academic, government, or independent not-for-profit research organizations (e.g., universities, colleges, teaching hospitals, and research institutes), when the research is either internally funded or funded by grants (i.e., that impose no requirements to produce a specific product or that do not require the research organization to give up any patent or other property rights). However, if the research organization is funded by contract, joint venture, or other financial arrangement with the purpose of eventually producing a commercial product, the organization is not exempt from the section 5 requirements for the project. The Agency recognizes that the line between commercial purposes and non-commercial funding is not always well-defined, and, therefore, has focused on the purpose of the research rather than the funding. EPA requests comments on its proposed exemption for "non-commercial research and development purposes."

8. *Other R&D requirements.* The proposed revision deletes stayed § 720.36(e) that explained the scope of the R&D requirements. This provision created the impression that the requirements of § 720.36 are retroactive. Section 720.36 will apply only to new chemical substances that are manufactured or imported for R&D after the effective date of the revised § 720.36. In addition, the specific records required in § 720.78(b) must be retained beginning only after the effective date of the revised § 720.78(b).

The proposed R&D exemption rule also deletes provision § 720.36(d) of the stayed rule that would have required manufacturers to make available to EPA on request information evaluated by the manufacturer or importer in determining the need for notification. EPA deleted this provision because the requirement is already included in § 720.120(d) of the PMN rule.

B. Data on Related Chemicals

Section 5(d)(1) (B) and (C) of TSCA requires PMNs to include: (1) Test data in the manufacturer's possession or control concerning environmental and health effects related to the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or any article containing such substance, and (2) descriptions of other environmental and health effects data. EPA interprets these requirements to mean that PMN submitters must provide data on related chemical substances and mixtures as well as on the new chemical substance itself.

The stayed § 720.50(c) would have required submission of unpublished data or descriptions of data concerning impurities, byproducts, degradation products, unintended reaction products, or other chemical substances or mixtures related to the manufacture, processing, distribution, use, or disposal of the new chemical substance. Related chemicals does not refer to analogues. In the notice of the stay, EPA responded to a number of questions about the scope of this provision. PMN submitters are

required to submit description of data, not actual data and need not provide references to published data. In addition, EPA explained that toxicity data and monitoring and exposure data, if directly related to the proposed manufacture, processing, distribution, use, or disposal of the new chemical substance, must be submitted. EPA stayed § 720.50(c) to clarify further its scope.

The Proposed revision of § 720.50(c) codifies the provisions clarified in the **Federal Register** notice of the stay and adds other provisions that further define the scope of the requirement. The proposed revision eliminates feedstocks, e.g., reactants, catalysts, solvents, from the requirement unless the feedstocks are reasonably anticipated to be present as impurities in the new substance. It also lists the type of data that must be reported. The proposed revision states that the requirement applies to toxicity and environmental effects test data on related chemical substances and mixtures. In addition, EPA proposes that PMNs not include physical-chemical properties data on related chemical substances and mixtures because unpublished physical-chemical properties data on impurities and other related substances and mixtures are, at best, of marginal value in PMN review. Moreover, describing such data in certain cases could impose significant burdens on PMN submitters. Finally, the proposed rule clarifies that PMNs need not include monitoring and exposure data unless they are directly related to potential release of or exposure to the related substances or mixtures during the proposed manufacture, processing, distribution, use or disposal of the new chemical substance. For example, data developed on related chemical substances during R&D or test-marketing activities on the new chemical substance may well be relevant to anticipated commercial exposure, but monitoring and exposure data unrelated to anticipated commercial exposure would not be required.

C. Definition of "Possession or Control"

Section 5(b)(1)(B) of TSCA and § 720.50 of the PMN rule require manufacturers and importers to submit all health and environmental effects test data on the new chemical substance in their "possession or control." In addition, the proposed revision of § 720.36, requires manufacturers or importers of R&D substances to evaluate certain information in the "possession or control" to be exempt from the PMN requirements.

The stayed § 720.3(y) explained which associated companies of the PMN submitter would be included within the definition. It also provided that data in files of the submitter's employees and data in commercially available data bases to which the submitter has access where considered within the "possession or control" or the submitter. In additional, files of agents of the submitter were to be included within the definition.

EPA clarified the scope of the statutory requirement in the **Federal Register** notice of September 13, 1983 (48 FR 41139). EPA explained that not all employee files need be searched for test data, only the files of employees who are associated with R&D, test marketing, or commercial marketing of the substance, and who are likely to have such data. EPA also clarified that all commercially available data bases to which the manufacturer has access need not be searched. However, the Agency stayed the rule to determine what reasonable steps should be taken by PMN submitters to find relevant data within their possession or control.

The proposed revision of the definition of "possession or control" in § 720.3(Y), like the stayed § 720.3(y) states that files of companies associated with PMN submitters and the files of submitters' agents are included within the definition. The proposed revision clarifies that only the files of those employees whose activities are: (1) Associated with research, development, production, test marketing, or commercial marketing of the chemical substance, and (2) reasonably likely to have such data, are included within the definition. Further, EPA has concluded that data in commercially available data bases to which the submitter has purchased access should not be considered within the "possession or control" of the manufacturer, and that provision has been deleted from the proposed revision.

EPA has deleted the requirement to search all commercial data bases because of potential costs of this requirement, weighed against the very limited information on new chemical substances likely to be found in automated data bases. The effect of this deletion is that, where TSCA or the PMN rule requires submission or consideration of information in the "possession or control" of the manfacturer or importer, the manufacturer or importer need not search commercial data bases. EPA believes that this change will not affect the adequacy of information in PMNS. Because section 5(d) of TSCA not only requires PMNs to include test data in the submitter's "possession or control" but requires the submission of other health and environmental effects information if it is known to or reasonably ascertainable by the submitter. The PMN rule, § 720.3(p), defines "known to or reasonably ascertainable" as all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know. Information in commercially available data bases to which the submitter has access would, in many cases, be "reasonably ascertainable" to the submitter. For example, before submitting a PMN, it would generally be reasonable for the submitter to determine if the substance has been reported in Chemical Abstracts and has a Chemical Abstracts Service (CAS) Registry Number. If not, that could be the end of the search. If a CAS Registry Number is found, then the submitter could reasonably be expected to search further, for example, in other data bases, for more information on the health or environmental effects of the substance. In these cases the submitter would be required to provide descriptions of data derived from those searches, or in accordance with § 720.50(c)(ii) provide standard literature citations.

D. Manufacture Solely for Export

1. *Section 12(a) of TSCA.* Section 12(a) of TSCA provides that chemical substances, mixtures, and articles are not subject to TSCA, other than sections 4 and 8, if they are manufactured, processed, or distributed in commerce solely for export from the United States (U.S.), are not used in the U.S., and bear a stamp or label stating that they are intended for export. EPA may regulate substances, mixtures, and articles, except under sections 4 and 8, only if it finds that the substance, mixture, or article will present an unreasonable risk of injury to health in the U.S. or to the U.S. environment. In the final PMN rule, EPA decided not to require PMNs for new chemical substances manufactured solely for export and defined "manufacture solely for export" to implement this decision.

2. *Revised § 720.3(s).* Since promulgation of the PMN rule, EPA has received many questions about the scope of the definition "manufacture solely for export" in § 720.2(s) of the rule. To clarify the scope of this concept EPA is proposing to revise § 720.3(s).

The proposed revision of § 720.3(s) would clarify that "manufacture solely for export" includes import of a chemical substance that is intended

solely for reexport from the U.S. In addition, the revision makes clear that no person can use the substance in the U.S. except in small quantities solely for R&D in accordance with the revised § 720.36.

3. *Revised § 720.30(e).* EPA is also proposing to revise § 720.30(e) of the rule to clarify that a new chemical substance manufactured solely for export is exempt from PMN only if, when distributed in commerce, it is labeled in accordance with section 12(a)(1)(B) of TSCA.

4. *Limitation on processing and use in the U.S.* To be manufactured solely for export, a chemical substance may be processed only by the manufacturer or importer. Since the substance cannot be used in the U.S. by any person, such processing is limited to processing that does not involve use. In general, export-only processing is limited to preparing the substance, either alone or as part of a mixture, for export and can include formulating a mixture and packaging the product. If the new chemical substance is an intermediate to be used in the U.S. to make another substance intended for export, the new intermediate is not manufactured solely for export because it is used in the U.S. Other types of processing, such as dyeing fabric or incorporating a substance into an article, would also constitute use and, thus, would require a PMN before the activity could take place. If any amount of the substance is used in the U.S. (for purposes other than R&D) the manufacture of the entire amount is not solely for export and is subject to PMN.

IV. Economic Impact

EPA has conducted an economic analysis of the effects of these proposed revisions on affected firms. To provide an adequate basis for revising the R&D exemption of the PMN rule, the Agency conducted a study of R&D practices in the chemical industry. Some major findings of the study are that: (1) Most firms involved in R&D have adopted informal or formal R&D policies or guidelines; (2) the quantity of an R&D substance produced generally increases as the substance moves along a development path (for example, production averages about 4 pounds at the bench-level stage, but it increases to an average of 600 pounds and may be as high as 300,000 pounds for performance testing); (3) most firms produce R&D substances at the bench level and provide samples for testing or produce substances in pilot plant facilities prior to submitting PMNs; and (4) many firms continue R&D activities indefinitely but most indicated that, for purposes of section 5 requirements, R&D ends after PMN submission.

EPA believes that the notification requirements of the proposed revision of § 720.36 are likely to impose negligible costs and burdens on industry. The vast majority of firms already make employee awareness of chemical hazards a routine part of their safety activities and many already follow the proposed procedures. And in the case where manufacturers distribute R&D substances to other persons, many firms already provide notice of the R&D status and health risks of the substance. In addition, there are likely to be few substances when specific risk data are known to the manufacturer or importer requiring any notification, and, if the data exist, the actual expenses for compliance are likely to be low.

EPA also believes that the basic recordkeeping requirements, i.e., that manufacturers and importers keep written records of the method used to notify employees of health risks and retain the data used to evaluate the health risks, and document the prudent laboratory practices used in lieu of notification, would have negligible impact. Information collected for the analysis of this proposal suggests that these practices are also routinely followed by many chemical firms that conduct R&D. The requirement that manufacturers and importers retain more detailed records if the R&D substance is produced in quantities greater than 100 kilograms per year or distributed in any quantity is likely to impose some incremental costs and burdens. Only those substances that reach the performance testing stage of R&D, substances distributed off-site, and substances produced for research by other firms are likely to require the recordkeeping proposed in the rule. The Agency estimates that recordkeeping will be necessary for as many as 1,550 new substances per year; the cost of recordkeeping for these chemical substances would be about $142,000 annually.

The impact of the revisions of the PMN rule on affected companies is not expected to be significant. The document summarized in this part of this notice is a part of the public record for this rulemaking.

V. Judicial Review

When this proposed rule is promulgated, judicial review may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has its principal place of business. To provide all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA intends to promulgate this rule for purposes of judicial review two weeks after publishing the final rule in the **Federal Register**. The effective date will be calculated from the promulgation date.

VI. Rulemaking Record

EPA has established a record for this proposed rulemaking (docket number OPTS–50002K), which is available for inspection in Rm. E–107, 401 M St., SW, Washington, DC 20460, from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays. Persons who do not have access to the record in the public reading room should contact Edward A. Klein, Director, TSCA Assistance Office (TS–799), at the above address for assistance.

The record includes information EPA considered in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record includes:

(1) This notice and PMN documents cited in this notice.

(2) Comments from individual companies, trade associations, and public interest groups on these provisions.

(3) Summaries of meetings with trade associations, public interest groups, and other groups.

(4) Economic and other support documents.

EPA anticipates adding to the rulemaking record the following types of information:

(1) All comments on this proposed rule.

(2) All relevant support documents and studies.

(3) Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule. (This does not include any inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.)

(4) Minutes, summaries, or transcripts of any public meetings held to develop this rule.

(5) Any factual information considered in developing the rule.

EPA will identify the complete rulemaking record on or before the date of promulgation of the rule, as prescribed by section 19(a)(3) of TSCA, and will accept additional material for inclusion in the record at any time between this notice and such designation.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must determine whether a proposed rule is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not major because it would not have an effect of $100 million or more on the economy. The proposed rule would not have a significant effect on competition, costs, or prices. EPA submitted this proposed rule to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has assessed the impact of this rule on small businesses. EPA has determined that since the rulemaking involves relatively minor revisions to the final PMN rule, it will not create additional impacts on small businesses over those already identified in the final PMN rule, 48 FR 21722.

C. Paperwork Reduction Act

The information provisions in this proposed rule are a subset of the information collection requirements of the PMN rule, which has already been cleared by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* OMB clearance number is 2070–0012.

(15 U.S.C. 2604, 2607, 2613)

List of Subjects in 40 CFR Part 720

Chemicals, Environmental protection, Premanufacture notification, Hazardous substances, Recordkeeping and reporting requirements.

Dated: December 17, 1984.

William D. Ruckelshaus,

Administrator.

Therefore, it is proposed that 40 CFR Chapter I, Part 720 be amended as follows:

PART 720—PREMANUFACTURE NOTIFICATION

1. In § 720.3, paragraphs (s) and (y) are revised to read as follows:

§ 720.3 Definitions.

* * * * *

(s) "Manufacture solely for export" means to manufacture or import for commercial purposes a chemical substance solely for export from the United States under the following restrictions on activities in the United States:

(1) Processing is limited solely to sites under the control of the manufacturer or importer.

(2) Distribution in commerce is limited to purposes of export.

(3) The manufacturer or importer, and any person to whom the substance is distributed for purposes of export, may not use the substance except in small quantities solely for research and development in accordance with § 720.36.

* * * * *

(y) "Possession or control" means in possession or control of the submitter, or of any subsidiary, partnership in which the submitter is a general partner, partner company, or any company or partnership which the parent company owns or controls, if the subsidiary, parent company, or other company or partnership is associated with the submitter in the research, development, test marketing, or commercial marketing of the chemical substance in question. (A parent company owns or controls another company if the parent owns or controls 50 percent or more of the other company's voting stock. A parent company owns or controls any partnership in which it is a general partner). Information is included within this definition if it is:

(1) In the submitter's own files including files maintained by employees who are: (i) Associated with research, development, production, test marketing, or commercial marketing of the chemical substance in question and (ii) reasonably likely to have such data.

(2) Maintained in the files in the course of employment by other agents of the submitter who are associated with research, development, test marketing, or commercial marketing of the chemical substance in question.

* * * * *

2. In § 720.30, paragraph (e) is revised and paragraph (i) is added to read as follows:

§ 720.30 Chemicals not subject to notification requirements.

* * * * *

(e) Any new chemical substance manufactured solely for export which, when distributed in commerce, is labeled in accordance with section 12(a)(1)(B) of the Act.

* * * * *

(i) Any chemical substance manufactured solely for noncommercial research and development, purposes. Non-commercial research and development purposes include scientific experimentation, research, or analysis conducted by academic, government, or independent not-for-profit research organizations (e.g., universities, colleges, teaching hospitals, and research institutes), unless the activity is for eventual commercial purposes.

3. Section 720.36 is revised to read as follows:

§ 720.36 Exemption for research and development.

(a) This Part does not aply to a chemical substance if the following conditions are met:

(1) The chemical substance is manufactured or imported only in small quantities solely for research and development.

(2) The manufacturer or importer notifies all persons engaged in experimentation, research, or analysis on the new chemical substance, including the manufacture, processing, use, transport, storage, and disposal of the substance associated with research and development activities, of any risk to health, identified under paragraph (b) of this section, which may be associated with the substance. The notification must be made in accordance with paragraph (c) of this section.

(3) The chemical substance is used by, or directly under the supervision of, a technically qualified individual.

(b)(1) To determine whether notification under paragraph (a)(2) of this section is required, the manufacturer or importer must review and evaluate the following information to determine whether there is reason to believe there is any risk to health which may be associated with the chemical substance:

(i) Information in its possession or control concerning any significant adverse reaction by persons exposed to the chemical substance which may reasonably be associated with such exposure.

(ii) Information provided to the manufacturer or importer by a supplier or any other person concerning a health risk believed to be associated with the substance.

(iii) Health and environmental effects data in its possession or control concerning the substance.

(iv) Any EPA rule or order proposed or promulgated under sections 4, 5, or 6 of the Act that applies to the substance and of which the manufacturer or importer has knowledge.

(2) When the research and development activity is conducted solely in a laboratory and exposure to the chemical substance is controlled through the implementation of prudent laboratory practices for handling chemical substances of unknown toxicity, the information specified in

paragraph (b)(1) of this section need not be reviewed and evaluated.

(c)(1) The manufacturer or importer must notify the persons identified in paragraph (a)(2) of this section by means of a container labeling system, conspicuous placement of notices in areas where exposure may occur, written notification to each person, or any other method of notification which adequately informs persons of health risks which the manufacturer or importer has reason to believe may be associated with the substance, as determined under paragraph (b)(1) of this section.

(2) If the manufacturer or importer distributes a chemical substance manufactured or imported under this section to other persons, the manufacture, or importer must in written form (i) notify those persons that the substance is to be used only for research and development purposes, and (ii) provide the notice of health risks specified in paragraph (c)(1) of this section.

(3) The adequacy of any notification under this section is the responsibility of the manufacturer or importer.

(d) A chemical substance is not exempt from reporting under this Part if any amount of the substance, including as part of a mixture, is processed, distributed in commerce, or used, except as part of an article or as an impurity, for any commercial purpose other than research and development or disposal.

(e) A chemical substance manufactured or imported only in small quantities solely for research and development, or any chemical substance, mixture, or article produced as part of the research and development activities, may be disposed of by (1) burning it as a fuel, (2) disposing of it as a waste, including in a landfill or for enriching soil, and (3) extracting from it for commercial purposes component chemical substances.

4. In § 720.50, paragraph (c) is revised to read as follows:

§ 720.50 Submission of test data and other data concerning the health and environmental effects of a substance.

* * * * *

(c) *Data concerning related chemicals.* (1) A person must submit descriptions of unpublished test data or other data concerning the health or environmental effects of the chemical substances and mixtures that are related to the manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance. Related chemical substances and mixtures include impurities, byproducts, degradation products, unintended reaction products, and other substances or mixtures produced in the manufacture of the new chemical substance or present in it, but do not include feedstocks, e.g., reactants, catalysts, solvents, unless reasonably anticipated to be present as impurities in the new chemical substance.

(2) The description of the data reported under this paragraph must include a description of the type of data and a summary of the results.

(3) Descriptions must be submitted for the following types of data:

(i) Unpublished toxicity and environmental effects test data and epidemiological studies.

(ii) Unpublished monitoring and exposure data if the data are directly related to potential release of or exposure to the related substances or mixtures during the proposed manufacture, processing, distribution, use, or disposal of the new chemical substance.

(iii) Unpublished human effects data from epidemiological studies.

(4) Descriptions need not be submitted for data on the physical-chemical properties of related chemical substances and mixtures.

* * * * *

5. In § 720.78, paragraph (b) is revised to read as follows:

§ 720.78 Recordkeeping.

* * * * *

(b)(1) Persons who manufacture or import a chemical substance under § 720.36 must retain the following records:

(i) copies of information reviewed and evaluated under § 720.36(b)(1) to determine the need to make any notification of risk.

(ii) documentation of the method of notification under § 720.36(c)(1) including copies of any labels or written notices used.

(iii) documentation of prudent laboratory practices used instead of notification and evaluation under § 720.36(b)(2).

(2) Persons who manufacture or import a chemical substance under § 720.36 and (i) who manufacture of import the substance in quantities greater than 100 kilograms per year, or (ii) who distribute the substance to other persons in any quantity, must retain records of the identity of the substances, the production volume of the substance, the names and addresses of other persons receiving the substance, and the method of disposal of the substance.

(3) Records under this paragraph must be retained for five years after they are developed.

* * * * *

(Aproved by the Office of Management and Budget under OMB control No. 2070-0012)

[FR Doc. 84-33591 Filed 12-26-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 721

[OPTS-50512; FRL-2563-5]

Certain Polyamino Chemical Substances; Proposed Determination of Significant New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for three chemical substances which were the subject of premanufacture, processing, import, distribution in commerce, or use may result in significant human exposure.

DATE: Written comments should be submitted by February 25, 1985.

ADDRESS: Since some comments are expected to contain confidential business information, all comments should be sent in triplicate to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

Comments should include the docket control number OPTS-50512. Non-confidential versions of comments received on this proposal will be available for reviewing and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107, at the address given above. For further information regarding the submission of comments containing confidential business information (CBI), see Unit XI of the preamble.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number: 2070-0012.

I. Authority

Section 5(a)(2) of TSCA authorized EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination

by rule, after considering all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B) submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. Such a notice is subject to the same requirements and procedures as a PMN submitted under section 5(a)(1)(A) of TSCA which are interpreted at 40 CFR Part 720 published in the **Federal Register** of May 13, 1983 (48 FR 21722). In particular, these include the information submission requirements of section 5(b) and (d)(1), certain exemptions authorized by section 5(h), and the regulatory authorities of section 5(e) and (f). If EPA does not take regulatory action under section 5, 6, or 7 to control activities on which it has received a SNUR notice, section 5(g) requires the Agency to explain in the **Federal Register** its reasons for not taking action.

Substances covered by proposed or final SNURs are subject to the export reporting requirements of TSCA section 12(b). EPA regulations interpreting section 12(b) requirements appear at 40 CFR Part 707. Substances subject to final SNURs are subject to TSCA section 13 import certification requirements at 19 CFR 12.118 through 12.127 and 127.28 published in the **Federal Register** of August 1, 1983 (48 FR 34734). The EPA policy in support of these requirements appears at 40 CFR Part 707 published in the **Federal Register** of December 13, 1983 (48 FR 55462).

II. Applicability of General Provisions

EPA promulgated general provisions applicable to SNURs under 40 CFR Part 721, Subpart A, published in the **Federal Register** of September 5, 1984 (49 FR 35011). EPA is proposing that these general provisions apply to this SNUR without change except as discussed in this preamble. Interested persons should refer to that document for a detailed discussion of the general provisions.

III. Summary of This Proposed Rule

The chemical substances subject to this proposed rule are identified generically as (P–81–69) benzophenonetetracarboxylic acid dimethyl ester, reaction product with methylenedianiline and substituted pyridine; (P–81–125) benzophenonetetracarboxylic acid dimethyl ester, reaction product with methylenedianiline and aklylenediamine; and benzophenonetetracarboxylic acid dimethyl ester, reaction product with methylenedianiline, aklylenediamine and substituted pyridine. EPA is proposing to designate the following as a significant new use of the substances: Use as or in intumescent coatings. (Intumescent coatings are chemical substances which when exposed to heat, form fire resistant or retardant coatings.)

IV. Background

EPA received PMNs which the Agency designated as P–81–69 and P–81–125. EPA announced receipt of the PMNs in the **Federal Registers** of March 27, 1981 (46 FR 1975) and April 20, 1981 (46 FR 22648).

The notice submitters claimed the following as confidential business information (CBI): Chemical identity, manufacturing process,and production volume. The Agency consulted with the PMN submitter with respect to the creation of more descriptive generic names. The generic names used within this proposed rule were developed through negotiation with the submitter. These names provide greater clarity without damaging the competitive position of the submitter. The PMN submitter believes that release of any information pertinent to the manufacturing process could compromise their competitive position. Therefore, the Agency is unable to discuss in detail those risk analyses which were, in part, based upon exposure data generated by the PMN submitter.

Under section 14(a)(4) of TSCA, the Agency may disclose CBI relevant in any proceeding. "[D]isclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding." EPA is not convinced that this rulemaking will be so impaired by these claims as to justify disclosure of CBI. Therefore, EPA has decided not to disclose any of the CBI at this time. The Agency specifically requests comment on this approach for this SNUR rulemaking.

For purposes of clarity, these substances will be referred to by their generic names and PMN numbers. The Agency is concerned that P–81–69 and P–81–125 may present risks to human health. The Agency is specifically concerned that exposure to P–81–69 or P–81–125 might induce carcinogenicity, mutagenicity, teratogenicity, and other chronic effects in humans. These conclusions are based primarily on the presence of both unreacted 4,4'-methylenedianiline and a salt of methylenedianiline in each of the three substances prior to polymerization.

Although the Agency identified potential adverse human health effects associated with P–81–69 and P–81–125, it took no action during the PMN review period because of the low potential for human exposure by any route.

4,4'-methylenedianiline has been subject to several recent Agency actions. In 1979, the Interagency Testing Committee (ITC), established under the authority of section 4(e) of TSCA, recommended that the Agency test 4,4'-methylenedianiline for carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and environmental effects. To better define the need and/or parameters for testing, the Agency sought additional information through rules issued under sections 8(a) and 8(d) of TSCA.

In early 1983, EPA received a final report of a bioassay study conducted by the National Toxicology Program (NTP). The NTP study indicates that the dihydrochloride salt of methylenedianiline is carcinogenic in both sexed of rats and mice at two dose levels. Under the conditions of the bioassay, methylenedianiline significantly increased the incidence of cancer of the liver, thyroid gland, and the hematopoietic system in both F344/N rats and BLC3F1/N mice of both sexes. Additional uncommon tumors were observed. An evaluation of these bioassay data provided that the carcinogenic potency of 4,4'-methylenedianiline, based on total neoplasms, is 0.11 (mg/kg/day)-1.

Following its review of the NTP data, the Agency issued a determination, dated April 27, 1983 (48 FR 19078), that there may be a reasonable basis to conclude that 4,4'-methylenedianiline presents a significant risk to humans, and it announced initiation of a 180-day review under section 4(f) of TSCA. An advance notice of proposed rulemaking (ANPR) initiating regulatory action with respect to 4,4'-methylenedianiline was published in the **Federal Register** of September 20, 1983 (48 FR 42898).

Subsequent to the publication of the ANPR, the Administrator determine that adequate reason existed to refer 4,4'-methylendianiline to the Occupational Safety and Health Administration (OSHA) under the authoritty of section 9 of TSCA. The section 9 report is scheduled for transmittal in early 1985.

In assessing the potential risks from use of the PMN substances in intumescent coatings, the Agency utilized the potency value derived for 4,4'-methylenedianiline. The exposure situations considered ty the Agency included standard spraying operations, both indoors and outdoors with and without respirator protection. As some of the assumptions were derived, in part, from process information obtained

from the PMN submitter, the Agency considers that this information, as well as the resulting risk assessment, falls within the broad protection provided by the submitter's CBI claim. Therefore, the Agency is not discussing the specific results of the risk assessment in more detail within this preamble. It may be generally stated, however, that the caluclated exposures and resulting risks are of such a nature that the Agency concludes adverse health effects could occur under the exposure conditions in spray operations and other coating methods.

Since the notice submitter has commenced commercial manufacture of the substances and submitted a notice of commencement of manufacture to EPA, the Agency has added the substances to the TSCA Chemical Substance Inventory. Other persons may undertake activities different from those of the original PMN sumittter resulting indifferent or increased exposures. Therefore, EPA is proposing designate use as or in intumescent coatings as in significant new use so the Agency can review that use before it occurs.

Through a SNUR, the Agency would ensure that all manufacturers, importers, and processors are subject to similar reporting requirements. In addition, a SNUR would afford EPA the opportunity to review exposure and toxicity information on the substances; if necessary, action can then be taken to ensure that persons will not be exposed to levels of P–81–69 and/or P–81–125 that are potentially hazardous.

V. Determination of Proposed Significant New Use

To determine what would constitute a significant new use of these chemical substances, EPA considered relevant information about the toxicity of the substances and potential exposures associated with possible uses and the four factors listed in section 5(a)(2) of TSCA. In particular, EPA considered the extent to which potential uses might change the magnitude and duration of exposure of humans to P–81–69 and/or P–81–125. Based on these considerations, EPA proposes to define the significant new use of P–81–69 and P–81–125 as set forth in Unit III of this preamble.

VI. Alternatives

EPA considered regulatory alternatives to a SNUR to ensure protection of human health.

1. One alternative would be to promulgate a section 8(a) reporting rule for the substances. Under such a rule, EPA could require any person to report to EPA before manufacturing, importing, or processing the substances for use as or in intumescent coatings. However, in this particular instance, the use of section 8(a) rather than SNUR authority has drawbacks. Small businesses would be exempt from reporting under section 8(a). In addition, if EPA received a report under section 8(a) indicating that a person intended to manufacture, import, or process the substances for intumescent coatings, the Agency could not take immediate action under section 5(e), as it can under a SNUR, and therefore would not be able to regulate the substances pending development of information. Rather, in a situation such as this, EPA would have to consider regulating the substances under TSCA section 6 which would require a separate rulemaking action. Moreover, in view of the current lack of health effects and exposure data on the substances, EPA first would likely have to obtain test data on the substances under section 4 of TSCA to support an action under section 6. This approach could allow unnecessary risk to human health during the time needed for data development.

2. The Agency also has the authority to regulate substances under section 6 of TSCA. However, the Agency may regulate under section 6 only if there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture "presents or will present" an unreasonable risk of injury to human health and/or the environment. There is insufficient information to perform a reasoned evaluation of the health effects of P–81–69 or P–81–125 at this time. Therefore, the Agency cannot state with certainty that the substances present or will present an unreasonable risk and cannot, at this time, regulate the substances under section 6.

VII. Exemptions to Reporting Requirements

The Agency has codified general exemption provisions covering SNUR reporting at § 721.19. On a case-by-case basis, the Agency may modify these provisions with specific language in Subpart B. However, in this case, the Agency is proposing that § 721.19 apply in its entirety.

EPA issued its final premanufacture notification rules under 40 CFR Part 720, published in the **Federal Register** of May 13, 1983 (48 FR 21722) including § 720.36 which contained detailed rules for the section 5(h)(3) exemption for chemical substances manufactured or imported in small quantities solely for research and development. On September 13, 1983 (48 FR 41132), EPA stayed the effectiveness of § 720.36, among other provisions of the PMN rule, pending further rulemaking to revise the provisions. Because § 720.36 was not in effect when EPA codified § 721.19, the Agency relied on the general definition of "small quantities solely for research and development" in § 720.3(cc) and section 5(h)(3) of TSCA to determine whether activities qualify under this exemption. Upon promulgation of a revised § 720.36, EPA intends to amend § 721.19 and this rule to adopt the provisions of the revised § 720.36.

Section 721.19(g) of the general SNUR provisions exempts persons from SNUR reporting when they manufacture or process the substances solely for export and label the substances in accordance with section 12(a)(1)(B) of TSCA. While EPA is concerned about worker exposure manufacture, processing, and use of the substances, EPA lacks the authority under section 12(a) of TSCA to require reporting of such manufacture, processing, or use for a significant new use. EPA does not yet have sufficient information to make the "will present an unreasonable risk" finding necessary to regulate a substance manufactured or processed solely for export. However, such persons would be required to notify EPA of such export under section 12(b) of TSCA (see § 721.7 of the general SNUR provisions). Such notification will allow EPA to monitor manufacture and processing activities which are not subject to significant new use reporting. The term "manufacture solely for export" is defined in the PMN rule (40 CFR 720.3(s)). The term "process solely for export" is defined in § 721.3 of the general SNUR provisions in a similar fashion. Thus persons would be exempt from reporting under this SNUR if a person manufactures (the term manufacture includes import) or processes the substances solely for export from the U.S. under the following restrictions: (1) There is no use of the substances in the U.S.; (2) processing is restricted to sites under the control of the manufacturer or processor, respectively; and (3) distribution in commerce is limited to purposes of export. If a person manufactured or processed the substances both for export and for use in the U.S., such manufacture and processing would be for use in the U.S.

VIII. Applicability of Proposal to Uses Occurring Before Promulgation of Final Rule

To establish a significant new use rule, the Agency must, among other things, determine that the use is not ongoing. In this case, the chemical

substances in question have undergone premanufacture review. When the notice submitter began manufacture of the substances, the submitter sent EPA a notice of commencement of manufacture and substances were added to the Inventory. The notice submitter indicated that it did not intend to undertake the activity designated in this proposal as a significant new use, and EPA has no indication that it has done so contrary to its original intent. Therefore, at this time, the Agency has concluded that these uses are not ongoing. However, EPA recognizes that since the chemical substances subject to this SNUR have been added to the Inventory, they may be manufactured, imported, or processed by other persons for a significant new use as defined in this proposal before promulgation of the rule.

If, after the publication of this proposal, someone were to undertake the designated significant new uses, they could argue that the uses are not "new" at the time the rule is promulgated, and therefore not significant new use. EPA finds that the intent of section 5(a)(1)(B) is best served by determining whether a use is a significant new use as of the proposal date of the SNUR. If uses begun during the proposal period were not considered to be significant new uses, it would be almost impossible for the Agency to establish SNUR notice requirements, since any person could defeat the SNUR by initiating the proposed significant new uses before the rule becomes final. This is contrary to the general intent of section 5(a)(1)(B).

Thus, if the substances are manufactured, imported, or processed between proposal and promulgation for the proposed significant new use, the Agency will consider such use to be a significant new use if it is retained in the final rule. EPA recognizes that this interpretation may disrupt commercial activities of persons who began manufacture, import, or processing for a significant new use during the proposal period. However, this proposal constitutes notice of that potential disruption, and persons who commence a proposed significant new use do so at their own risk.

Because the identities of P-81-69 and P-81-125 are confidential, any person who proposes to manufacture or import either substance is unlikely to know that the substances are on the Inventory and, therefore, is likely to submit a *bona fide* request under either 40 CFR 710.7(e) or 720.85(b) to determine whether the substances are on the Inventory. If EPA determines that the person has a *bona fide* intent to manufacture or import the substances and that the substances the person proposes to manufacture or import are P-81-69 and P-81-125, EPA will inform the person that the substances are subject to this proposal. This will give the person adequate notice of this proposal, an adequate chance to comment, and will help prevent potential disruption.

IX. Test Data and Other Information

EPA recognizes that under TSCA section 5, persons are not required to develop any particular test data before submitting a notice. Rather, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them.

In previously published proposed SNURs, the Agency has encouraged the submission of data relative to the toxicological effects of concern. In the case of this SNUR, however, the Agency will defer any solicitation of data. While there are possible chronic effects for which the Agency does not possess adequate data, these data needs will be addressed in relation to the Agency's more comprehensive treatment of 4,4'-methylenedianiline.

With respect to new uses of either P-81-69 or P-81-125, the Agency would encourage the development of data characterizing potential exposure levels.

As part of an optional prenotice consultation, EPA will discuss the test data it believes necessary to evaluate a significant new use of the substances. Test data should be developed according to TSCA good laboratory practices regulations at 40 CFR Part 792 published in the **Federal Register** of November 29, 1983 (48 FR 53923). EPA urges SNUR notice submitters to provide detailed information on human exposure that will result from the significant new use. In addition, EPA urges persons to submit information on potential benefits of the substances and information on risks posed by the substances compared to risks posed by substitutes.

X. Economic Analysis

The Agency has evaluated the potential costs of establishing significant new use reporting requirements for these substances. This evaluation is summarized below. The Agency's complete economic analysis is available in the public file.

The only direct costs that will occur as a result of promulgation of this SNUR will be the Agency's costs of issuing and enforcing the SNUR. It is estimated that the Agency costs of issuing a SNUR are from $11,284 to $20,488. The Agency may additionally incur enforcement costs, although these costs cannot be quantified at this time.

Following promulgation of the SNUR, the Agency believes there are three possible courses of action a company could take: (1) Produce or process the PMN substances for uses other than the new use and, therefore, not trigger the SNUR; (2) file a SNUR with information that demonstrates an ability to control exposures that will mitigate EPA's concerns; (3) not manufacture or process the PMN substances for the significant new use because of the restrictions imposed by the SNUR. The costs of these outcomes are summarized below.

Should a company decide to produce or process one or more of the PMN substances for uses other than the new use, it will not incur the cost of submitting a SNUR notice.

Should a company wish to manufacture, import, or process one or more of the PMN substances for the significant new use, it could be cost effective to file a SNUR notice with data which show that there are means of controlling exposures which could mitigate the Agency's concerns. In this case, the company would incur the cost of filing the SNUR notice ($1,375 to $7,950) and possibly the cost of some controls which ordinarily would not be used without the existence of the SNUR. These controls might involve engineering controls or personal protective equipment such as air-supplied respirators and protective clothing, or both. EPA costs following proposal of the SNUR, under this outcome, would include reviewing the SNUR notice ($6,865) and modifying the terms of the SNUR ($8,430) if the information provided showed that the Agency's concerns would be adequately addressed by use of a specific type(s) of exposure control.

Some companies could find the expense and uncertainty too great to justify the submission of a SNUR notice. Under this outcome a company would not incur any direct costs as a result of the SNUR. The company and society could then lose benefits that would have been derived from the manufacture, import, or processing of the three substances for the significant new use.

The Agency has not attempted to quantify the benefits of the proposed rule or of the outcomes. In general, benefits will accrue if the proposed action leads to the identification and control of unreasonable risk before significant health effects can occur. The issuance and promulgation of the SNUR provides the benefits of reduced health risks until production or processing

ceases. Furthermore, these benefits would continue regardless of the outcome chosen by industry in response to the SNUR.

XI. Confidential Business Information

Any person who submits comments which the person claims as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Any comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR Part 2. EPA requests that any party submitting confidential comments prepare and submit a sanitized version of the comments which EPA can place in the public file.

XII. Judical Review

When this proposed rule is promulgated, judicial review may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has its principal place of business. To provied all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA intends to promulgate this rule for purposes of judicial review two weeks after publishing the final rule in the **Federal Register**. The effective date will be calculated from the promulgation date.

XIII. Rulemaking Record

EPA has established a record for this proposed rulemaking (docket control number OPTS–50512). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following:

1. The PMNs for the substances.
2. The **Federal Register** notices of receipt of the PMNs.
3. The proposed SNUR for the substances.
4. The toxicity support document for the proposed SNUR.
5. The economic support document for the proposed SNUR.

The Agency will accept additional materials for inclusion in the record at any time between publication of this proposed rule and designation of the complete record.

EPA will identify the complete rulemaking record by the date of promulgation. A public version of this record containing sanitized copies from which CBI has been deleted is available to the public in the OTS Public Information Office, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. The Public Information Office is located in Rm. E–107, 401 M St., SW., Washington, D.C.

XIV. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "Major Rule" because it does not have an effect on the economy of $100 million or more, and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the annual cost of this rule, for the reasons discussed in Unit X of the preamble, EPA believes that the cost will be low. Even if EPA received 50 SNUR notices, the direct cost of the rule would be under one million dollars. In addition, because of the nature of the rule and the substances subject to it, EPA believes that there will be few significant new notices submitted. Further, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation which has high potential value. Finally, this SNUR may encourage innovation in safe chemical substances or highly beneficial uses.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule will not, if promulgated, have a significant impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this proposed rule are likely to be small businesses. However, EPA believes that few manufacturers, importers, or processors will submit SNUR notices. Therefore, although the costs of preparing a notice under this rule might be significant for some small businesses, the number of such businesses affected is not expected to be substantial.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2070–0012. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked Attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: December 19, 1984.

William D. Ruckelshaus,

Administrator.

PART 721—[AMENDED]

Therefore, it is proposed that Part 721 of Chapter I of Title 40 be amended as follows:

1. In Subpart A by adding the definition for "intumescent coatings" in alphabetic sequence to § 721.3 to read as follows:

§ 721.3 Definitions.

* * * * *

Intumescent coatings means chemical substances which when exposed to heat, form fire resistant or retardant coatings.

* * * * *

2. In Subpart B by adding a new § 721.560 to read as follows:

§ 721.560 Certain polyamino chemical substances.

(a) *Chemical substances and significant new use subject to reporting.* (1) The following chemical substances referred to by their PMN numbers and generic chemical names are subject to reporting under this section for the significant new use identified in paragraph (a)(2) of this section: P–81–69 Benzophenonetetracarboxylic acid dimethyl ester, reaction product with methylenedianiline and substituted pyridine; P–81–125 Benzophenonetetracarboxylic acid dimethyl ester, reaction product with methylenedianiline and alkylenediamine; and Benzophenonetetracarboxylic acid dimethyl ester, reaction product with methylenedianiline, alkylenediamine, and substituted pyridine.

(2) The significant new use is: use as or in intumescent coatings.

(b) [Reserved]

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

(Sec. 5, Pub. L. 94–469, 90 Stat. 2012 (15 U.S.C. 604))

[FR Doc. 84–33593 Filed 12–26–84; 8:45 am]
BILLING CODE 6560–50

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicles Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by Mercedes-Benz of North America, Inc. requesting the agency to amend Federal Motor Vehicle Safety Standard No. 108 so that vehicles manufactured after September 1, 1985, and intended for phase-out by the end of that year would not have to be equipped with center high-mounted stop lamps. The petition alleged that absence of the lamp would create no safety problem in the current vehicle mix. The petition was denied primarily because the requirement's effective date affords ample leadtime and can be met by industry in general.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–426–2153).

SUPPLEMENTARY INFORMATION: Each passenger car manufactured on or after September 1, 1985, must be equipped with a center high-mounted stop lamp. Mercedes-Benz of North America, Inc. filed a petition for rulemaking with NHTSA to amend the rule "so that carry-over model line vehicles may complete production after September 1, 1985 date but before December 31, 1985." This petition is essentially identical in intent to one filed by the Chrysler Corporation, which the agency denied on October 11, 1984 (49 FR 39872).

Specifically, Mercedes-Benz intends to discontinue its 300TD station wagon intending to build not more than 750 of them after August 31, 1985. Petitioner argues that the absence of the lamp will not create an unsafe condition.

The agency determined that an effective date of September 1, 1985, was practicable for the industry as a whole, and no cause has been shown that a delay of it until January 1, 1986, would be in the public interest. Indeed, NHTSA has amended the standard to allow immediate installation of the device for any manufacturer who wishes to do so. In the agency's view, the safety benefits to be derived through equipping all new cars with the device after September 1, 1985, were well-documented and discussed in the final rule. In setting the effective date, the agency considered thoroughly the costs that would be imposed by this rule on individual manufacturers. Specifically, the agency noted in the final rule that the effective date "represents an appropriate balance between minimizing the period in which center high-mounted stop lamps will have to be added to existing models instead of designed into new models beginning implementation of a very cost-effective requirement that will reduce accidents and injuries." The petitioner had not provided the agency with any cause to alter this conclusion.

At the conclusion of the technical review, the agency determined that there was not a reasonable possibility that at the end of the rulemaking proceeding Standard No. 108 would be amended to delay the effective date of requirements for the center high-mounted stop lamps and the petition was denied.

The program official and attorney principally responsible for the development of this agency position are Kevin Cavey and Taylor Vinson respectively.

(Secs. 103, 119, and 124, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407, and 1410a); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: December 21, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84–33612 Filed 12–26–84; 8:45 am]
BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 49, No. 250
Thursday, December 27, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meat Import Limitations; First Quarterly Estimate

Public Law 88–482, enacted August 22, 1964, as amended by Public Law 96–177 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when the Secretary of Agriculture estimates that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1985 by subsection 2(c) as adjusted under subsection 2(d) of the Act.

In accordance with the requirements of the Act, I have made the following estimates:

1. The estimated aggregate quantity of meat articles prescribed by subsection 2(c) as adjusted by subsection 2(d) of the Act for calendar year 1985 is 1,199 million pounds.

2. The first quarterly estimate of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1985 is 1,215 million pounds.

Done at Washington, D.C. this 21st day of December, 1984.

John R. Block,
Secretary.

[FR Doc. 84–33531 Filed 12–26–84; 8:45 am]
BILLING CODE 3410–10–M

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Fort Berthold Indian Reservation in North Dakota

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Fort Berthold Indian Reservation in North Dakota has been materially increased and become acute because of severe weather conditions and prolonged drought substantially reducing range forage and hay production, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Fort Berthold Indian Reservation for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the reservation will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of the tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through May 31, 1985, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, DC, on December 20, 1984.

Everett Rank,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84–33575 Filed 12–26–84; 8:45 am]
BILLING CODE 3410–05–M

Commodity Credit Corporation

Determination on Payments To and By CCC

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination.

SUMMARY: This notice of determination increases the amount from $3.00 or less to $9.99 or less that Commodity Credit Corporation (CCC) may disregard with respect to payments which are or may be due CCC or which are payable by CCC with respect to all CCC programs. This action is necessary because of the increased costs of doing business and to achieve effective money management.

EFFECTIVE DATE: December 27, 1984.

FOR FURTHER INFORMATION CONTACT: Henry A. Blicharz, ASCS, Fiscal Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013; (202) 447–6674.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in conformance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." This notice has been classified "not major" since it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs and prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and numbers of the Federal Domestic Assistance Programs to which this notice of determination applies are: Commodity Loans and Purchases, 10.051; Cotton Production Stabilization, 10.052; Feed Grain Production Stabilization, 10.055; Storage Facilities and Equipment Loans, 10.056; Wheat Production Stabilization, 10.058; Rice Production Stabilization, 10.065; Grain Reserve Program, 10.067; as listed in the Catalog of Federal Domestic Assistance.

This activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consulting with State and local officials.

See Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of determination with respect to the subject matter of this notice.

It is the policy of CCC to disregard small amounts which are or may be due or which are payable by CCC. Currently amounts of $3.00 or less are disregarded by State and country Agricultural Stabilization and Conservation Service (ASCS) offices, the Kansas City Management Office, and the Kansas City Commodity Office as a cost savings measured. (See, for example, 7 CFR 1421.25 and 1434.32.) The maximum amount of $3.00, which has been in effect since April 1950, no longer has the same cost savings advantage because it does not recognize the increased costs of doing business over the past 34 years.

Therefore, to regain the cost savings advantage, it is necessary to increase the amount which may be disregarded from $3.00 or less to $9.99 or less.

On August 22, 1984, a notice was published in the **Federal Register** (49 FR 33273) proposing an increase from $3.00 or less to $9.99 or less in the amount which CCC may disregard with respect to payments which are or may be due CCC or which are payable to CCC with respect to all CCC programs. Comments were solicited for a period of 30 days after publication of the notice of proposed determination. No comments were received during the comment period.

Determination

It has been determined that the amount which may be disregarded with respect to payments which are or may be due the Commodity Credit Corporation (CCC) or which are payable by CCC with respect to all CCC programs is increased from $3.00 or less to $9.99 or less. All CCC regulations to which this amendment is applicable is amended by rulemaking published elsewhere in this issue of the **Federal Register.**

Authority: Sec. 4, 60 Stat. 1070, as amended (15 U.S.C. 714b).

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

Everett Rank,

Executive Vice President, Comodity Credit Corporation.

[FR Doc. 84–33614 Filed 12–26–84; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10 a.m., Room 4B, January 22, 1985, at the Federal Building, 301 West Congress, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–629–6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

R.B. Tippeconnic,

Forest Supervisor.

December 14, 1984.

[FR Doc. 84–33536 Filed 12–26–84; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended December 14, 1984

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Dec. 10, 1984	42679	Eastern Air Lines, Inc., Miami International Airport, Miami, Florida 33148. Application of Eastern Air Lines, Inc., pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for amendment of its certificate of public convenience and necessity for Route 131 so as to authorize service between the terminal point Miami, Florida and the coterminal points Rio de Janeiro and Sao Paulo, Brazil. Conforming Applications, Motions to Modify Scope and Answers may be filed by January 7, 1985.
Dec. 11, 1984	42683	Ceskoslovenske Aerolinie, c/o Allan I. Mendelsohn, Ward & Mendelsohn, 1725 Eye Street, NW., Suite 310, Washington, D.C. 20006. Application of Ceskoslovenske Aerolinie pursuant to section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for amendment and/or renewal or continuation of its Foreign Air Carrier Permit so as to permit it to continue its on-going operations in scheduled foreign air transportation between the United States of America and the Czechoslovak Socialist Republic. Answers may be filed by January 8, 1984.
Dec. 12, 1984	42686	Societe Anonyme Belge D'Exploitation De La Navigation Aerienne (SABENA), c/o Ronald H. Cohen, 720 Fifth Avenue, New York, New York 10019. Application of Sabena pursuant to section 402 of the Act and Subpart Q of the Board's Procedural Regulations seeks a further amendment of its amended foreign air carrier permit so as to obtain authorization to engage in foreign air transportation as follows: Between a point or points in Belgium, via intermediate points, and the coterminal points Atlanta, Georgia; Boston, Massachusetts; Chicago, Illinois; Detroit, Michigan; and New York, New York, and beyond to any point or points in Canada and/or Mexico, with respect to persons, property and mail. Answers may be filed by January 9, 1985.
Dec. 13, 1984	42690	American Airlines, Inc., P.O. Box 61616, DFW Airport, Texas 75261. Application of American Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for amendment of its certificate of public convenience and necessity for Route 137 authorizing it to provide service between the United States and certain points in foreign countries located in the Caribbean area. Answers may be filed by December 27, 1984.
Dec. 14, 1984	42694	Northwest Airlines, Inc., Minneapolis/St. Paul International Airport, St Paul, Minnesota 55111. Application of Northwest Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a new or amended certificate of public convenience and necessity to permit Northwest to provide air transportation services between the Guam/Mariana Islands and Japan. Conforming Applications, Motions to Modify Scope and Answers may be filed by January 11, 1985.

Phyllis T. Kaylor,

4Secretary.

[FR Doc. 84–33664 Filed 12–26–84; 8:45 am]

Billing Code 6320–01–M

[Docket 42631]

Ports of Call Travel Club, Inc.; Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 8, 1985, at 10:00 a.m. (local time) in Room 2155, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C., 20410, before the undersigned administrative law judge.

Dated at Washington, D.C., December 19, 1984.

Ronnie A. Yoder,
Administrative Law Judge.

[FR Doc. 84-33663 Filed 12-26-84; 8:45 am]
BILLING CODE 6320-01-M

Closing of Docket Section January 2-4, 1985

By letter dated December 14, 1984, the Department of Transportation has advised the Board that, as part of its planning for a smooth transition from CAB to DOT, the Department has decided to close the Documentary Services Division (including the Docket Section) from January 2 through 4, 1985. This action will facilitate an orderly move and give the personnel of that Division an opportunity to get organized for the resumption of its operations at the Department on January 7. DOT has therefore requested the Board to defer all procedural dates falling due during that period.

To facilitate an orderly transfer of functions, the Board has decided to grant the Department of Transportation's request. Accordingly, all interested persons are hereby notified that the Department of Transportation's Documentary Services Division (including the Docket Section) will be closed from January 2 through 4, 1985. The due dates for any applications, pleadings, or other filings in any Board proceeding pending on December 31, 1984, which would otherwise fall into the period January 2 through 4, 1985, are hereby extended to January 7, 1985.

The Department has also advised that, as the Documentary Services Division will be closed, no new filings or applications will be accepted during this period, except in emergency circumstances. The Office of the Assistant General Counsel for Regulations and Enforcement (Room 10424, telephone 426-4723) will accept emergency filings by a person that reasonably believes that it would be injured by its inability to file or make application during the period January 1 through 4, 1985. Such filings will only be accepted, however, in what appear to be true emergency situations. Any such filings should be accompanied by a motion for leave to file explaining in detail the nature of the emergency and why the filing could not be held until January 7.

This notice will be published in the **Federal Register.**

Dated at Washington, D.C., December 20, 1984.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-33666 Filed 12-2-84; 8:45 am]
BILLING CODE 6320-01-M

[Order 84-12-57 ; Docket 41958]

Application of Bering Air, Inc.; for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause, (Order 84-12-57, Docket 41958.

SUMMARY: The Board is directing all interested persons to show cause why it should not issue an order granting Bering Air, Inc. a certificate of public convenience and necessity to engage in scheduled interstate and overseas air transportation within Alaska.

DATE: All interested persons wishing to respond to the show-cause order shall file and serve upon all persons listed below no later than December 27, 1984, a statement of objections, together with a summary of the testimony, statisitcal data, and other material expected to be relied upon to support the objections.

ADDRESSES: Responses should be filed in docket 41958 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon parties listed in Appendix B to the order. Responses filed after that date should be addressed to Documentary Services Division, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete test of Order 84-12-57 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-12-57 to that address.

By the Civil Aeronautics Board: December 18, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-33665 Filed 12-26-84; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

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.

DATE: Comments on this application must be submitted on or before January 16, 1985.

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 84-00037."

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 (March 11, 1983) (codified at 15 CFR Part 325). A certificate of review protests 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 meets 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: Sealaska Timber Corporation (STC), 400 Mission Street, Ketchikan, Alaska 99901, Telephone: 907–225–9444

Application #: 84–00037

Date Received: December 7, 1984

Date Deemed Submitted: December 13, 1984

Members in Addition to Applicant: Sealaska Corporation of Juneau, Alaska

Controlling Entity: Sealaska Corporation of Juneau, Alaska

Summary of the Application

A. Export Trade and Export Trade Services

The Applicant expects to export round logs, wood chips, logs, cants and flitches, and similarly processed wood products, dimensional (milled) lumber, pulp, pulpwood, wood shavings, saw dust, sawlogs, in all grades and all sizes, including the following woods: Spruce, hemlock, red cedar and other woods found in Alaska. To facilitate Export Trade, the applicant intends to provide the following Export Trade Services: Consulting; international market research, advertising; marketing; insurance; product research and design, exclusively for export; legal assistance; transportation, including trade documentation and freight forwarding; communication and processing of foreign orders; warehousing; foreign exchange; financing; and taking title to goods.

B. Export Markets

The Export Markets include all parts of the world except the United States, (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

C. Export Trade Activities and Methods of Operation

The Applicant desires certification to enter into and enforce exclusive contracts with both distributors and suppliers ("clients") of Export Trade, including becoming an exclusive agent for domestic manufacturers and other Suppliers of the products and providing Export Trade Services and also becoming an exclusive supplier to other distributors or purchasers of the products, including foreign distributors, purchasers or agents. The Applicant also seeks certification to respond to overseas bids, either individually or by joint bidding with domestic competitors, other trading companies and other suppliers engaged in Export Trade and, in so responding, to determine prices, quantities, territories and customers for export sales. The Applicant will receive some information from clients as to the client's costs, production levels, deliverability, etc. The applicant seeks Certificate of Review protection for any information incidentally transferred during its Export Trade Activities.

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.

December 21, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84–33659 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–DR–M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Quality Exporters, Inc. This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this amendment. 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 the certificate as "Export Trade Certificate of Review, application number 84–00032"

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 ("the Act") (Pub. L. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595–10604 (March 11, 1983) (to be 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 government criminal and civil suits under federal and state antitrust laws for the export conduct 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 meets 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 15937–15940 (April 13, 1983).

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Quality Exporters on September 25, 1984. The application was deemed submitted on September 27, 1984. A summary of the application was published in the **Federal Register** on October 10, 1984 (49 FR 39709–39710 (1984)).

Description of Certified Conduct

Based on analysis of the application and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Quality Exporters meet the four standards of the Act:

Quality Exporters, Inc.—Application No. 84–00032. Members: Hankins Lumber Company, Inc., Granada, MS; Hankins Lumber Sales, Inc., Granada, MS; and Logging Industries, Inc., Granada, MS.

Export Trade

a. *Products:* Wood chips, logs, pulpwood, tree and wood bark, wood shavings, saw dust, treated wood products, all forms of lumber in all grades and all sizes, including all hardwoods and all softwoods (the "Products").

b. *Services* (Consulting; international market research; advertising; marketing; insurance; product research and design, exclusively for export; legal assistance; transportation, including trade documentation and freight forwarding; communication and processing of foreign orders; warehousing; foreign exchange, financing; and taking title to goods) in connection with the foregoing Products (the "Related Services").

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. Quality Exporters may purchase and take title to Products from individual U.S. Suppliers for resale in the Export Markets, and provide Related Services to individual U.S. Suppliers for export sales.

2. Quality Exporters may enter into agreements with individual Suppliers of Products and Related Services wherein:

a. Quality Exporters agrees to serve as the exclusive Export Intermediary for Products and Related Services in any Export Market and, in addition, may agree not to represent any competitors of such Supplier for Products and Related Services in any Export Market unless authorized by the Supplier; and/or

b. The Supplier agrees not to sell, directly or indirectly through any other Export Intermediary, into the Export Markets in which Quality Exporters exclusively represents the Supplier as an Export Intermediary.

3. Quality Exporters may enter into exclusive agreements with Export Intermediaries whereby:

a. Quality Exporters agrees to deal in Products and Related Services in the Export Markets only through that Export Intermediary; and/or

b. That Export Intermediary agrees not to represent Quality Exporters' competitors in the sale of Products and Related Services in any Export Markets, and/or not to buy Products and Related Services from Quality Exporters' competitors for resale in any Export Markets.

4. The agreements described in paragraphs (2) and (3) above may contain price, territorial, quantity, and customer restrictions for the Export Markets.

5. Quality Exporters may enter into agreements with customers of Products and Related Services located in any Export Market under which Quality Exporters agrees to sell Products and Related Services in the Export Markets only to that customer and/or such customer agrees not to purchase Products and Related Services from Quality Exporters' competitors.

6. With respect to invitations to bid or sales opportunities in the Export Markets, Quality Exporters may respond individually to the bid invitation or request for quotation, or may:

a. Contact separately U.S. Suppliers of the Products and Related Services

specified in the invitation to bid or the purchase specifications;

b. Distribute, subject to Term and Condition "(a)" below, to Suppliers separately information about the bid, bid requirements, bidding dates, purchase specifications and any other information necessary in order for Quality Exporters to compile a responsive bid;

c. Solicit and receive independent quotations for the Products and Related Services from Suppliers separately, provided Quality Exporters does not reveal to any Supplier the quotation of any other Supplier or the identity of the Supplier that provided the quotation;

d. Enter into agreements with individual Suppliers whereby Quality Exporters will submit a response to the bid invitation or request for quotation; in so responding, Quality Exporters may determine the prices, quantities, territories and/or customers for export sales in the Export Markets;

e. Any combination of (a) through (d) above.

7. Quality Exporters may discuss with Suppliers individually the price that Quality Exporters will charge in the Export Markets for that Supplier's Products and Related Services, the Supplier's volume of Products to be sold in the Export Markets, delivery dates and other information necessary to arrange and complete export sales of Products and Related Services.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register.** Under section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling 202–377–3031.

Dated: December 21, 1984.

Irving P. Margulies,

General Counsel

[FR Doc. 84–33660 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–DR–M

Minority Business Development Agency

Financial Assistance Applications; Little Rock, AR

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85011–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first eleven (11) months is estimated at $171,417 for the project performance of 05–1–85 to 03–31–86. The MBDC will operate in the Little Rock, Arkansas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $145,704 in Federal funds and a minimum of $25,713 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The finding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of applications kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33554 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Denver, CO

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 08–10–85019–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at *$432,598* for the project performance of *05–1–85 to 06–30–86.* The MBDC will operate in the Denver, Colorado Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $367,708 in Federal funds and a minimum of $64,890 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDC supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDC Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33555 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Baton Rouge, LA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85017–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3–year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $218,167 for the project performance of 05–1–85 to 06–30–86. The MBDC will operate in the Baton Rouge, Louisiana Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $185,442 in Federal funds and a minimum of $32,725 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3–year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33558 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; New Orleans, LA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85023–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $526,167 for the project performance of 05–1–85 to 06–30–86. The MBDC will operate in the New Orleans, Louisiana Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $447,242 in Federal funds and a minimum of $78,925 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33556 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Shreveport, LA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85013–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first eleven (11) months, is estimated at $171,417 for the project performance of 05–1–85 to 03/31/86. The MBDC will operate in the Shreveport, Louisiana Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $145,704 in Federal funds and a minimum of $25,713 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33557 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Albuquerque, NM

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85015–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3–year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $414,951 for the project performance of 05–1–85 to 06–30–86. The MBDC will operate in the Albuquerque, New Mexico Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $352,708 in Federal funds and a minimum of $62,243 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33559 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications, Oklahoma City, OK

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85024–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3–year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $218,167 for the project performance of 05–1–85 to 06–30–86. The MBDC will operate in the Oklahoma City, Oklahoma Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $185,442 in Federal funds and a minimum of $32,725 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3–year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33561 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Tulsa, OK

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85014–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first eleven (11) months is estimated at $171,417 for the project performance of *05–1–85 to 03–31–86.* The MBDC will operate in the Tulsa, Oklahoma Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $145,704 in Federal funds and a minimum of $25,713 in non-Federal funds (which can be a combination of

cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and education institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority business that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33560 Filed 12–26–84; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Applications; Austin, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85016–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $320,833 for the project performance of 05–1–85 to 06–30–86. The MBDC will operate in the Austin, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $272,708 in Federal funds and a minimum of $48,125 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continue funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33566 Filed 12–26–84; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Applications; Beaumont, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85018–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $218,167 for the project performance of *05–1–85 to 06–30–86.* The MBDC will operate in the Beaumont, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $185,442 in Federal funds and a minimum of $32,725 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resouces available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and appliable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33568 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Brownsville, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85006–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first eight (8) months is estimated at $183,333 for the project performance of 05–1–85 to 12–31–85. The MBDC will operate in the Brownsville, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $155,833 in Federal funds and a minimum of $27,500 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDC supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDC based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33563 FIled 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Corpus Christi, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85010–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first eleven (11) months is estimated at $252,084 for the project performance of *05–1–85 to 03–31–86.* The MBDC will operate in the Corpus Christi, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $214,271 in Federal funds and a minimum of $37,813 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is *January 27, 1985.* Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33564 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; El Paso, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85008–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first eight (8) months is estimated at $300,667 for the project performance of *05–1–85 to 12/31/85.* The MBDC will operate in the El Paso, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $185,442 in Federal funds and a minimum of $32,725 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33562 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Houston, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85009–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first eight (8) months is estimated at $513,333 for the project performance of 05–1–85 to 12–31–85. The MBDC will operate in the Houston, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $436,333 in Federal funds and a minimum of $77,000 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of business. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33569 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Laredo, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85020–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $218,167 for the project performance of 05–1–85 to 06–30–86. The MBDC will operate in the Laredo, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $185,442 in Federal funds and a minimum of $32,725 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33570 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; McAllen, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 06–10–85022–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $320,833 for the project performance of *05–1–85 to 06–30–86.* The MBDC will operate in the McAllen, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $272,708 in Federal funds and a minimum of $48,125 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competiton is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resoruces on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Comerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33565 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; San Antonio, TX

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice]—Project No.: 06–10–85021–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Buiness Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first fourteen (14) months is estimated at $526,167 for the project performance of 05–1–85 to 06–30–86. The MBDC will operate in the San Antonio, Texas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $447,242 in Federal funds and a minimum of $78,925 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3–year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing date: The closing date for application is January 27, 1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242–0790, 214/767–8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development) (Catalog of Federal Domestic Assistance)

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84–33567 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Applications; Salt Lake City, UT

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice—Project No.: 08–10–85012–01.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3–year period, subject to available funds. The cost of performance for the first eleven (11) months is estimated at $171,417 for the project performance of 05–1–85 to 03–31–86. The MBDC will operate in the Salt Lake City, Utah Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $145,704 in Federal funds and a minimum of $25,713 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an exsiting office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing date: The closing date for application is January 27,1985. Applications must be postmarked on or before January 27, 1985.

ADDRESS: MBDA Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242-0790.

FOR FURTHER INFORMATION CONTACT: Irene Campos, Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242-0790, 214/767-8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Melda Cabrera,

Acting Regional Director, MBDA Dallas Regional Office.

December 20, 1984.

[FR Doc. 84-33571 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Issuance of General Permit; Embassy at the Polish People's Republic

On December 17, 1984, a general permit to incidentally take marine mammals during commercial fishing operations in 1984 was issued to:

The Embassy of the Polish People's Republic, New York, New York 10017

in Category 1: Towed or Dragged Gear, to take 40 northern sea lions, 30 harbor seals and 24 small cetaceans.

All takings are incidental to commercial fishing operations within the U.S. Fishery Conservation Zone, pursuant to 50 CFR 216.24.

This general permit is available for public review in the office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: December 17, 1984.

Richard B. Roe,

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

[FR Doc. 84-33537 Filed 12-26-84; 8:45 am]

BILLING CODE 3570-22-M

Application for General Permit; Scan Ocean, Inc.

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. Fishery Conservation Zone during 1985 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

Applicant: Scan Ocean, Inc., 42 Rogers Street, Gloucester, Massachusetts 01930

has applied on behalf of fishing companies of the Netherlands for a Category 1: Towed and Dragged Gear general permit to take up to 15 small cetaceans and 5 harbor seals in the North Atlantic Ocean.

This application is available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written comments on this application within thirty (30) days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: December 12, 1984.

Richard B. Roe,

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

[FR Doc. 84-33538 Filed 12-26-84; 8:45 am]

BILLING CODE 3570-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing and Import Level for Certain Cotton Textile Products Produced or Manufactured in Mauritius

December 20, 1984.

On November 15, 1984, a notice was published in the **Federal Register** (49 FR 54208) announcing that, on October 31, 1984, the United States Government, under section 204 of the Agricultural Act of 1956, as amended, (7 U.S.C. 1854), had requested that the Government of Mauritius enter into consultations concerning exports to the United States of men's and boys' cotton shirts in Category 340, produced or manufactured in Mauritius.

Background

The purpose of this notice is to advise that the two governments have agreed to hold consultations in early 1985. The Committee for the Implementation of Textile Agreements (CITA) has decided, in order to prevent market disruption in the meantime, to control imports in Category 340, exported during the twelve month period which began on October 31, 1984 and extends through October 30, 1985 at level of 100,756 dozen. Should a different solution be reached in consultations, further notice will be published in the **Federal Register.**

Accordingly, the letter published below the Chairman of the Committee for the Implementation to Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption of cotton textile products in Category 340, exported during the twelve-month period which began on

October 31, 1984 in excess of 100,756 dozen.

EFFECTIVE DATE: December 27, 1984.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 20, 1984.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: 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; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 2 and 5, 1981, as amended, between the Governments of the United States and Mauritius; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on December 27, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 340, produced or manufactured in Mauritius and exported during the twelve-month period which began on October 31, 1984 and extends through October 30, 1985, in excess of 100,756 dozen.[1]

Textile products in Category 340 which have been exported to the United States prior to October 31, 1984 shall not be subject to this directive.

Textile products in Category 340 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 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 26822), 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 this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84–33549 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–DR–M

Announcing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Mexico, Effective on January 1, 1985

December 21, 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 January 1, 1985. For further information contact Ann Fields, International Trade Specialist (202) 377–4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, between the Governments of the United States and Mexico, establishes specific limits for Categories 335, 338/339, 347/348, 359PT (other than diapers) 663, 634/635, 638/639, 641, 647/648, and 649 produced or manufactured in Mexico and exported during 1985. In addition, it provides consultation levels for categories not subject to specific limits, such as Categories 300/301, 336, 341, 433, 444, 604 and 604 pt(plied acrylic spun yarn) and 632 which are not subject to specific limits and which may be adjusted during the agreement year. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories in excess of the designated twelve-month restraint limits. The limit for Category 347/348 has been adjusted to account for carryforward used in 1984 in the amount of 53,317 dozen.

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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1984.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of Sections 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; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979 as amended and extended, between the Governments of the United States and Mexico; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Mexico and exported during 1985, in excess of the restraint limits indicated below:

Category	12-month restraint limit
335	48,147 dozen.
336	22,075 dozen.
338/339	552,352 dozen.
341	68,966 dozen.
347/348	950,823 dozen of which not more than 570,494 dozen shall be in Category 347 and not more than 570,494 dozen shall be in Category 348.
359pt[1]	963,000 pounds.
433	5,556 dozen.
443	1,852 dozen.
444	1,852 dozen.
604	2,500,000 pounds.
604pt[2]	750,000 pounds.
632	152,174 dozen pairs.
633	70,476 dozen.
634/635	401,760 dozen of which not more than 241,057 dozen shall be in Category 634 and not more than 241,057 dozen shall be in Category 635.
638/639	19,319,551 square yards equivalent of which not more than 643,985 dozen shall be in Category 638 and not more than 772,782 dozen shall be in Category 639.
641	398,027 dozen.
647/648	1,483,234 dozen of which not more than 889,940 dozen shall be in Category 647 and not more than 889,940 dozen shall be in Category 648.
649	3,416,262 dozen.

[1] In Category 359, all TSUSA numbers except 383.5099.
[2] In Category 604, only TSUSA number 310.5049.

In carrying out this directive, entries of textile products in the foregoing categories, except Categories 338/339, 633, 634/635, 638/639, produced or manufactured in Mexico, which have been exported on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any

unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the levels of restraint established for these categories have been exhausted by previous entries, such goods shall be subject to this directive. Textile products in Categories 338/339, 633, 634/635, 638/639, and 649 which have been exported before January 1, 1985 shall not be subject to this directive.

The 1985 levels are subject to adjustment in the future according to the provisions of the bilateral agreement of February 26, 1979, as amended and extended, between the Governments of the United States and Mexico, which provide in part, that: (1) Specific limits or specific sublimits may be exceeded by not more than seven percent for swing in any agreement period; (2) these same levels may be adjusted for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. number 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).

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. 84-33676 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines, Effective on January 1, 1985

December 21, 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 January 1, 1985. For further information contact Jane Corwin, International, Trade Specialist (202) 377-4212.

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines establishes limits for certain cotton, wool and man-made fiber textile products in Categories 331, 333/334, 335, 336, 337, 338/339, 340, 341, 342, 374, 348, 352, 359, 400, 431, 433, 443, 445/446, 604, 631, 635, 636, 637, 638/639, 640, 641, 642, 645/646, 647, 648, 649, 652, and 659, among other categories which have been produced or manufactured in the Philippines and exported during the agreement year beginning on January 1, 1985 and extending through December 31, 1985. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the aforementioned categories, in excess of the designated restraint limits and which have been exported during that twelve-month period. The limits for Categories 333/334, 335NT, 338/339, 340, 341T, 347, 348NT, 433, 445/446, 631pt. (only work gloves in TSUSA numbers, 7045.3215, 704.8525, and 704.9000), 635NT, 636NT, 645/646NT, 648NT., and 652NT have been adjusted to account for carryforward used in 1984. The limit for Category 645/646NT has been further reduced to account for overshipments amounting to 5,000 dozen.

Certain categories not subject to specific limits may be adjusted during the year upon agreement between the two govermnents.

A description of the textile categories in terms if 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 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 27454), and November 9, 1984 (49 FR 44782).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenhan,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1984.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of Sections 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; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982 as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions in Exeuctive Order 11651 of March 1972 3, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in the Philippines and exported during 1985, in excess of the indicated restraint limits:

Category	12-month restraint limit
331	678,234 dozen pairs.
333/334	84,260 dozen.
335T	40,984 dozen.
335NT	38,057 dozen.
336T	442,847 dozen.
336NT	31,072 dozen.
337T	383,563 dozen.
337NT	47,393 dozen.
338/339	838,294 dozen.
340	262,809 dozen.
341T	75,696 dozen.
341NT	101,954 dozen.
342T	54,336 dozen.
342NT	61,052 dozen.
347	273,552 dozen.
348T	231,320 dozen.
348NT	243,627 dozen.
352T	87,925 dozen.
352NT	110,715 dozen.
359T	1,216,686 dozen.
359NT	1,139,256 pounds.
400	118,473 square yards equivalent.
431	58,125 dozen pairs.
433	3,278 dozen.
443	2,283 dozen.
445/446	17,404 dozen.
604	2,356,939 pounds.
631pt.[1]	1,910,420 dozen pairs.
631pt.[2]	404,000 dozen pairs.
635T	39,845 dozen.
635NT	236,478 dozen.
636T	1,093,049 dozen.
636NT	45,716 dozen.
637T	656,266 dozen.
637NT	45,408 dozen.
638/639	913,868 dozen.
640	112,106 dozen.
641T	80,949 dozen.
641NT	200,551 dozen.
642T	54,336 dozen.
642NT	62,901 dozen.
645/646	93,458 dozen.
646T	268,206 dozen.
647	101,558 dozen.
648T	198,702 dozen.
648NT	61,081 dozen.
649	4,137,248 dozen.
652T	60,449 dozen.
652NT	632,870 dozen.
659T	3,991,399 dozen.
659NT	1,563,500 dozen.

[1] In Category 631, all TSUSA numbers except 704.3215, 704.8525, and 704.9000.
[2] In Category 631, only TSUSA numbers 704.3215, 704.8525 and 704.9000.

In carrying out this directive, entries of textile products in the foregoing categories, except Categories 400, 638/639, 640 and 647 which have been exported to the United States during the period beginning on January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the levels of

restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 400, 636/639, 640, and 647 that have been exported prior to January 1, 1985 shall not be subject to this directive.

The 1985 restraint limits are subject to adjustment according to the provisions of the bilateral agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines which provide, in part, that: (1) Specific levels of restraint may be exceeded during the agreement year by designated percentages; (2) specific levels of restraint may be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

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 57548), 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. 84-33677 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in Singapore Effective on January 1, 1985

December 21, 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 January 1, 1985. For further information contact Jane Corwin, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, establishes specific limits for cotton and man-made fiber textile products in Categories 333/334/335, 338/339, 340, 341, 347/348, 604, 638/639, and 641, produced or manufactured in Singapore and exported during the twelve-month period beginning on January 1, 1985. It also provides consultation levels for certain categories, such as Categories 301, 331, 336, 359, 445/446, and 636 among others, which may be adjusted during the agreement year upon agreement between the two governments.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directs that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber textile products in Categories 301, 331, 333/334/335, 336, 338/339, 340, 341, 347/348, 359, 445/446, 604, 636, 638/639, and 641 be limited to the designated levels of restraint. The limits for Categories 341, 604, and 641 have been reduced to account for carryforward used in 1984.

Merchandise in Category 604 exported during 1984 which exceeded the limit established for it in 1984 will be permitted entry for consumption, or withdrawal from warehouse for consumption, in the first five months of 1985 in amounts not to exceed twenty percent per month of the 1985 base limit for the category. Merchandise exported in 1984 and 1985 will not be permitted to exceed the 1985 base 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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements

December 21, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC.

Dear Mr. Commissioner: 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; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 18, 1982, as amended and extended, between the Governments of the United States and Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in categories, produced or manufactured in Singapore, and exported during 1985, in excess of the indicated levels of restraint:

Category	12-month level of restraint
301	217,391 pounds.
331	200,000 dozen pairs.
333/334/335	211,065 dozen of which not more than 12,137 dozen shall be in Cat. 333; not more than 64,079 dozen shall be in Cat. 334; and not more than 166,510 dozen shall be in Cat. 335.
336	15,453 dozen.
338/339	703,551 dozen of which not more than 399,863 dozen shall be in Cat. 338 and not more than 468,459 dozen shall be in Cat. 339.
340	492,486 dozen.
341	92,070 dozen.
347/348	703,551 of which not more than 605,932 dozen shall be in Cat. 347 and not more than 273,505 dozen shall be in Cat. 348.
359	152,174 pounds.
445/446	20,000 dozen.
604	1,260,654 pounds.
636	15,453 dozen.
638/639	3,345,256 dozen.
638	418,157 dozen.
641	126,720 dozen.

In carrying out this directive, entries of textile products in the foregoing categories, except Categories 359 and 638/639, which have been exported to the United States on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the levels established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter with the exception indicated below for Category 604. Textile products in Categories 359 and 638/639 exported before January 1, 1985 shall not be subject to this directive.

Merchandise exported in 1984 in Category 604 which is in excess of its 1984 limit shall be permitted entry into the United States for consumption, or withdrawal from warehouse for consumption, in the following amount during each month of the January through May 1985 period:

Category	Amount to be entered per month
604	267,411 dozen.

The amount of 1984 shipments entered in 1985 in the foregoing category, plus goods

exported during 1985 which are entered for consumption or withdrawn from warehouse for consumption in the United States, shall not together exceed the limit established for such goods during 1985.

The 1985 levels are subject to adjustment in the future according to the provisions of the bilateral agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by certain designated percentages; (2) specific levels may be increased by carryover and carryforward up to 11 percent of the applicable category limit and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

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).

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. 84-33678 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Establishing Import Restraint Limits for Certain Cotton, Wool, and Man-Made Fiber Textile Products from Taiwan Effective on January 1, 1985

December 21, 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 January 1, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377-4212.

Background

The bilateral agreement of November 18, 1982 concerning cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan, establishes specific ceilings, among other categories, for Categories 313, 314, 315, 317, 319, 320, 331, 333/334, 335, 336, 337, 338/339, 340, 341, 342, 345, 347/348, 350, 351, 353/354/653/654, 433, 434, 435, 444, 445/446, 447, 448, 604, 612, 613, 631, 633/634/635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645/646, 647, 648, 650, 659, 669 and 670, produced or manufactured in Taiwan and exported during the twelve-month period beginning on January 1, 1985. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption or withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber textile products in the foregoing categories be limited to the designated amounts during the agreement year which begins on January 1, 1985.

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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: 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; pursuant to the Bilateral textile agreement of November 18, 1982, concerning cotton, wool and man-made fiber textile products from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Taiwan and exported during 1985, in excess of the indicated restraint limits:

Category	12-month restraint limit
313	44,171,795 square yards.
314	3,356,719 square yards.
315	27,745,828 square yards.
317	18,855,349 square yards.
319	19,014,219 square yards.
320	83,858,862 square yards.
331	477,748 dozen pairs.
333/334	67,564 dozen.
335	80,797 dozen.
336	82,454 dozen.
337	137,724 dozen.
338/339	576,319 dozen.
340	651,009 dozen.
341	377,111 dozen.
342	183,935 dozen.
345	86,151 dozen.
347/348	936,562 dozen of which not more than 459,976 dozen shall be in Cat. 347 and not more than 742,569 dozen shall be in Cat. 348.
350	94,674 dozen.
351	306,004 dozen.
353/354/653/654	226,038 dozen.
359pt [1]	947,730 pounds.
433	12,465 dozen.
434	9,204 dozen.
435	19,812 dozen.
444	14,642 dozen.
445/446	127,552 dozen.
447	5,367 dozen.
448	11,782 dozen.
604	475,284 pounds.
612	9,455,625 square yards.
613	28,179,169 square yards.
631pt. (only TSUSA no. 704.3215, 704.8525 704.9000).	205,000 dozen pairs.
633/634/635	1,524,881 dozen of which not more than 1,005,683 dozen shall be in Cat. 633/634 and not more than 747,929 dozen shall be in Cat. 635.
636	309,934 dozen.
637	346,225 dozen.
638	1,642,951 dozen.
639	5,033,179 dozen.
640	3,286,910 dozen.
641	710,781 dozen.
642	588,374 dozen.
643	44,582 dozen.
644	159,947 dozen.
645/646	4,006,523 dozen.
647	2,450,515 dozen.
648	3,120,624 dozen.
650	44,089 dozen.
659pt. [2]	3,441,815 pounds.
659pt. [3]	1,777,653 pounds.
669pt. [4]	1,045,789 pounds.
669pt. [5]	525,313 pounds.
669pt. [6]	1,707,377 pounds.
670pt. [7]	64,500,000 pounds.
670pt. [8]	38,000,000 pounds.
670pt. [9]	3,600,000 pounds.

[1] In Category 359, only TSUSA numbers 379.0258, 379.0654, 379.3949, 379.5700, 379.5820, 383.0648, 383.0652, 383.4200 and 383.4220.

[2] In Category 659, only T.S.U.S.A. numbers 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560 and 703.1000.

[3] In Category 659, only T.S.U.S.A. number 703.1610, 703.1620, 703.1630, 703.1640, and 703.1050.

[4] In Category 669, only TSUSA numbers 355.4520 and 355.4530.

[5] In Category 669, only TSUSA number 385.5300.

[6] In Category 669, only TSUSA numbers 386.1105 and 389.6210.

[7] In Category 670, only TSUSA numbers 706.4144 and 706.4152.

[8] In Category 670, only TSUSA number 706.4140.

[9] In Category 670, only TSUSA number 706.3900.

In carrying out this directive, entries of textiles products in the foregoing categories, except Category 670 pt. which have been exported to the United States on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that

period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Merchandise in Category 679pt. which has been exported before January 1, 1985 shall not be subject to this directive.

In 1985 restraint limits are subject to adjustment pursuant to the provisions of the agreement of November 18, 1982, which provide, in part, that: (1) Specific limits or sublimits may be exceeded by certain designated percentages, provided a corresponding reduction in equivalent square yards is made in one or more specific limits or sublimits during the same agreement year; (2) certain specific limits and sublimits may be increased for carryforward; (3) special shift may be applied to certain categories, provided an equal amount in square yards equivalent is deducted from designated categories; and (4) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilaterial agreement, referred to above, will be made to you by letter.

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).

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. 84–33675 Filed 12–26–84; 8:45 am]

BILLING CODE 3510-DR-M

Import Restraint Limits for Certain Wool and Man-Made Fiber Apparel Products Produced or Manufactured in the Socialist Federal Republic of Yugoslavia Effective on January 1, 1985

December 21, 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 January 1, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377–4212.

Background

On February 21 and 27, 1984, the Governments of the United States and the Socialist Federal Republic of Yugoslavia exchanged diplomatic notes further extending their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 26 and 27, 1984, as amended, and extended, for two years, dating from January 1, 1984 and extending through December 31, 1985. The extended agreement establishes a specific limit of 7,373 dozen for women's, girls' and infants' wool suits in Category 444 and 20,140 dozen for men's and boys' wool and man-made fiber suits in Category 643/443, produced or manufactured in Yugoslavia and exported during the agreement year which began on January 1, 1985, and a sub-limit of 8,282 dozen for Category 443 exported during the same time period.

The letter published below directs the Commissioner of Customs to prohibit entry for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in category 444 and 643/443 in excess of the designated limits.

The letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

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 21, 1984.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: 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; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 26 and 27, 1978, as amended and extended, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in Yugoslavia and exported during the twelve-month period beginning on January 1, 1985, in excess of the indicated restraint limits:

Category	12-month restraint limit
444	7,373 dozen.
443/643	20,140 dozen of which not more than 8,282 dozen shall be in Category 443.

In carrying out this directive, entries of wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Yugoslavia, which have been exported to the United States on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the restraint limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of October 26 and 27, 1978, as amended and extended, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide, in part, that (1) within the group limit the specific limits may be exceeded by five percent in any agreement period; (2) the group limit may be exceeded for carryover and carryforward not to exceed 11 percent of the applicable limit; and (3) up to 67% of the carryover and carryforward applied to the group limit may be applied to the Category 443 limit.

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).

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. 84–33679 Filed 12–26–84; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton Textiles and Cotton Textile Products Produced or Manufactured in Egypt, Effective January 1, 1985

December 21, 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 January 1, 1985. For further information contact Ross Arnold, International Trade Specialist (202) 377–4212.

Background

The Bilateral Cotton Textile Agreement of December 7 and 28, 1977, as amended and extended, between the Governments of the United States and the Arab Republic of Egypt establishes specific limits for carded and combed yarn in Categories 300 and 301, sheeting in Category 313, and twills and sateens in Category 317 produced or manufactured in Egypt and exported during 1985. Flexibility in the form of swing and carryforward is available for application to these categories, except that there will be no swing between Categories 300 and 301. The limits for Categories 300 and 301 have been adjusted to account for carryforward used in 1984 in the amount of 23,012 pounds for Category 300 and 57,462 pounds for Category 301.

Merchandise in Category 301 exported during 1984 which exceeded the limit established for it in 1984 will be permitted entry for consumption, or withdrawal from warehouse for consumption, in the first five months of 1985 in amounts not to exceed twenty percent per month of the 1985 base limit for this category. Merchandise exported in 1984 and 1985 will not be permitted to exceed the 1985 base limit.

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 21, 1984.

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

Dear Mr. Commissioner: 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; pursuant to the Bilateral Cotton Textile Agreement of December 7 and 28, 1977, as amended and extended, between the Governments of the United States and the Arab Republic of Egypt; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton products in Categories 300/301, 313, and 317 produced or manufactured in Egypt and exported during the twelve-month period which begins on January 1, 1985, in excess of the following restraint limits:

Category	12-month restraint limits
300/301	8,500,000 pounds of which not more than 7,286,988 pounds shall be in Category 300 and not more than 1,132,538 pounds shall be in Category 301.
313	13,312,500 square yards.
317	7,135,500 square yards.

In carrying out this directive, entries of cotton textiles and cotton textile products in the foregoing categories, produced or manufactured in Egypt, which have been exported to the United States on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the limits established during that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive, with the exception noted below for Category 301.

Merchandise exported in 1984 in Category 301 which is in excess of the 1984 limit shall be permitted entry into the United States for consumption, or withdrawal from warehouse for consumption, in the following amount during each month of the January through May 1985 period:

Category	Amount to be entered per month
301	238,000 pounds.

The amount of 1984 shipments entered in 1985 in Category 301, plus goods exported during 1985 which are entered for consumption or withdrawn from warehouse for consumption in the United States, shall not together exceed the limit established for such goods during 1985.

The 1985 limits above are subject to adjustment pursuant to the bilateral agreements of December 7 and 28, 1977, as amended and extended between the Governments of the United States and the Arab Republic of Egypt, which provide, in part, that: (1) specific limits may be exceeded by designated percentages to account for swing, except that no swing will be available between Categories 300 and 301; and; (2) specific limits may be incraesed by carryforward. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement willl be made to you be letter.

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).

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 actions taken with respect to the Government of the Arab Republic of Egypt and with respect to imports of cotton textile products from Egypt have been determined by the Committee for the Implementation of Texiile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerley,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84–33680, Filed 12–26–84; 8:45 am]

BILLING CODE 3510–DR–M

Announcing Import Restraint Levels for Certain Wool Testile Products From the Hungarian People's Republic, Effective January 1, 1985

December 21, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 on March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377–4212.

Background

On February 15, and 25, 1983, the Governments of the United States and the Hungarian People's Republic signed a Bilateral Wool Textile Agreement which establishes specific limits for wool textile products in Categories 433, 443, and 444, produced or manufactured in Hungary and exported during the twelve-month period beginning on January 1, 1985. The agreement was amended to include Categories 435 and 448 by exchange of notes dated

February 13 and 24, 1984. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements 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, 435, 443, 444, and 448 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 , 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 21, 1984.

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

Dear Mr. Commissioner: 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; pursuant to the Bilateral Wool Textile Agreement of February 15 and 25, 1983, as amended, between the Governments of the United States and Hungarian People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following Categories 433, 435, 443, 444, and 448, produced or manufactured in Hungary and exported during 1985, in excess of the following restraint limits:

Category	12-Month restraint limit (dozen)
433	7,498
435	9,848
443	7,133
444	5,067
448	19,190

In carrying out this directive, entries of wool textile products in the foregoing categories, except Category 435, produced or manufactured in Hungary, which have been exported on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the case of Category 435 it is for exports during the thirteen-month period which began on December 1, 1983 and extends through December 31, 1984. In the event those limits have been exhausted by previous entries, such goods shall be subject to the limits set forth in this letter.

The levels set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of February 17 and 25, 1983, between the Governments of the United States and the Hungarian People's Republic, which provide, in part, that: (1) With the exception of Category 433, the levels of restraint limits may be exceeded by not more than five percent during an agreement year, provided the increase is compensated for by an equal decrease in equivalent square yards in another specific limit, other than Category 433, (2) the levels may be increased for carryforward up to 6 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

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).

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 this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-33682 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products from India, Effective January 1, 1985

December 21, 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 January 1, 1985. For further information contact Ross Arnold, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-made Fiber Textile Agreement of December 21, 1982, between the Governments of the United States and India establishes, among other things, levels of restraint for cotton, wool and man-made fiber textile products in Group II (Categories 330-359, 431-459, and 630-659), and in individual Categories 334, 335, 336, 337, 338/339/340, 341, 342, 347/348, 350, 359 part (coveralls, overalls and similar apparel), 359 part (vests) and 363 during the agreement year which begins on January 1, 1985 and extends through December 31, 1985. In the letter published below the Chairman, Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption of textile products in the foregoing categories, produced or manufactured in India and exported during 1985, in excess of the designated restraint limits.

Merchandise in categories 337, 341, 347/348 and 338/339/340 exported during 1984 which exceeded the limits established for them in 1984 will be permitted entry for consumption, or withdrawal from warehouse for consumption, in the first five months of 1985 in amounts not to exceed twenty percent per month of the 1985 base limit for the category. Merchandise exported in 1984 and 1985 will not be permitted to exceed the 1985 base 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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1984.

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

Dear Mr. Commissioner: Under the terms of Sections 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; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982 as amended and extended, between the Governments of the United States and India; and in accordance with the provisions in Executive

Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories produced or manufactured in India and exported during 1985, in excess of the indicated restraint limits:

Category	12-month level of restraint
330-359, 431-459 and 630-659 [1].	114,490,000 square yards equivalent.
334	33,358 dozen.
335	146,068 dozen.
336	270,077 dozen.
337	74,793 dozen.
338/339/340	1,064,821 dozen.
341	2,330,496 dozen.
342	349,289 dozen.
347/348	216,140 dozen.
350	16,991 dozen.
359pt [2]	118,833 dozen.
359pt [3]	779,399 dozen.
363	17,173,500 numbers.

[1] Excluding Categories 355, 356, 455, 456 and 655 and 656.

[2] Only TSUSA numbers 379.6410, 383.5027, 379.0822 and 383.0828.

[3] Only TSUSA numbers 379.0258, 379.0654, 379.3949, 379.5700, 379.5820, 383.0648, 383.0652, 383.4200 and 383.4320.

Floor coverings in Categories 369 (only TSUSA numbers 360.7600 and 361.5420), 465 (only TSUSA numbers 360.0600, 360.1015, 360.1515, 361.4200 and 361.4500), and 665 (only TSUSA numbers 360.7600 and 361.5426) are exempt from visa and certification requirements and from the limits set forth in this directive.

In carry out this directive, cotton, wool and man-made fiber textile products in all of the foregoing categories produced or manufactured in India and exported to the United States on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the limits established during that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive with the exceptions noted below for Categories 337, 341, 347/348 and 338/339/340.

Merchandise exported in 1984 in Categories 337, 341, 347/348, and 338/339/340 which is in excess of the 1984 limits shall be permitted entry into the United States for consumption, or withdrawal from warehouse for consumption, in the following amounts during each month of the January through May 1985 period:

Category	Amount to be entered per month
337	14,959 dozen.
341	466,099 dozen.
347/348	43,228 dozen.
338/339/340	212,964 dozen.

The amount of 1984 shipments entered in 1985 in the foregoing categories, plus goods exported during 1985 which are entered for consumption or withdrawn from warehouse for consumption in the United States, shall not together exceed the limits established for such goods during 1985.

The 1985 restraint limits are subject to adjustment in the future as applicable, according to the provisions of the bilateral agreement of December 21, 1982 between the Governments of the United States and India which provide in part, that: (1) group and specific limits may be exceeded by designated percentages for swing, carryover, and carryforward, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

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).

In carrying out the above directions, the Commissioner of Customs should construe entry into the UInited 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. 84-33686 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Establishing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products from the Republic of Korea, Effective January 1, 1985

December 21, 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 January 1, 1985. For further information contact Ross Arnold, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 1, 1982, as amended, between the Governments of the United States and the Republic of Korea establishes restraint limits, among other categories, for Categories 313, 314, 315, 317, 319, 320, 331, 333/334, 335, 336, 338/339, 340, 341, 345, 347/348, 351, 353/354/653/654, 410, 433/434, 435, 440, 442, 443, 444, 445/446, 447, 448, 604, 605pt. (cordage in T.S.U.S.A. numbers 316.5500 and 316.5800), 612, 613, 631, 633/634/635, 636, 638/639, 640, 641, 642, 643, 644, 645/646, 647, 648, 649, 659pt. (headwear in TSUSA numbers 703.0510, 703.0520, 703.0530, 703,0540, 703.0550, 703.0560, 703.1000, 703,1610, 703.1620, 703.1630, 703.1640, and 703.1650); parts of 669 (cordage in TSUSA numbers 348.0065, 348.0075, 348.0565, and 348.0575; fishnets in TSUSA numbers 355.4520 and 355.4530; polyproplylene bags in TSUSA number 385.5300, and tents in TSUSA numbers 386.1105 and 389.6210), and 670pt. (luggage in TSUSA numbers 706.4144 and 706.4152), produced or manufactured in the Republic of Korea and exported during the agreement year beginning on January 1, 1985. Accordingly, the letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which follows this notice directs that entry into the United States for consumption, or withdrawal from warehouse from consumption, of cotton, wool and man-made fiber textile products in the foregoing categories that have been exported during 1985 be limited to the designated amounts.

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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1984.

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: 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; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 1, 1982, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cott on, wool,

and man-made fiber textile products in the following categories, produced or manufactured in Korea and exported during 1985, in excess of the indicated restraint limits:

Category	12-month restraint limit
313	36,771,875 square yards.
314	2,626,562 square yards.
315	22,440,529 square yards.
317	16,176,234 square yards.
319	7,873,600 square yards.
320	36,374,583 square yards.
331	469,776 dozen pairs.
333/334	63,949 dozen.
335	65,299 dozen.
336	42,025 dozen.
338/339	612,653 dozen.
340	198,376 dozen.
341	123,587 dozen.
345	64,123 dozen.
347/348	295,727 dozen.
351	107,457 dozen.
353/354/653/654	219,605 dozen.
410	4,522,306 square yards.
433/434	17,027 dozen of which not more than 13,000 dozen shall be in Category 433 and not more than 6,667 dozen shall be in Category 434.
435	30,670 dozen.
440	210,211 dozen.
442	43,872 dozen.
443	26,838 dozen.
444	3,984 dozen.
445/446	51,429 dozen.
447	82,212 dozen.
448	30,867 dozen.
604	568,085 pounds.
605pt.[1]	2,303,380 pounds.
612	92,547,191 square yards.
613	22,343,791 square yards.
631	220,631 dozen.
633/634/635	1,407,963 dozen of which not more than 177,847 dozen shall be in Category 633; not more than 819,276 dozen shall be in Category 634; and not more than 622,034 dozen shall be in Category 635.
636	210,125 dozen.
638/639	5,607,574 dozen.
640pt.[2]	3,785,506 dozen.
640pt.[3]	2,523,671 dozen.
641	1,018,865 dozen.
642	76,376 dozen.
643	60,329 dozen.
644	84,050 dozen.
645/646	3,332,224 dozen.
647	793,312 dozen.
648	339,741 dozen.
649	488,539 dozen.
659pt.[4]	2,401,932 pounds.
669pt.[5]	1,786,524 pounds.
669pt.[6]	663,990 pounds.
669pt.[7]	3,677,188 pounds.
669pt.[8]	5,068,046 pounds.
670pt.[9]	22,000,000 pounds.

[1] In Category 605, only TSUSA numbers 316.5500 and 316.5800.
[2] In Category 640, only TSUSA numbers 379.3130, 379.3370, 379.3558, 379.6972, and 379.8766, 379.9535, 379.9540, 379.9660, and 379.9868.
[3] In Category 640, all TSUSA numbers in the category except those listed in footnote 2.
[4] In Category 659, only TSUSA numbers 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640, and 703.1650.
[5] In Category 669, only TSUSA numbers 348.0065, 348.0075, 348.0565, and 348.0575.
[6] In Category 669, only TSUSA numbers 355.4520 and 355.4530.
[7] In Category 669, only TSUSA numbers 385.5300.
[8] In Category 669, only TSUSA numbers 386.1105 and 389.6210.
[9] In Category 670, only TSUSA numbers 706.4144 and 706.4152.

In carrying out this directive, entries of textile products in the foregoing categories, which have been exported to the United States on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the levels established for these categories have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The 1985 levels are subject to adjustment according to the provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 1, 1982, as amended, which provide, in part, that: (1) During any agreement year specific limits and sublimits may be exceeded by certain designated percentages, provided a corresponding reduction in square yards equivalent is made in one or more other specific limits; (2) under specific conditions specific limits and sublimits may be adjusted for carryover and carryforward not to exceed 10 percent; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any adjustments under the foregoing provisions will be made to you by letter.

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).

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 provisons of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-33687, Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Import Restraint Limits for Certain Cotton Textile Products Exported From Pakistan, Effective January 1, 1985

December 21, 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 January 1, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377-4212.

Background

On March 9 and 11, 1982, the Governments of the United States and Pakistan signed a Bilateral Cotton Textile Agreement which established an aggregate limit for Categories 300-369, as a group, and within the aggregate limit, specific limits for Categories 313, 315, 319, 331, 334, 335, 336, 338, 339, 340, 341, 347/348, 350, 363, and parts of 369, among others, during the agreement year which begins on January 1, 1985. It also provides consultations levels for categories, such as Categories 300, 301, 310, 311, 312, 314, 316, 317, 318, 320 360, 361, 362, and 369pt., which are not subject to specific limits and which may be adjusted during the agreement year. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in the aggregate limit and the aforementioned category limits, produced or manufactured in Pakistan and exported during the twelve-month period which begins on January 1, 1985 and extends through December 31, 1985, in excess of the designed limits. The limits for Categories 300-369, as a group, and Categories 331, 363 and 369pt. (only T.S.U.S.A. numbers 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440, and 366.2740 have been reduced to account for carryforward used during the 1984 agreement year.

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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1984.

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

Dear Mr. Commissioner: 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; pursuant to the Bilateral

Cotton Textile Agreement of March 9 and March 11, 1982, between the Governments of the United States and Pakistan; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products, produced or manufactured in Pakistan and exported in 1984, of cotton textiles and cotton textile products in excess of the indicated restraint limits:

Category	12-month restraint limit
300-369	232,658,647 square yards equivalent.
300	217,391 pounds.
301	217,391 pounds.
310	1,000,000 square yards.
311	1,000,000 square yards.
312	1,000,000 square yards.
313	88,100,581 square yards.
314	1,000,000 square yards.
315	51,445,971 square yards.
316	1,000,000 square yards.
317	6,512,000 square yards.
318	1,000,000 square yards.
319	17,281,961 square yards.
320	8,000,000 square yards.
331	565,620 dozen pairs.
334	33,896 dozen.
335	38,373 dozen.
336	114,490 dozen.
338	2,624,555 dozen.
339	570,555 dozen.
340	122,504 dozen.
341	211,821 dozen.
347/348	275,635 dozen.
350	18,490 dozen.
360	909,091 numbers.
361	161,290 numbers.
362	144,928 numbers.
363	21,785,837 numbers.
369pt.[1]	1,912,557 pounds.
369pt.[2]	6,273,739 pounds.

[1] In Category 369, only T.S.U.S.A. numbers 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440 and 366.2740.

[2] In Category 369, all T.S.U.S.A. numbers except those listed in footnote 1 and 366.1855.

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in Pakistan, which have been exported to the United States on and after January 1, 1984, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period which began on January 1, 1984 and extends through December 31, 1984. If the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The 1985 levels are subject to adjustment according to the provisions of the bilateral agreement of March 9 and 11, 1982, between the Governments of the United States and Pakistan which provide, in part, that: (1) Within the aggregate limit, specific restraint limits may be exceeded by designated percentages, (2) specific levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

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).

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 Agreement.

[FR Doc. 84-33683 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Import Limits for Certain Wool and Man-Made Fiber Textile Products From the Socialist Republic of Romania Effective January 1, 1985 Under a New Bilateral Agreement

December 21, 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 January 1, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377-4212.

Background

On November 7 and 16, 1984 the Governments of the United States and the Socialist Republic of Romania exchanged notes establishing a new Bilateral Wool and Man-Made Fiber Textile Agreement. The new agreement establishes specific limits for Categories 433/434, 435/444, 443, 459, 604, 635, 638/639, 643/644pt. and 645/646, produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 1985. The agreement also provides consultation levels for categories which are not subject to specific limits and which may be adjusted during the year. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customes in accordance with the terms of the new bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in the foregoing categories, exported during the twelve-month period beginning on January 1, 1985, in excess of the designated limits. The limits for Categories 433/434, 443, 643/644pt. and 645/646 have been adjusted to include swing.

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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1984.

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: 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 21, 1981; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of November 7 and 16, 1984, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in Romania and exported during 1985, in excess of the indicated restraint limits:

Category	12-month level of restraint
433/434	272,700 square yards equivalent.
435/444	7,396 dozen.
443	7,864 dozen.
459	75,000 pounds.
604	2,804,806 pounds.
635	49,231 dozen.
638/639	4,295,467 square yards equivalent.
643/644pt.[1]	32,163 dozen.
645/646	182,091 dozen.

[1] In Category 643/644 all TSUSA's numbers except 379.2332, 379.2334, 379.2336, 379.2338, 379.6678, 379.8920, 379.8922, 379.8924, 379.8926, 379.8928, 383.1915, 383.2528, 383.7755, 383.8125, 383.8126.

In carrying out this directive, entries of textile products in the foregoing categories except Category 638/639, produced or manufactured in the Socialist Republic of Romania, which have been exported to the United States on and after January 1, 1984 and extending through December 31, 1984,

shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 638/639 which have been exported before January 1, 1985 shall not be subject to this directive.

The 1985 levels are subject to adjustment in the future according to the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of November 7 and 16, 1984 between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that: (1) Specific limits may be increased for carryover and carryforward; consultations may be held to adjust levels for categories not subject to specific limits; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the bilateral agreement, referred to above, will be made to you by letter.

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).

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. 84-33684 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Import Levels for Certain Cotton Textile Products From the Socialist Republic of Romania Effective January 1, 1985

December 21, 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 January 1, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton Textile Agreement of January 28 and March 31, 1983 between the Governments of the United States and the Socialist Republic of Romania establishes specific limits for Categories 335 and 340 and designated consultation levels for Categories 338 and 347/348 produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 1985. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption of cotton textile products in Categories 335, 338, 340, and 347/348, exported during the twelve-month period which begins on January 1, 1985, in excess of the designated 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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designated to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the, Implementation of Textile Agreements.

December 21, 1984.

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: 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 21, 1981; pursuant to the Bilateral Cotton Textile Agreement of January 28 and March 31, 1983 between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, textile products in the following categories, produced or manufactured in Romania and exported during 1985, in excess of the indicated restraint limits:

Category	Twelve-month restraint limit
335	64,229 dozen.
338	256,000 dozen of which not more than 97,222 dozen shall be in T.S.U.S.A. Nos. 379.0230, 379.0240, 379.4040, 379.4050, 379.0425 and 379.4137.
340	147,485 dozen.
347/348	263,149 dozen.

In carrying out this directive, entries of textile products in the foregoing categories, except Categories 340 and 347 produced or manufactured in the Socialist Republic of Romania, which have been exported on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the restraint limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 340 and 347 which have been exported before January 1, 1985 shall not be subject to this directive.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of January 28, and March 31, 1983, between the Governments of the United States and the Socialist Republic of Romania, which provide in part, that: (1) Specific limits or specific sublimits may be exceeded by not more than seven percent for swing in any agreement period; (2) these same levels may be adjusted for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

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).

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. 84-33685 Filed 12-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Import Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in Thailand, Effective January 1, 1985

December 21, 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 January 1, 1985. For further information contact Jane Corwin, International Trade Specialist (202) 377–4212.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983 establishes, among other things, restraint limits for cotton, wool and man-made fiber textile products in Categories 313, 314, 315, 317, 319, 320, 331, 334/335, 338/339, 340, 341, 347/348, 445/446, 604, 605 pt. (only TSUSA 310.9140), 613, 631, 634/635, 638, 639, 641, 645/646, and 647/648 during the agreement year beginning on January 1, 1985. In the letter published below the Chairman, Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Thailand and exported during the twelve-month period beginning on January 1, 1985, in excess of the designated restraint limits. The limits for Categories 313, 314, 315, 334/335, 338/339, 340, 341, 347/348, 634/635, 641, 645/646 have been reduced to account for carryforward used in 1984.

A description of the textile categories in terms of T.S.U.S.A. number 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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 21, 1984.

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

Dear Mr. Commissioner: 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; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983, between the Governments of the United States and the Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in the following categories, produced or manufactured in Thailand and exported during 1985, in excess of the restraint limits:

Category	12-month restraint limit
313	12,296,000 square yards.
314	9,010 square yards.
315	18,020,000 square yards.
317	6,516,880 square yards.
331	492,972 dozen pairs.
319	6,741,600 square yards.
320	11,123,640 square yards.
334/335	60,909 dozen.
338/339	659,724 dozen.
340	116,354 dozen.
341	122,845 dozen.
347/348	207,831 dozen.
445/446	15,302 dozen.
604	786,520 pounds of which not more than 456,748 pounds shall be in TSUSA No. 310.5049.
605 pt.[1]	508,250 pounds.
613	15,449,500 square yards.
631	200,875 dozen pairs.
634/635	425,362 dozen.
638	146,583 dozen.
639	1,416,361 dozen.
641	187,369 dozen.
645/646	83,742 dozen.
647/648	502,757 dozen.

[1] In Category 605 only TSUSA 310.9140.

In carrying out this directive cotton, wool and man-made fiber textile products in the foregoing categories except Categories 638 and 639, produced or manufactured in Thailand and exported to the United States on and after January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the case of Category 605pt,[2] the 1984 restraint period was March 28, 1984 through December 31, 1984. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to this directive. Textile products in Categories 638 and 639 which have been exported before January 1, 1985 shall not be subject to this directive.

The 1985 levels are subject to adjustment according to the terms of the bilateral agreement of July 27 and August 8, 1983 between the Governments of the United States and Thailand, which provide, in part, that: (1) Under certain specified conditions and non-apparel specific limit or sublimit may be exceeded by not more than 7 percent, provided that the amount of the increase is compensated for by an equal square yard equivalent decrease in another specific limit in the same group; (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

[2] In Category 605 only T.S.U.S.A. 310.9140.

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).

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 falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84–33681 Filed 12–26–84; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group C (Mainly Opto Electronics) of the DOD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 8:30 a.m., Tuesday, 29 January 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 1215 Jefferson Davis Highway, Crystal Gateway #3, Suite 1203, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Gerald Weiss, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical data on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with

industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging devices, infrared detectors and lasers. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly, this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

December 21, 1984.

[FR Doc. 84–33618 Filed 12–26–84; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

AGENCY: Defense Intelligence Agency Scientific Advisory Committee, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

DATE: 27 March 1985, 1:00 p.m to 5:00 p.m.

ADDRESS: INCA Program Office, McLean, VA.

FOR FURTHER INFORMATION CONTACT: Major Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Intelligence Communications Architecture.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

December 21, 1984.

[FR Doc. 84–33616 Filed 12–26–84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Privacy Act of 1974; Additions and an Alteration to Air Force System of Records Notices

AGENCY: Department of the Air Force (DAF), Dod.

ACTION: Additions and an alteration to the Air Force Systems of Records Notices.

SUMMARY: The Air Force is adding three new records systems and altering an existing one to its inventory of record systems subject to the Privacy Act of 1974.

DATES: The proposed actions will be effective without further notice on or before January 28, 1985, unless comments are received which would result in a contrary determination.

ADDRESS: Send comments to Mr. Jon Updike, HQ USAF/DAQD, The Pentagon, Washington, D.C. 20330–50.24. Telephone: 202/694–3431.

FOR FURTHER INFORMATION CONTACT: Mr. Updike, at the address and telephone number listed above.

SUPPLEMENTARY INFORMATION: The Department of the Air Force notices for systems of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a), have been previously published in the **Federal Register** as follows:

FR. Doc. 84–15 (49 FR 702) Janaury 5 , 1984
FR. Doc. 84–1117 (49 FR 2005) January 17, 1984
FR. Doc. 84–13778 (49 FR 21786) May 23, 1984
FR. Doc. 84–14822 (49 FR 23104) June 4, 1984
FR. Doc. 84–17737 (49 FR 27601) July 5, 1984
FR. Doc. 84–23501 (49 FR 35170) September 6, 1984
[FR. Doc. 84–23500 (49 FR 35171) September 6, 1984

The three records systems identified as: F050 ATC I; F030 AFSC A; F030 AFIS C, are new records systems while record system F077 AF LE A, is an altered system previously published on January 5, 1984 at 49 FR 750. The system was altered to partially automate record keeping and analysis functions in support of vehicle operations on Air Force bases. A new and altered system report, as required by 5 U.S.C. 552(a)(o) was submitted on November 26, 1984.

Dated: December 21, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

Additions

F050 ATC I

SYSTEM NAME:

Defense English Language Management Information System (DELMIS).

SYSTEM LOCATION:

Defense Language Institute English Language Center, Lackland AFB TX 78236.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel assigned to the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and SSN; demographic data such as date of birth, sex, marital status, ethnic group; educational data; performance data such as test scores, measurement data, individual training progress and proficiency; class schedule; locator; and academic status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: Powers and duties; delegation by; as implemented by a specific governing directive.

PURPOSE(S):

To track attrition of the program by cause and type, and to compare that against demographic and performance data of the individual, and to monitor the progress of each individual toward completion of the program.

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

Record from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

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

STORAGE:

Records are stored in computer and computer output products.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

Access to the computer system requires user code and password.

RETENTION AND DISPOSAL:

Output products are retained until no longer needed; computerized records will be retained for ten years after individual completes or discontinues training.

SYSTEM MANAGER(S) AND ADDRESS:

Training Operations Branch (LEAX), Defense Language Institution English Language Center, Lackland AFB TX 79236.

NOTIFICATION PROCEDURE:

Requests from individuals should be sent to the System Manager.

RECORDS ACCESS PROCEDURE:

Individuals can obtain assistance in gaining access from the System Manager:

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation (AFR) 12–35.

RECORDS SOURCE CATEGORIES:

Information obtained from the individual, source documents, commanders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AFSC A

SYSTEM NAME:

Field Management Center (FMC) Personnel Data.

SYSTEM LOCATION:

Det 1, Site Activation Task Force (SATAF) (BMO), F. E. Warren AFB, WY 82005; Terminals are located at Headquarters, Balistic Missile Office (BMO), Norton AFB, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned to or visiting SATAF or weapons system deployment area facilities; HQ BMO personnel using satellite facilities; contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel identification, location and status (including name, grade, organization, Air Force Specialty Code, address and phone number, security clearance, assignment, injury or illness); vehicle registration data; training records; recall lists; visitor clearance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Management of personnel including training.

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

Record from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

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

STORAGE:

Records are stored in computer and computer output products.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

Records are protected by system sofeware.

RETENTION AND DISPOSAL:

Records are destroyed when individual leaves assigned unit which accumulated the record.

SYSTEM MANAGER(S) AND ADDRESS:

FMC System Manager, Det 1 BMO SATAF, F. E. Warren AFB, and BMO SDMW, Norton AFB, CA 92409.

NOTIFICATION PROCEDURE:

Requests from individuals should be sent to the System Manager.

RECORDS ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORDS PROCEDURE:

The Air Force's rules for access to records and for contesting and appearling initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation (AFR) 12–35.

RECORDS SOURCE CATEGORIES:

Information is obtained from the individual and from existing records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AFIS C

SYSTEM NAME:

Intelligence Applicant Files

SYSTEM LOCATION:

Headquarters, Air Force Special Activities Center, Fort Belvoir, VA 22060–5798 and subordinate units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, and civilian personnel and former employees who have applied for admission to or expressed interest in AFSAC programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data and records incidental to admission to AFSAC programs such as security clearance records, educational background, data on law violations or substance abuse, photographs, performance ratings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended (61 Stat. 495); and 10 USC 8012, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to evaluate personnel for entry into or retention in AFSAC intelligence programs.

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

Record from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

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

STORAGE:

Stored in file folders, on computer and computer output products, and in microform.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

Records are accessed by the custodian of the system and by persons servicing the records who are properly cleared for need-to-know. Records are stored in locked containers in government controlled facilities.

RETENTION AND DISPOSAL:

Records are retained until the individual is no longer affiliated with the AFSAC program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

HQ AFSAC/DA, Fort Belvoir VA 22060–5798.

NOTIFICATION PROCEDURE:

Requests from individuals should be sent to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager:

CONTESTING RECORDS PROCEDURE:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation (AFR) 12–35.

RECORD SOURCE CATEGORIES:

Information obtained form the individual and from source documents. Other sources may include former employers, personnel records, educational institutions, and federal, state and local government agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Amended

F077 AF LE A

SYSTEM NAME:

Motor Vehicle Operators' Records.

SYSTEM LOCATION:

Base Drivers Training and Qualification Section, Air Force Reserve units and Air National Guard activities. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel issued a United States Government Motor Vehicle Operator's Identification Card.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application, test results, medical evaluation, accident history, traffic citations and driver awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 133, Secretary of Defense; appointment; powers and duties; delegation by.

PURPOSE(S):

Determination of operator eligibility by Vehicle Operations Officer. Used as basis for issue of a Government motor vehicle operator's identification card. May be used by Safety and Law Enforcement authorities for investigation and possible criminal prosecution or civil court action.

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

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

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

STORAGE:

Maintained in file folders and, on computer and computer output products.

RETRIEVABILITY:

Filed by name of Social Security Number.

SAFEGUARDS:

Records are stored in locked cabinets or rooms and accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until discharge, separation, or reassignment of the individual, then returned to servicing consolidated base personnel office for destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Logistics and Engineering, Headquarters Untied States Air Force, Washington DC 20330.

NOTIFICATION PROCEDURE:

Request should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORDS PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation (AFR) 12–35.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, police and investigating officers, motor vehicles bureaus, state or local governments, witnesses, Department of Transportation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–33590 Filed 12–26–84; 8:45 am]

BILLING CODE 3810–01–M

Corps of Engineers, Department of the Army

[Regulatory Permit Application No. 15813N33]

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Villages at Bel Marin Project, Marin County, CA

AGENCY: San Francisco District, Army Corps of Engineers.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY:

1. *Proposed Action:* The Bel Marin Keys Development Corporation, Mill Valley, California has applied for a Department of the Army permit under Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act, as amended (33 U.S.C. 1344), to authorize the excavation and fill of approximately 10,400,000 cubic yards of material as part of a major mixed use land development consisting of approximately 1,600 housing units (detached single family units and attached multi-family units), commercial space (approximately 47,000 square feet), county club (± 20,000 square feet), hotel (± 60,000 square feet with 100 rooms), office park (±160,000 square feet), tennis facility (approximately 2,500 person capacity stadium court), golf course (190 acres), marinas (±306 boat slips), wildlife/marsh area (527 acres), and lagoons with a water surface area of 544 acres. The project site consists of 1,670 acres of vacant land just south of the existing Bel Marin community and just north of Hamilton Army Airfield and is adjacent to Novato Creek and San Pablo Bay near the City of Novato, Marin County, California. The proposed project will privide additional housing and water-related recreational and commercial facilities. The U.S. Army Corps of Engineers, San Francisco District and the Marin County Planning Department will prepare a joint Federal/State environmental document (EIR/EIS) for the proposed project.

2. *Alternatives:* The alternatives being considered at this time are:

a. No Action (permit denial).

b. Project as proposed by applicant.

c. Project buildout under Current Zoning of RSP–0.5 (Residential, Single Family, Planned).

d. Countywide Plan—the countywide plan designates the area as an Urban Open Space/Floodplain Zone.

e. Mitigated project—this would be a modified plan to mitigate for environmental effect.

3. Scoping Process:

a. A *public agency* scoping meeting is scheduled for January 9, 1985 in Room 917A of the Corps' office located at 211 Main Street, San Francisco, California 94105 at 2:00 pm. Federal, State, and local public agencies are invited to participate in the scoping process either by attending the meeting or by submitting written comments. The purpose of the public agency scoping meeting is to identify significant issues and alternatives to be considered in depth in the Draft EIR/EIS.

b. A second *public* scoping meeting is scheduled for January 16, 1985 in Room ST–188 of the Natural and Physical Environment Building; Indian Valley College, 1800 Igincio Blvd., Novato California 94947 at 8:00 pm. The public in general including public private interest groups as well as any government agency are invited to participate in the scoping process by attending the meeting or by submitting written comments. This meeting will also be for the purpose of identifying significant issues and alternatives to be considered in the Draft EIR/EIS.

c. The significant issues which have been identified to date and will be considered in the Draft EIR/EIS include: (1) change in land use, (2) impacts on agriculture, traffic/transportaiton, public services, geology/soils, hydrology/water quality, wetlands, air quality, aesthetics, and biological resources. Additional significant issues identified during the scoping process will also be considered in the environmental document.

d. Environmental review and consultation as required by Sections 401 and 404 of the Clean Water Act, as amended (33 U.S.C. 1341 and 1344); Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)); the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*); the National Historic Preservation Act of 1966, as amended, (16 U.S.C 470 *et seq.*); Executive Order 11988, "Floodplain Management," 24 May 1977; Executive Order 11990 "Protection of Wetlands," 24 May 1977; Prime and Unique Agricultural Lands, CEO Memorandum dated 11 August 1980; and other statues or regulations as may be required by the proposed action; will be conducted concurrently with NEPA process.

4. It is estimated that the Draft EIR/EIS will be released to the public on or about 1 March 1985.

5. Questions, regarding the scoping process or preparation of the Draft EIR/EIS may be referred to Roger Golden, Environmental Branch, San Francisco District, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105 (415–974–0444). General questions concerning the processing of the permit applications may be referred to Karen Mason, Regulatory Functions Branch, (415–974–0424) at the same address.

Dated: December 17, 1984.

Andrew M. Perkins, Jr.

Lieutenant Colonel, Corps of Engineers District Engineer.

[FR Doc. 84–33548 Filed 12–26–84; 8:45 am]

BILLING CODE 3710–FS–M

Department of the Army

Privacy Act of 1974; Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Deletion of and Amendments to Notices for Systems of Records.

SUMMARY: The Department of the Army proposes to delete 7 and amend 36 system notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification of changes, amended notices are printed below in their entirety.

DATE: This action shall be effective without further notice on or before January 28, 1985, unless comments are received which would result in a contrary determination.

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

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

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

FR Doc 83–12048 (48 FR 25502), June 6, 1983
FR Doc 83–18883 (48 FR 32046), July 14, 1983
FR Doc 83–24181 (48 FR 40291), September 6, 1983
FR Doc 83–28792 (48 FR 49086), October 24, 1983
FR Doc 84–1118 (49 FR 2006), January 17, 1984
FR Doc 84–2331 (49 FR 3506), January 27, 1984
FR Doc 84–3683 (49 FR 5170), February 10, 1984
FR Doc 84–6438 (49 FR 8993), March 9, 1984
FR Doc 84–11652 (49 FR 18600), May 1, 1984
FR Doc 84–14035 (49 FR 22122), May 25, 1984
FR Doc 84–15558 (49 FR 24045), June 11, 1984
FR Doc 84–16178 (49 FR 24914), June 18, 1984
FR Doc 84–16520 (49 FR 25499), June 21, 1984
FR Doc 84–17271 (49 FR 26625), June 28, 1984
FR Doc 84–18684 (49 FR 28754), July 16, 1984
FR Doc 84–19506 (49 FR 29812), July 24, 1984
FR Doc 84–38067 (49 FR 28967), October 2, 1984
FR Doc 84–39168 (49 FR 39188), October 4, 1984
FR Doc 84–40637 (49 FR 30637), October 17, 1984
FR Doc 84–26818 (49 FR 43990), November 1, 1984
FR Doc 84–31707 (49 FR 47520), December 5, 1984
FR Doc 84–32892 (49 FR 49139), December 18, 1984
FR Doc 84–32887 (49 FR 49325), December 19, 1984

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

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

December 21, 1984.

DELETIONS

A0509.04aDAAG

System name:

Rod and Gun Clubs, Posts, Camps and Stations (48 FR 25621), June 6, 1983.

Reason:

Records are covered in system notice A0723.01DAAG.

A0916.02aDASG

System name:

Medical Treatment Indices (48 FR 25715), June 6, 1983.

Reason:

Records are covered in system notice A0901.02DASG reprinted in this **Federal Register.**

A0918.05DASG

System name:

Tuberculosis Registry (48 FR 25718), June 6, 1983.

Reason:

Records are covered in system notice A0917.01DASG reprinted in this **Federal Register.**

A0923.01aDASG

System name:

Individual Safety and Health System (48 FR 25720), June 6, 1983.

Reason:

Records are covered in system notice A0922.01DASG reprinted in this **Federal Register.**

A0924.04DASG

System name:

School Health Files (48 FR 25721), June 6, 1983.

Reason:

Records are covered in system notice A1015.01DAPE.

A1002.02aTRADOC

System name:

Assessment of Tank Crew Training (48 FR 25725), June 6, 1983.

Reason:

Records are covered in system notice A1001.02TRADOC reprinted in this **Federal Register.**

A1010.07dDAMO

System name:

Biographies: USAWC Guests (48 FR 10703), March 14, 1983.

Reason:

Records are covered in system notice A0412.140SA.

AMENDMENTS

A0508.16aDAPE

System name:

Absentee Case Files (48 FR 25616), June 6, 1983.

Changes:

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

"Purpose(s):

To enter data in the FBI National Crime Information Center 'wanted person' file; to ensure apprehension actions are initiated/terminated promptly and accurately; and to serve management purposes through examining causes of absenteeism and developing programs to deter unauthorized absences."

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

Delete the first paragraph.

A0508.24aDAPE

System name:

Serious Incident Reporting Files (48 FR 25618), June 6, 1983.

Changes:

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

"Purpose(s):

To provide the military chain of command with timely information regarding serious incidents to permit a valid early determination of possible implications; to provide an early indication of acts or conditions which may have widespread adverse publicity; to provide a means of analysis of crime and conditions conducive to crime on which to base crime prevention policies and programs; and to meet the general needs of Army staff agencies for information regarding selected incidents which impact on their respective areas of responsibility."

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

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

Notification procedure:

Delete entry; substitute therefor: "Individuals wishing to know whether or not information on them is contained in this system of records may write to the System Manager. Individual should furnish his/her full name, current address and telephone number, sufficient details to permit locating pertinent records, and signature."

Record access procedures:

Delete entry; substitute therefor: "Individuals desiring access to records about themselves should write as indicated in 'Notification procedure', furnishing information specified therein."

Contesting record procedures:

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

Systems exempted from certain provisions of the act:

Change entry to read: "All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g)."

A0509.02aDAAG

System name:

Security Badge/Identification Card Files (48 FR 25620), June 6, 1983.

Changes:

System ID:

Delete "aDAAG"; add: "DACF".

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

"Purpose(s):

To provide a record of security badges and identification cards issued; to restrict entry into installations/activities; and to ensure positive identification of personnel authorized access to restricted areas. Registers/logs maintain accountability for issuance and disposition of badges and identification cards."

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

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

System manager(s) and address:

Delete entry; substitute therefor: "Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 23331–0301."

A0509.03aDAPE

System name:

Trophy Firearm Registration (48 FR 25620), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

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

"Purpose(s):

To assure maintenance of records of service members' acquisition of firearms retained as war trophies is authorized within the meaning of the National Firearms Act and 18 U.S.C., section 102."

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

Delete entries; substitute therefor: "Information from this system of records may be furnished to the following agencies for investigation and prosecution for violations of the National Firearms Act; Federal Bureau of Investigation; Drug Enforcement Administration; US Customs Service; Bureau of Alcohol, Tobacco and Firearms; US District Courts; US

Magistrates; local law enforcement agencies; and in oversea areas, most government law enforcement agencies as prescribed in Status of Forces Agreements."

A0509.19aDAPE

System name:

Military Police Investigator Certification Files (48 FR 25624), June 6, 1983.

Changes:

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

"Purpose(s):

To establish eligibility and suitability of individuals to be certified as Military Police Investigators."

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

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

Systems exempted from certain provisions of the act:

Change to read: "All portions of this system of records which fall within 5 U.S.C. 552a(k) (2), (5), or (7) are exempt from the following provisions of 5 U.S.C. 552a: (d), (e)(4)(G), (e)(4)(H), and (f)."

AO509.21aDAPE

System name:

Local Criminal Information Files (48 FR 25626), June 6, 1983.

Changes:

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

"Purpose(s):

To identify individuals or groups of individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the US Army; to enable Army officials, commanders, or civil criminal justice agencies to meet their responsibilities regarding the maintenance of discipline, law and order through investigation and possible criminal prosecution, civil court action, or regulatory orders. Users within the Army include commanders in exercising their authority under the provisions of Titles 10 and 18, U.S.C; persons designated by the commander to assist in carrying out these responsibilities; i.e., staff judge advacate, investigating officers appointed in accordance with Army regulations, US Army Criminal Investigation Cammand, military intelligence personnel in those incidents involving possible or actual sabotage or espionage."

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

Delete information up to the last sentence.

Notification procedure:

Delete entry; substitute therefor: "Individuals desiring to know whether or not information on them is contained in this system of records should write to the System Manager, providing their full name, SSN, current address and telephone number, sufficient details to permit locating pertinent records, and signature."

Record access procedures:

Delete entry; substitute therefor: "Individuals desiring access to records pertaining to them should write as indicated in 'Notification procedure", providing information specified therein."

Contesting record procedures:

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

Systems exempted from certain provisions of the act:

Change to read: "All portions of this system of records within 5 U.S.C. 552a (j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g)."

AO701.01aDAPC

System name:

Classification, Reclassification, Utilization of Soldiers (48 FR 25635), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

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

"Purpose(s):

To perform the objective of maintaining a balance of authorization versus requirements by military occupational specialty within each career management field."

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

Delete entry; substitute: "None".

A0701.02aDAPC

System name:

Qualitative Management Program Appeal File (48 FR 25635), June 6, 1983.

Changes:

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

"Purpose(s)

Records in this system are used for the management of personnel, year group, and manpower, in order to retain quality soldiers in the Army."

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

Delete entry; substitute: "None".

A0701.02cDAPC

System name:

Separation Transaction Control/ Records Transfer System (48 FR 25636), June 6, 1983.

Changes:

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

"Purpose(s):

To monitor separations of active duty enlisted personnel as a means of enhancing strength and record accountability and reenlistment processing."

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

Delete entry; substitute: "None".

A0701.02eDAPC

System name:

Military Personnel Management Reports (48 FR 25636), June 6, 1983.

Changes:

System name:

Change to read: "Major Command Military Personnel Management Reporting System".

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

"Purpose(s):

This system extracts data from Officer and Enlisted Personnel Files and records related to organizations, personnel authorized and assigned strength, and prepares reports designed to aid major Army commanders in managing military personnel functions."

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

Delete entry; substitute: "None".

A0702.03aUSAREC

System name:

Enlistment Eligibility Files (48 FR 25640), June 6 1983.

Changes:

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

"Purpose(s):

To make determinations on the moral, medical, and administrative waivers of applicants for the Regular Army."

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

Delete entry; substitute: "None".

A0702.04bDAPC

System name:

Eligibility Determination Files (48 FR 25641), June 6, 1983.

Changes:

Categories of individuals covered by the system:

Change to read: "Applicants for enlistment who require waiver for adult felony; soldiers requesting continuation on active duty who require waiver of certain disqualifications pursuant to Army Regulations 601–210."

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

"Purpose(s):

To evaluate waiver requests, determine appropriate action, and render decision, pursuant to Army Regulation 600–200."

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

Delete entry; substitute: "None".

A0702.08aDASG

System name:

Army Medical Procurement Applicant Files (48 FR 25641), June 6, 1983.

Changes:

System location:

Delete the second paragraph. Substitute the following: "Segments are located at Army Medical Department Procurement Counselor Field Offices; addresses may be obtained from the System Manager."

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

"Purpose(s):

To evaluate an applicant's acceptability and potential for appointment in a component of the Army Medical Department; to evaluate qualifications for assignment to various career areas; to determine educational and experience background for award of constructive service credit; to determine dates of service and seniority; to document service agreement with the US Army; to provide statistical information for effective management of the Army Medical Department Personnel Procurement Program."

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

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

Systems exempted from certain provisions of the act:

Change to read: "All portions of this system of records which fall within 5 U.S.C. 552a(k)(5) are exempt from subsection (d) of 5 U.S.C. 552a."

A0703.04DAPC

System name:

ROTC Applicant/Member Records (48 FR 25643), June 6, 1983.

Changes:

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

"Purpose(s):

"These records are used in the selection, training, and commissioning of eligible ROTC cadets in the Active Army and Reserve Forces and for personnel management, strength accounting, and manpower management purposes."

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

Delete the first paragraph.

A0710.08DAAG

System name:

Career Management Files of Dual Component Personnel (48 FR 25676), June 6, 1983.

Changes:

System ID:

Delete "DAAG"; add: "DAAR".

System location:

Delete entry; substitute therefor: "US Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200."

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

"Purpose(s):

"To advise reserve officers when they will be considered for promotion, what military education must be completed to be eligible for promotion; to determine if officer should be removed for substandard performance of duty; to advise them of eligibility for retirement as either an officer or enlisted person; and to advise officers of latest changes in reserve program."

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

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

System manager(s) and address:

Change "USARCPAC" to "US Army Reserve Personnel Center".

Notification procedure:

Delete entry; substitute therefor: "Commander, US Army Reserve Personnel Center, ATTN: Personnel Management and Training Division, 9700 Page Boulevard, St. Louis, MO 63132–5200. Individual must provide his/her full name, SSN, current address and telephone number, and signature."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records about themselves should write as indicated in 'Notification procedure', providing information specified therein."

A0710.09DAAG

System name:

Personnel Management/Action Working Files (48 FR 25677), June 6, 1983.

Changes:

System name:

Change "Working" to "Officer".

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

"Purposes):

To respond to inquiries from the individual or a Government agency; to ensure that administrative actions are accomplished in a timely and accurate manner."

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

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

A0714.02aDAPC

System name:

Military Personnel Assignment Files (48 FR 25679), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

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

"Purpose(s):

To document assignment considerations of each service member to assure equity of duty, basis for special assignment, protection of service member and dependents assigned in foreign areas; to ensure that service member is not assigned contrary to persona-non-grata status; and similar assignment limitations, restrictions, and constraints."

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

Delete entry; substitute: "None".

A0901.02DASG

System name:

Medical Facility Administration Records (48 FR 25707), June 6, 1983.

Changes:

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

"Purpose(s):

To locate medical records and personnel; schedule appointments; provide research and statistical data; to enhance efficient management practices and effective patient administration."

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

Delete the first paragraph.

A0902.07aDASG

System name:

Medical Regulating Files (48 FR 25708), June 6, 1983.

Changes:

System ID:

Delete: "A0902.07a"; add: "A0909.04".

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

"Purpose(s):

To properly determine the appropriate medical treatment facility to which the reported patient will be transferred; to notify the reporting US Government medical treatment facility of the transfer destination; to notify the receiving medical treatment facility of the transfer; to notify evacuation units, medical regulating offices and other government offices for official reasons; to evaluate the effectiveness of reported information; to establish further the specific needs of the reported patient; for statistical purposes; and when required by law and official purposes."

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

Delete the first two paragraphs.

AO903.07DASG

System name:

Entrance Medical Examination Files (48 FR 25709), June 6, 1983.

Changes:

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

"Purpose(s):

To determine medical acceptance of applicant for military service and thereafter to properly assign and utilize individual. Management data are derived and used by Health Services Command to evaluate effectiveness of procurement medical standards."

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

Delete entry; substitute: "None".

AO906.01DASG

System name:

Medical Review Files (48 FR 25710), June 1983.

Changes:

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

"Purpose(s):

To evaluate medical fitness of marginally qualified personnel for Army program with strict regard to established medical standards."

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

Delete entry; substitute: "None".

AO08.04aDASG

System name:

Medical Evaluation Files (48 FR 25710), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

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

"Purpose(s):

Records are used by Medical Boards to determine medical fitness for continued Army active service. They are used by the Physical Evaluation Board to review medical board findings when required and to determine if the individual should be discharged, temporarily or permanently retired for disability, or retained for active service. The US Army Physical Disability Agency reviews determinations and dispostions, and responds to inquiries."

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

Delete entries; substitute: None".

AO912.01bDASG

System name:

Professional Consultant Control Files (48 FR 25712), June 6, 1983.

Changes:

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

"Purpose(s):

To appoint and monitor utilization of designated consultants."

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

Delete entry; substitute the following: "Clinical privileged information may be provided to civilian and medical facilities, Federation of State Medical Boards of the United States, State Licensure Authorities and other appropriate professional regulating bodies."

AO912.01cDASG

System name:

Professional Personnel Informational File (48 FR 25712), June 6, 1983.

Changes:

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

"Purpose(s):

To establish and maintain familiarity with the locations, assignments, utilization, marital and family status, professional and military experience and qualifications, and assignment preferences of professional staff in medical treatment facilities as an aid in monitoring utilization of professional personnel and to assist in career management and assignment activities."

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

Delete entry; substitute therefor: "Clinical privileged information may be provided to civilian and military medical facilities, Federation of State Medical Boards of the United States, State Licensure Authorities and other appropriate professional regulating bodies."

A0917.01aDASG

System name:

Health Care and Medical Treatment Record System (48 FR 25715), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

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

"Purpose(s):

To provide health care and medical treatment of individuals identified in the 'Individual Category' of this system of records; to establish tuberculosis/tumor/cancer registries; for research studies; compilation of statistical data and management reports; to implement preventive medicine, dentistry, and communicable disease control programs; to adjudicate claims and determine benefits; to evaluate care rendered; to determine professional certification and hospital accreditation; and determine suitability of persons or assignment."

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

Delete the first two paragraphs.

A0922.01aDASG

System name:

Occupational Health and Tuberculosis Control System (48 FR 25719), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

System location:

Delete entry; substitute therefor: "Army medical treatment facilities; addresses may be obtained from the System Manager."

Categories of records in the system:

Add the following: "documents reflecting the training, experience and certification to work within hazardous environments; external exposures to chemicals, radiation, physical stress, non-human primates, including personnel monitoring results, work area monitoring readings, and similar and related documents; personnel protective equipment and medical programs required to limit exposure to environmental safety and health hazards."

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

"Purpose(s):

To determine medical fitness and to evaluate health of persons listed in the 'Individual Category' above pursuant to appropriate preventive medicine programs; to ensure that employees are qualified to perform duties under environmental stress and that such stress is limited to the lowest level practical."

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

Delete entry; substitute therefor: "Information may be disclosed to appropriate Government agencies whose responsibility falls within occupational health statutes."

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

Retention and disposal:

Delete entry; substitute therefor: "Personnel exposure files/monitoring data are retained 5 years after evaluation and recorded on permanent medical records. Records relating to individual's health are incorporated in individual's medical record."

System manager(s) and address:

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

A0924.01DASG

System name:

Army Community Health Nursing Records—Family Records (48 FR 25721), June 6, 1983.

Changes:

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

"Purpose(s):

To identify family members who receive Army community health nursing care."

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

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

A0929.02aDASG

System name:

Privately Owned Animal Record Files (48 FR 25722), June 6, 1983.

Changes:

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

"Purpose(s):

To record registration, vaccination, and/or treatment of animals; to compile statistical data; and to identify animals registered with the Veterinary Animal Disease Prevention and Control Facility in connection with the Veterinary Prevention Medicine and Zoonotic Disease Control Program."

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

Delete entry; substitute: "None."

A1001.02aTRADOC

System name:

MASSTER OSUT Individual Basic Training Survey (48 FR 25722), June 6, 1983.

Changes:

System ID:

Delete suffix "a."

System name:

Delete "MASSTER OSUT."

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

"Purpose(s):

To provide Army Commanders with the ability to determine if the 'one station unit training' philosophy is a successful method of training the individual soldier in critical entry level skills for first unit assignment through the use of statistical summary documents on groupings of trainees by units of assignment."

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

Delete entry; substitute "None."

System manager(s) and address:

Delete entries; substitute therefor: "Commander, US Army Training and Doctrine Command, Ft Monroe, VA 23651."

Notification procedure:

Delete entry; substitute therefor: "Individuals wishing to know whether or not information on them exists in this system of records should write to the System Manager, providing full name, SSN, sufficient details to permit locating pertinent records, and signature."

Record access procedures:

Delete entry; substitute therefor: "Individuals desiring access to records about themselves should write as indicated in "Notification procedure,' providing information specified therein."

A1001.08aDAAG

System name:

Office Personnel Training Files (48 FR 25724), June 6, 1983.

Changes:

System ID:

Delete "DAAG"; add "DAPE."

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

"Purpose(s):

To provide management and individuals with reports of training completion, courses scheduled, and relevant required actions."

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

Delete entries; substitute: "None."

System manager(s) and address:

Delete entry; substitute therefore: "Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310."

Notification procedure:

Delete "SYSMANGER"; add: "commander or training coordinator at the local installation."

A1012.03bDARCOM

System name:

Student/Faculty Records—DARCOM Schools System (48 FR 25730), June 6, 1983.

Changes:

System ID:

Delete: "DARCOM"; add: "AMC".

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

"Purpose(s):

To determine applicant eligibility, monitor individual's progress, maintain record of student/faculty achievements, and to provide bases for management assessment of curricula and faculty effectiveness and class standing."

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

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

System manager(s) and address:

Delete entry; substitute therefor: "Commander, US Army Material Command, 5001 Eisenhower Avenue, Alexandria, VA 22333–0001."

A1012.03dTRADOC

System name:

TRADOC Educational Data Systems (48 FR 25730), June 6, 1983.

Changes:

System location:

Delete the second paragraph; substitute the following "Input-output terminals are located at the Soldier Support Center, Ft Benjamin Harrison, IN and at Army Service Schools, the addresses of which may be obtained from the System Manager."

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

"Purpose(s):

To record lessons and/or exam grades; maintain student academic status, course and subcourse descriptions; produce course completion certificates and reflect credit earned; and produce management summary reports."

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

Delete entry; substitute: "None".

A1012.03fDASG

System name:

Army School Student Files, Physical Therapy Program (48 FR 25731), June 6, 1983.

Changes:

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

"Purpose(s):

To provide certification of graduation from an approved physical therapy program to the individual graduate."

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

Delete entry; substitute: "None".

A1012.03jHSC

System name:

Army School Student Files (48 FR 25733), June 6, 1983.

Changes:

System name:

Delete "Army"; add: "Clinical Specialist".

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

"Purpose(s):

To confirm eligibility for attendance, monitor student progress, determine successful completion of academic requirements and prepare transcript. Records reflect accomplishment of courses which may be prerequisites for attendance at other formal courses of instruction, or taking of State Board, licensed Practical Nursing examinations."

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

Delete entry; substitute: "None".

System manager(s) and address:

Delete entry; substitute therefor: "Commander, Health Services Command, Ft Sam Houston, TX 78234."

A1012.03iDLI

System name:

Standard Student Records System (48 FR 25732), June 6, 1983.

Changes:

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

"Purpose(s):

To establish a permanent student record used for issuing official grade transcripts and preparing statistical studies to improve training and testing methods."

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

Delete entry; substitute: "None".

A1012.03.oDAMO

System name:

US Army War College Cooperative Degree Program Files (48 FR 25736), June 6, 1983.

Changes:

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

"Purpose(s):

To assist students in applying for and pursuing their graduate degree; to monitor administrative data for use in managing the program (number and percent of students participating, degree being pursued, anticipated completion

date, schools being attended, etc.); and to maintain data for evaluating the program (percent completion, enrollment trends from year to year, shifts in curricular choice, etc.)."

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

Delete entry; substitute therefor: Information may be disclosed to the Veterans Administration and other interested Government agencies."

Systems A0508.16aDAPE, A0508.24aDAPE, A0509.02DACF, A0509.03DAPE, A0509.19aDAPE, A0509.21aDAPE, A0701.01DAPC, A0701.02aDAPD, A0701.02cDAPC, A0701.02eDAPC, A0702.03aUSAREC, A0702.04bDAPC, A0702.08aDASG, A0703.04DAPC, A0710.08DAAR, A0710.09DAAG, A0714.02DAPC, A0901.02DASG, A0903.07DASG, A0906.01DASG, A0906.04DASG, A0909.04DASG, A0912.01bDASG, A0912.01cDASG, A0917.01DASG, A0922.01DASG, A0924.01DASG, A0929.02aDASG, A01001.02TRADOC, A1001.08aDAPE, A1012.03bAMC A1012.03bTRADOC, A1012.03fDASG, A1012.03jHSC, A1012.03iDLA1012.03oDAMO read as follows:

A0508.16aDAPE

System name:

Absentee Case Files.

System location:

Primary system is located at US Army Deserter Information Point, US Army Enlisted Records and Evaluation Center, Ft Benjamin Harrison, IN 46249. A copy of all or portions of this system is maintained at the installation initiating the report of absence and at respective law enforcement agencies. Official mailing addresses are in the appendix to the Army's inventory fo system notices at 48 FR 25773, June 6, 1983, except that mailing addresses for law enforcement agencies may be obtained from the US Army Deserter Information Point.

Categories of individuals covered by the system:

Any active Army member absent without proper authority and administratively designated as a deserter pursuant to Army Regulation 630–10.

Categories of records in the system:

Reports and records which document the individual's absence; notice of unauthorized absence from US Army which constitutes the warrant for arrest; notice of return to military control or continued absence in hands of civil authorities.

Authority for maintenance of the system:

10 U.S.C., section 3012(g).

Purpose(s):

To enter data in the FBI National Crime Information Center "wanted person" file; to ensure apprehension actions are initiated/termined promptly and accurately; and to serve management purposes through examining causes of absenteeism and developing programs to deter unauthorized absences.

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

Information is furnished to local, State, Federal, international, or foreign law enforcement authorities in efforts to apprehend, detain, and return offenders to military custody. In oversea areas, information may be disclosed to foreign governmental and civil authorities as required by local customs, law, treaties, and agreements with allied forces and foreign governments.

Information may be disclosed to the Veterans Administration for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and records Locator subsystem.

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

STORAGE:

Paper documents and the record copy of the Arrest Warrant are maintained in the Official Military Personnel Files; verified desertion data are stored on the Deserter Verification Information System at the US Army Deserter Information Point.

RETRIEVABILITY:

Manually, by name; automated records are retrieved by name, plus any numeric identifier such as date of birth, SSN, or Army serial number.

SAFEGUARDS:

Access is limited to authorized individuals having a need-to-know. Records are stored in facilities manned 24 hours, 7 days a week. Additional controls which meet the administrative, physical, and technical safeguard requirements of Army Regulation 380–380 are in effect.

RETENTION AND DISPOSAL:

Automated records are erased when individual returns to military custody, is discharged, or dies. Paper or microform records remain a permanent part of the individual's Official Military Personnel File.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system contains information about them should contact the US Army Deserter Information Point, US Army Enlisted Records Center, Ft Benjamin Harrison, IN, furnishing full name, SSN and/or Army serial number, address, telephone number, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information concerning themselves should provide information in "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

Unit Commander, First Sergeants, subjects witneses, Military Police, US Army Criminal Investigation Command personnel and special agents, informants, DOD Federal, State, and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individual or organization which may furnish pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

A0508.24aDAPE

SYSTEM NAME:

Serious Incident Reporting Files.

SYSTEM LOCATION:

Primary system is located at the Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310. Segments are maintained at the installation initiating the report and at the respective major Army command. Addresses are in the appendix to Army system notices (48 FR 25773, June 6, 1983).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen identified as the subject or victim of a serious incident reportable to Department of the Army in accordance with Army Regulation 190–40. This includes in general any criminal act or other incident which, because of its sensitivity or nature, publicity or other considerations, should be brought to the attention of the Headquarters, Department of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include the initial report of the incident plus any supplemental reports, including reports of final adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012(g).

PURPOSE(S):

To provide the military chain of command with timely information regarding serious incidents to permit a valid early determination of possible implication; to provide an early indication of acts or conditions which may have widespread adverse publicity; to provide a means of analysis of crime and conditions conducive to crime on which to base crime prevention policies and programs; and to meet the general needs of Department of the Army staff agencies for information regarding selected incidents which impact on their respective areas of responsibility.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name, SSN, installation number.

SAFEGUARDS:

Buildings employ security guards and controls access. Distribution and access to files are based on strict need-to-know. Records are contained in locked safes when not under personal supervision of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 1 year after final report is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Desputy Chief of Staff for Personnel, Headquarters, Department of the Army, Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records may write to the System Manager. Individual should furnish his/her full name, current address and telephone number, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and US Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 522a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(8), (f), and (g).

A0509.02DACF

SYSTEM NAME:

Security Badge/Identification Card Files.

SYSTEM LOCATION:

Offices which issue security badges and identification cards authorized by Army Regulations 606–5 and 190–21, located at Headquarters, Department of the Army, staff and field operating agencies, states' adjutant general, and installations/activities. Official mailing addresses are in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired military personnel and authorized dependents; Department of the Army civilians and authorized dependents; Medal of Honor recipients; visitors authorized for official purposes, e.g., vendors, deliverymen, utility and special equipment servicemen; accident investigators; contractor personnel and their authorized dependents; Red Cross personnel; and persons authorized by the Geneva Convention to accompany the Armed Forces.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application on appropriate Department of Army and Department of Defense forms specified by Army Regulation 606–5 (the original of which may be filed in the individual's personnel file) for identification and/or building security pass/badge issuance; individual's photograph, fingerprint record, special credentials, and allied papers; registers/logs reflecting sequential numbering of badges/cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012(g).

PURPOSE(S):

To provide a record of security badges and identification cards issued; to restrict entry into installations/activities; and to ensure positive identification of personnel authorized access to restricted areas. Registers/logs maintain accountability for issuance and disposition of badges and identification cards.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders; cards; magnetic tapes, discs, and cassettes; computer printouts; microfiche.

RETRIEVABILITY:

By individual's name, SSN, card/badge number.

SAFEGUARDS:

Data are maintained in secure buildings and are accessed only by authorized personnel who are trained and cleared for access. Information in computer facilities is further protected by alarms and established procedures for the control of computer access.

RETENTION AND DISPOSAL:

Applications for military identification cards are maintained by the issuing office for 1 year; those for civilian cards are retained 4 years, after which they are destroyed. Registers/logs are destroyed 3 years after last badge has been accounted for.

Limited area credentials are replaced after 3 years or when a total of 5% of the total have been lost or unaccounted for, whichever occurs earlier; exclusion area credentials are replaced at least once every 3 years; controlled area credentials are replaced at the discretion of the major commander.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Information may be obtained from the issuing office where individual obtained the identification card.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write to the issuing officer at the appropriate installation. Individual should furnish his/her full name, number of the identification card, if known, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulations 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO509.03DAPE

SYSTEM NAME:

Trophy Firearm Registration.

SYSTEM LOCATION:

Primary system is located at the Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310. Copies of War Trophy Firearm Registration records are maintained at the offices of provost marshals initiating the record. Official mailing addresses and in the appendix to the Army's inventory of system notices at 48 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Armed Forces of the United States who acquire, during periods of hostilities, firearms approved for personal retention as war trophies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of DD Form 603, Registration of War Trophy Firearm; relevant supplementary correspondence or approvals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012(g).

PURPOSE(S):

To assure maintenance of records of service member's acquisition of firearms retained as war trophies is authorized within the meaning of the National Firearms Act and 18 U.S.C., section 102.

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

Information from this system may be furnished to the following agencies for investigation and prosecution for violations of the National Firearms Act: Federal Bureau of Investigation; Drug Enforcement Administration; US Customs Service; Bureau of Alcohol, Tobacco and Firearms; US District Courts; US Magistrates; local law enforcement agencies; and in oversea areas, most government law enforcement agencies as prescribed in Status of Forces Agreements.

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

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

By owner's surname.

SAFEGUARDS:

Buildings employ security guards. Records are accessible only to authorized personnel having need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are created at the onset of hostilities and retained in Headquarters, Department of the Army files until end of calender year in which hostilities ceased; held 1 additional year or until arrangements are complete to transfer the records to the Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, DC.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: DAPE-HRE, furnishing full name, sufficient details to permit locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual at time of registration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO509.19aDAPE

SYSTEM NAME:

Military Police Investigator Certification Files.

SYSTEM LOCATION:

Primary records are maintained at the US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332. Segments exist at the installation initiating request and at respective major Army commands; official addresses are in the Appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has been nominated by a commander for certification for certification as a Military Police Investigator.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain requests, name checks, background checks, approvals, disapprovals, appeals, rebuttals, an related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012(g).

PURPOSE(S):

To establish eligibility and suitability of individuals to be certified as Military Police Investigators.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders; card indices.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Buildings employ security guard and control access. Information is not disclosed outside the agency; within the agency, access to records containing adverse suitability information is restricted by use of protective markings. Distribution and access are based on strict need-to-know.

RETENTION AND DISPOSAL:

Destroyed upon individual's release from active service or 3 years after involuntary withdrawal of certification.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: DAPE-HRE, furnishing full name, SSN, current address, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", supplying information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and US Army Criminal Investigation Command personnel and agents, informants, various Department of Defense, Federal, State, and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(k)(2), (5), or (7) are exempt from the following provisions of 5 U.S.C. 552a: (d), (e)(4)(G), (e)(4)(H), and (f).

AO509.21.aDAPE

SYSTEM NAME:

Local Criminal Information Files.

SYSTEM LOCATION:

Records are maintained at the installation initiating or collecting the documents; official mailing addresses are in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen or group of citizens suspected or involved in criminal activity directed against or involving the United States Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and supporting documents of criminal activity directed against or involving the US Army.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012(g).

PURPOSE(S):

To identify individuals or groups of individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the US Army; to enable Army officials, commanders, or civil criminal justice agencies to meet their responsibilities regarding the maintenance of discipline, law and order through investigation and possible criminal prosecution, civil court action, or regulatory order. Users within the Army include commanders in exercising their authority under the provisions of Titles 10 and 18, U.S.C.; persons designated by the commander to assist in carrying out these responsibilities; i.e., staff judge advocate, investigating officers appointed in accordance with Army regulations, US Army Criminal Investigation Command, military intelligence personnel in those incidents involving possible or actual sabotage or espionage.

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

Information may be disclosed to the Federal Bureau of Investigation, Drug Enforcement Administration, US Customs Service, Bureau of Alcohol, Tobacco and Firearms, local law enforcement agencies, and in overseas areas, host government law enforcement agencies when information falls within the jurisdiction of those agencies.

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

STORAGE:

Paper records in file folders; magnetic tape/disc.

RETRIEVABILITY:

By individual's name, or by a cross-index of other data maintained in the system.

SAFEGUARDS:

Only authorized personnel have access to records. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon supersession, obsolescence, or deactivation of the related command.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarter, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them is contained in this system of records should write to the Systems Manager providing their full name, SSN, current address and telephone number, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertaining to them should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Subjects, witness, victims, Military Police and US Army Criminal

Investigation Command personnel and special agents, informants, various Departmeant of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 522a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

A0701.01DAPC

SYSTEM NAME:

Classification, Reclassification, Utilization of Soldiers.

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Army members in enlisted grades E1 through E9.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, SSN, grade, Military Occupational Specialty, evaluaton test data, Enlisted Evaluation Report data, and additional information substantiating the soldier's or Army's request for exception to or interpretation of regulatory guidance for the classification, reclassification, or utilization of soliders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

PURPOSE(S):

To perform the objective of maintaining a balance of authoritization versus requirements by military occupational specialty within each career management field.

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

None.

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

STORAGE:

Paper records in file folders

RETIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated officials having official need thereof in the performance of official duties. Building housing records is protected by security guards.

RETENTION AND DISPOSAL:

Destroyed after 2 years, by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: DAPC-EP, providing full name, SSN, current address, and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; Army personnel records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0701.02aDAPC

SYSTEM NAME:

Qualitative Management Program Appeal File.

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel in grades E5 through E9 who have appealed Department of the Army imposed bars to reenlistment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, SSN, pay grade, date of rank, basic active service date, estimated termination of service, primary and secondary military occupational specialties, bar to reenlistment letter, appeal of bar to reenlistment and associated documentation, final, determination of appeal by Reenlistment Appeals, Board, enlisted efficiency report of selected data elements pertaining to service record of appellant, and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. section 301; 10 U.S.C., section 3012.

PURPOSE(S):

Rocords in this system are used for the management of personnel, year group, and manpower, in order to retain quality soldiers in the Army.

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

None.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name and SSN.

SAFEGUARDS:

Records are protected by physical security devices, guards, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Records are retained for duration of individual's current enlistment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 2232–0400.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records may write to the System Manager, ATTN: DAPC–EP, furnishing full name, SSN, grade, and current address.

RECORD ACCESS PROCEDURES:

Individuals desiring to access records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From Army records and reports; from appellant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0701.02cDAPC

SYSTEM NAME:

Separation Transaction Control/ Records Transfer System.

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332; US Army Enlisted Records and Evaluation Center, Ft Benjamin Harrison, IN 46249; US Army Reserve Components Personnel and Administration Center, St Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty enlisted personnel separated from military service (excluding active duty for training) and all personnel immediately reenlisting after separation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, SSN, grade, eligibility for reenlistment, character of separation, separation program designator, date and location of separation, reenlistment moral waiver and specialty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

PURPOSE(S):

To monitor separations of active duty enlisted personnel as a means of enhancing strength and record accountability and reenlistment processing.

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

None.

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

STORAGE:

Magnetic tapes/discs.

RETRIEVABILITY:

By name and/or SSN.

SAFEGUARDS:

Records are protected by physical security devices, guards, computer hardware and software features, and personnel clearances.

RETENTION AND DISPOSAL:

Separation records are destroyed after 1 year; reenlistment records are destroyed after 45 days; tape file is scratched at end of retention period; disc files are purged.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them exists in this system of records may write to the System Manager, ATTN: DAPC–MSO, furnishing full name, SSN, whether active, retired or separated and, if separated, date of separation.

RECORD ACCESS PROCEDURES:

Individuals desiring to access records about themselves should inquire as indicated in "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From other Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0701.02eDAPC

SYSTEM NAME:

Major Command Military Personnel Management Reporting System.

SYSTEM LOCATION:

Decentralized to each Major Army Command; official mailing addresses are in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty commissioned officers, warrant officers, and enlisted personnel assigned or projected for assignment to the major command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, SSN, sex, race; marital status and dependents; physical category code; component; expiration of term of service; additional pay; date of rank; annual efficiency index; last overseas short tour, procurement actions; unit identification code; Department of Army location, assignment and status codes; permanent change of station date; date joined/departed current command; gaining unit, location, assignment and status codes; reporting date; date returned from overseas; previous unit identification code, assignment and type transfer strength; primary and secondary military occupational specialties (MOS), secondary MOS evaluation score; duty MOS; away without leave data; date agreements and related documents, forms, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

PURPOSE(S):

This system extracts data from Officer and Enlisted Personnel Files and records related to organizations, personnel authorized and assigned strength, and prepares reports designed to aid major Army commanders in managing military personnel functions.

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

None.

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

STORAGE:

Computer magnetic tapes, discs, and printouts; microfiche.

RETRIEVABILITY:

By name, SSN, or other unique identifying characteristics.

SAFEGUARDS:

Records are protected by physical security devices, computer hardware and software safeguard features, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Destroyed after 90 days.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals should inquire of the commander of the major command where assigned or attached.

RECORD ACCESS PROCEDURE:

Written requests should include individual's full name, SSN, current address, and sufficient details to permit locating pertinent records.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are

contained in Army Regulations 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From automated systems interfaces based on the Headquarters, Department of the Army data base.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO702.03aUSAREC

SYSTEM NAME:

Enlistment Eligibility Files.

SYSTEM LOCATION:

US Army Recruiting Command, Ft Sheridan, IL 60037.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for the Regular Army who have requested a waiver of moral eligibility for a juvenile or adult felony; determination of medical/Military Occupational Specialty qualifications, determination of Stripes for Skills qualification; exceptions to policy; determination of enlistment eligibility, and prior service personnel requesting a mental retest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's request, evaluation documents, decisions, replies concerning approval/dispproval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 504, 505, 510, and 3012.

PURPOSE(S):

To make determinations on the moral, medical, and administrative waivers of applicants for the Regular Army.

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

None.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Destroyed after 2 years, by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Recruiting Command, Ft Sheridan, IL 60037.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: USARCRM–M, furnishing full name, military status, current address and telephone number, and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual, employers, probation officials, law enforcement officials, school officials, personal references, transcripts, medical records, Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall with 5 U.S.C. 552a(k)(5) are exempted from subsection (d) of 5 U.S.C. 552a.

AO702.04bDAPC

SYSTEM NAME:

Eligibility Determination Files.

SYSTEM LOCATION:

US Army Enlistment Eligibility Activity, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for enlistment who require waiver for adult felony; soldiers requesting continuation on active duty who require waiver of certain disqualifications pursuant to Army Regulation 601–210.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains requests for enlistment eligibility or waiver of disqualifications for enlistment/reenlistment, requests for grade determinations, documents reflecting determinations made thereon, copies or extracted items from basic records, transmittals, and suspense documents needed to assure that requests are acted upon in a timely manner.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 333.

PURPOSE(S):

To evaluate waiver requests, determine appropriate action, and render decision, pursuant to Army Regulation 600–200.

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

None.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Information is housed in buildings employing security guards.

RETENTION AND DISPOSAL:

Destroyed after 1 year by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the Commander, US Army Enlistment Eligibility Activity, 9700 Page Boulevard, St. Louis, MO 63132. Individual should include his/her full name, SSN, date of separation and service component, if applicable, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; official military personnel records; investigative/security dossiers; medical evaluations; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0702.08aDASG

SYSTEM NAME:

Army Medical Procurement Applicant Files.

SYSTEM LOCATION:

Primary system exists at the US Army Medical Department Personnel Support Agency, 1900 Half Street, SW, Washington, DC 20324. Segments are located at Army Medical Department Procurement Counselor Field Offices; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential applicants for the Army Medical Department procurement programs, to include applicants for appointment in the Regular Army and US Army Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Interview sheets; counsel evaluations; resume; Curriculum Vitae; autobiography; letters of recommendation; selection/nonselection letters; Special Orders; correspondence to, from, and about applicant; Selection Board/Committee results; Statements of Interests; Objectives and Motivation; Letter of Appointment; service agreement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 3012; 4301.

PURPOSE(S):

To evaluate an applicant's acceptability and potential for appointment in a component of the Army Medical Department; to evaluate qualifications for assignment to various career areas; to determine educational and experience background for award of constructive service credit; to determine dates of service and seniority; to document service agreement with the US Army; to provide statistical information for effective management of the Army Medical Department Personnel Procurement Program.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Records are restricted to designated officials having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records of selected applicants are held for 10 years before being destroyed ty shredding; those for applicants not selected are held 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the Commander, Army Medical Department Personnel Support Agency, 1900 Half Street, SW, Washington, DC 20324. Individual should provide his/her full name, SSN, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; academic transcripts; faculty evaluations; employer evaluations; military supervisor evaluations; American Testing Program; Educational Testing Service; Selection Board/committee records; prior military service records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(k)(5) are exempted from subsection (d) of 5 U.S.C. 552a.

A0703.04DAPC

SYSTEM NAME:

ROTC Applicant/Member Records.

SYSTEM LOCATION:

Headquarters, U.S. Army Training and Doctrine Command, Ft Monroe, VA 23651. Segments of the system exist in Offices of the Professor of Military Science at civilian educational institutions, in ROTC Regional Offices, and at the US Army Military Personnel center, Alexandria, VA 22332–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who apply and are accepted into the Army Reserve Officer Training Corps (ROTC) program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for appointment which includes such personal data as name, SSN, date and place of birth, citizenship, home address and telephone number, marital status, dependents; transcripts and certificates of education, training, and qualifications; medical examinations; financial assistance documents; awards; ROTC contract; photograph; correspondence between the member and the Army or other Federal agencies; letter of appointment in Active Army on completion of ROTC status; security clearance documents; official documents such as DA Form 131, DA Form 597, DA Form 61, DA Form 873, SF 88 and SF 93, DD Forms 4/1–4/4, and DOJ Form I–151 if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 2101–2111.

PURPOSE(S):

These records are used in the selection, training, and commissioning of eligible ROTC cadets in the Active Army and Reserve Forces and for pesonnel management, strength accounting, and manpower management purposes.

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

Information may be disclosed to the Federal Aviation administration to obtain flight certification and/or licensing; to the Veterans Administration for member Group Life Insurance and/or other benefits.

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

STORAGE:

Paper records in folders; punched cards; microfilm/fiche; magnetic tape, drum, or disc.

RETRIEVABILITY:

By name or SSN.

SAFEGUARDS:

All records are maintained in areas accessible only to authorized personnel who have official need therefor in the performance of their assigned duties.

Automated records are further protected by assignment of users identification and password edits to protect the system from unauthorized access and to restrict each user to specific files and data elements. User identification and passwords are changed at random times; control data are maintained by the system manager in a sealed envelope in an authorized safe.

RETENTION AND DISPOSAL:

DA Form 131 is retained in the ROTC unit for 5 years after cadet leaves the institution or is disenrolled from the ROTC program. Following successful completion of ROTC and academic programs and appointment as a commissioned officer with initial assignment to active duty for training, copy of pages 1 and 2 are reproduced and sent to the commander of individual's basic branch course school. Records of rejected ROTC applicants are destroyed. Other records mentioned in preceding paragraphs are destroyed if not required to become part of individual's Military Personnel Records Jacket.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system of records contains information on them should inquire of the Professor of Military Science of the civilian educational institution in which the individual is an enrolled ROTC member.

RECORD ACCESS PROCEDURES:

Individuals should address requests as indicated in "Notification procedure", furnishing full name, current address and telephone number, and definitive description of information sought.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual, civilian educational institutions, official Army records addressing entitlement status, medical examination and treatment, security determination, and attendance and training information while an ROTC cadet.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0710.08DAAR

SYSTEM NAME:

Career Management Files of Dual Component Personnel.

SYSTEM LOCATION:

US Army Reserve Personnel Center, 9700 Page Boulevard, St Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any reserve or warrant officer on active duty as an enlisted man; any reserve officer on active duty as a Regular Army warrant officer.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, SSN, basic pay entry date, promotion eligibility date, mandatory removal date, military education, copy of officer evaluation reports, academic reports, qualifications records, letters of appreciation and commendation, general orders concerning awards; and similar documents, records and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 275.

PURPOSE(S):

To advise reserve officers when they will be considered for promotion, military education that needs to be completed for eligibility; to determine if officer should be removed for substandard performance of duty; to advise of eligibility for retirement as either an officer or enlisted person; to apprise individuals of changes in the reserve program affecting them.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders; magnetic tape/disc.

RETRIEVABILITY:

By individual's surname and SSN.

SAFEGUARDS:

All records are restricted to officially designated individuals having need therefor in assigned duties. Record are maintained in secured building; automated data are stored in vaults.

RETENTION AND DISPOSAL:

Records in this system are combined with Army personnel records and retained either at US Army Reserve Components Personnel and Administration Center, if officer, or at US Enlisted Records and Evaluation Center, if an enlisted person.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Reserve Personnel Center, 9700 Page Boulevard, St Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: Personnel Management and Training Division. Individual should provide full name, SSN, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0710.09DAAG

SYSTEM NAME:

Personnel Management/Action Officer Files.

SYSTEM LOCATION:

US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Individual Ready Reserve (IRR), Standby Reserve, Retired Reserve, unit personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence; orders; pay vouchers; efficiency reports; assignment instructions; medical evaluations; request for waiver of disqualifications; grade determinations; flagging actions which preclude completion of favorable personnel actions; transcripts; requests for transfer to another branch, status, or service; claims or pay; application for active duty; assignment instructions for Active Duty or Active Duty for Training; applications for delay or exemption

from Active Duty/Active Duty for Training; nominations for decorations or awards; selection/nonselection for promotion; notification of removal from active Reserve status for physical disqualification, non-participation, two-time passover for promotion or elimination action; application for waiver of disqualifications for enlistment in US Army Reserves; request for discharge or voiding of enlistments; requests for transfer to or from the Ready Reserve, Standby Reserve, or Retired Reserve; claims for pay not received while on active duty; request for assignment/attachment to Army National Guard units, mobilization designation positions or detachments, reinforcement training units, and US Army Reserve school student detachments; applications for participation in Army Reserve Logistics Career Program and Foreign Area Officer Program; decisions pertaining to the career management of officers and senior enlisted personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 275.

PURPOSE(S):

To respond to inquiries from an individual or other Government agencies concerning reserve status of Army personnel.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file cabinets; card files.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records are maintained for a period of 6 months to 3 years depending on the type of action involved, after which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO 63132.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system of records contains information on them should write to the System Manager, ATTN: AGUZ-RCPD, and provide full name, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO714.02DAPC

SYSTEM NAME:

Military Personnel Assignment Files.

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400. Segments exist at Army commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty enlisted, warrant and commissioned officers of the US Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains letters, forms, statements relating to travel restrictions, dual nationality status, controlled Military Occupational Specialty constraints on assignment, Special Forces organization, sole surviving son limitations, compassionate requests, permissive reassignments, preference for assignment statements, service member/spouse kinship with foreign national considerations, criminal investigation eligibility determinations, initial accession assignment data, conscientious objector statement, application and special orders pertaining to airborne qualification and assignment, selection and assignment to Atomic Energy Commission, results of Graduate Record Examination or Aptitude Test for Graduate Studies in Business examinations relating to graduate school selection, nominations for position assignment, biographical sketch, supporting assignment to Military Assistance Operations Program positions, correspondence between member and the Department of the Army and/or Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 401; 10 U.S.C., section 3012.

PURPOSE(S):

To document assignment considerations of each service member to assure equity of duty, basis for special assignment, protection of service member and dependents assigned in foreign areas; to ensure that service member is not assigned contrary to persona-non-grata status; and similar assignment limitations, restrictions and constraints.

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

None.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel engaged in assignment and reassignment actions.

RETENTION AND DISPOSAL:

Records are destroyed when superseded by subsequent assignment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Information for officer personnel may be obtained from the System Manager, ATTN: DAPC–OP; for enlisted personnel, from DAPC–EP. Individual should provide his/her full name, service identification number, branch of service if an officer, grade/rank, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", supplying information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO901.02DASG

SYSTEM NAME:

Medical Facility Administration Records.

SYSTEM LOCATION:

Medical centers, hospitals, health clinics; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals authorized to use services of an Army medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system generally relates to administration at a medical facility, as opposed to an individual's health/care. Typically, records comprise scheduling of appointments, medical history data used to locate medical records, birth, death, accountability of patients (e.g., bed charts, transfer, leave requests, etc.); receipts for patient's personal property, prescriptions for medications, eyeglasses, hearing aids, prosthetic devices, diet/special nourishment plans, blood donor records, charges, receipts and accounting documents of payments for medical/dental services; register number assigned; and similar records/reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

PURPOSE(S):

To locate medical records and personnel; schedule appointments; provide research and statistical data; to enhance efficient management practices and effective patient administration.

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

Birth records may be disclosed to States' Bureau of Vital Statistics; overseas birth records are disclosed to the Department of State.

Death records may be disclosed to Federal, State, and private sector authorities having legitimate need therefor.

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

STORAGE:

Cards; paper records in file folders.

RETRIEVABILITY:

By individual's surname or SSN.

SAFEGUARDS:

Records are maintained within secured buildings in areas accessible only to persons having official need therefor who are properly trained and screened.

RETENTION AND DISPOSAL:

Nominal index files, including register numbers assigned, are destroyed after 20 years. Records of transient value (e.g., issuance of spectacles/prosthetics, diet/food plan, etc.) are destroyed within 3 months of patient's release. Other records have varying periods of retention as follow: Record of birth/death: 2 years; Patient accountability (admission/discharge): 5 years; Blood donor: 5 years or when no longer needed for medical/legal reasons; Record of patient's personal property: 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system should contact the Patient Administrator at the medical facility where service/care was provided. Inquirer should furnish full name, SSN, details which will assist in locating record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information in this system should inquire as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; medical facility records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO903.07DASG

SYSTEM NAME:

Entrance Medical Examination Files.

SYSTEM LOCATION:

Army medical examining facilities; Military Enlistment Processing Stations (for enlistees); Department of Defense Medical Review Board, US Academy, CO 80840 (except for reservists).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who (a) enroll in the ROTC program, (b) enlist or are appointed in the US Army or US Army Reserves, or (c) are appointed as a cadet to the US Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entrance medical examination and resulting documentation such as SF 88, Report of Medical Examination, and SF 93, Report of Medical History, together with relevant and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSES:

To determine medical acceptance of applicant for military service and thereafter to properly assign and use individual. Management data are derived and used by Health Services Command to evaluate effectiveness of procurement medical standards.

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

None.

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

STORAGE:

Paper records in file folders; selected management data are stored on word processing or magnetic discs and tapes.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings using security guards, accessible only to authorized personnel having official need for the information who are properly screened and trained.

RETENTION AND DISPOSAL:

Original SF 88 and 93 become permanent documents in individual's Health Record; 1 copy of these forms and supporting documentation is retained by the Army or Military

Enlistment Processing Station Examining Facility for 1 year; 1 copy is forwarded to the DOD Medical Review Board where it is retained for 5 years.

Records of individuals rejected for military service are retained for statistical analyses, but for no longer than 2 years, after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system contains information on them should write to the Commander of the medical examining facility where physical examination was given. Individual should furnish his/her full name, SSN, home address, approximate date of the examination, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertaining to themselves should write as indicated in "Notification procedure", furnishing information required therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; from the physician and other medical personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO906.01DASG

SYSTEM NAME:

Medical Review Files.

SYSTEM LOCATION:

Office of The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and registrants who are being considered for Army service and whose medical fitness is questionable; Army members being considered for continuance in service, promotion, special assignment, or separation whose medical fitness is questioned either by the medical evaluating authority or by the individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain documents relating to medical fitness of individuals for appointment, enlistment, retention in service, promotion, special assignment, or separation. Included are reports of medical examination and evaluation, psychological evaluation reports, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 1071.

PURPOSE(S):

To evaluate medical fitness of marginally qualified personnel for Army program with strict regard to established medical standards.

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

None.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in secured areas, accessible only to designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: DASG–AOM, providing full name, place and date of medical examination, additional details that will facilitate locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated n "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From clinical records, health records, medical boards, civilian physicians, consultation reports, other Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0906.04DASG

SYSTEM NAME:

Medical Evaluation Files.

SYSTEM LOCATION:

Primary system is located at Army Medical Department medical facilities convening a medical board. A segment exists at the US Army Physical Evaluation Board and the US Army Physical Disability Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army members whose medical fitness for continued service has been questioned either by the member or his/her commander.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information concerning the member; certain codes of specific types of injuries for research study purposes; Veterans Administration Schedule for Rating Disability Diagnostic Codes; documents reflecting determinations by an Army board of medical fitness for continued Army active service; board proceedings and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., sections 1071 and 1201.

PURPOSE(S):

Records are used by Medical Boards to determine medical fitness for continued Army active service. They are used by the Physical Evaluation Board to review medical board findings when required and to determine if the individul should be discharged, temporarily or permanently retired for disability, or retained for active service. The US Physical Disability Agency reviews determinations and dispositions, and responds to inquiries.

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

None.

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

STORAGE:

Paper records in file folders; magnetic diskettes.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened and trained. Operation of data processing equipment and magnetic tapes are limited strictly to authorized personnel. Computer has key lock and key is controlled. Magnetic diskettes are stored and controlled to ensure they do not result in unauthorized disclosure of personal information.

RETENTION AND DISPOSAL:

Records of Medical Boards are retained for 5 years and then destroyed. Records of the US Army Physical Evaluation Boards are retained for 2 years or until discontinued, whichever occurs first. Records at the US Army Physical Disability Agency are retained for 5 years and then destroyed. Destruction of all records is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals who believe this system of records contains information pertaining to them should write to the System Manager, ATTN: DASG–AOM. Individual should furnish his/her full name, SSN, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; medical records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO909.04DASG

SYSTEM NAME:

Medical Regulating Files.

SYSTEM LOCATION:

Primary system is located at the Office of The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310. Segments exist at Army medical treatment facilities, evacuation units and medical regulating offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any patient requiring transfer to another medical treatment facility who is reported to the Armed Services Medical Regulating Office by US Government medical treatment facilities for designation of the receiving medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information reported by the transferring medical treatment facility and includes, but is not limited to, patient identity, service affiliation and grade or status, sex, medical diagnosis, medical condition, special procedures or requirements needed, medical specialties required, administrative considerations, personal considerations, the patient's home town and/or duty station and other information having an impact on the transfer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To properly determine the appropriate medical treatment facility to which the reported patient will be transferred; to notify the reporting US Government medical treatment facility of the transfer destination; to notify the receiving medical treatment facility of the transfer; to notify evacuation units, medical regulating offices and other government offices for official reasons; to evaluate the effectiveness of reported information; to establish further the specific needs of the reported patient; for statistical purposes; and when required by law and official purposes.

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

None.

Note: Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., section 1175 and Title 42 U.S.C., section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains.

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

STORAGE:

Paper records in file folders; index cards.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Destroyed 1 year following the end of the calendar year in which the patient was reported to the Armed Services Medical Regulating Office.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the System Manager or to the Patient Administrator at the medical treatment facility where service was provided. Individual should provide full name, rank or status and parent service, approximate date of transfer, medical treatment facility from which transferred, and current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From transferring and receiving medical treatment facilities, medical regulating offices, evacuation offices, and other US Government offices.

agencies and commands relevant to the patient transfer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO912.01bDASG

SYSTEM NAME:

Professional Consultant Control Files.

SYSTEM LOCATION:

Office of The Surgeon General, HQDA; US Army Health Services Command; US Army Medical Command, Europe.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has been used or appointed as a professional consultant in the professional medical services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to utilization, appointment, duties, responsibilities, and compensation of professional consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., sections 1071–1086.

PURPOSE(S):

To appoint and monitor utilization of designated consultants.

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

Clinical privileged information may be provided to civilian and military medical facilities, Federation of State Medical Boards of the United States, State Licensure Authorities and other appropriate professional regulating bodies.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By last name of consultant.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records are destroyed 1 year after termination of consultant's appointment.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: DASG–PTZ–C. Inquirer should provide his/her full name, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).,

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO912.01cDASG

SYSTEM NAME:

Professional Personnel Information File.

SYSTEM LOCATION:

US Army Health Services Command, Ft. Sam Houston, TX 78234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Practicing physicians, residents, psychologists, social workers, and pharmacists assigned or employed in medical treatment facilities operated by the Health Services Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personal information provided to various professional consultants assigned to Health Services Command by practitioners assigned to command medical treatment facilities. This includes personal data questionnaires, curricula, vitae, assignment preferences, personal correspondence, and other records pertaining to the professional qualifications and experience of personnel being monitored by the consultant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To establish and maintain familiarity with the locations, assignments, utilization, marital and family status, professional and military experience and qualifications, and assignment preferences of professional staff in medical treatment activities, as an aid in monitoring the utilization of professional personnel and to assist in career management and assignment activities.

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

Clinical privileged information may be provided to civilian and military medical facilities, Federation of State Medical Boards of the United States, State Licensure Authorities and other appropriate professional regulating bodies.

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

STORAGE:

Paper records in file folders; index card files.

RETRIEVABILITY:

By last name of professional person.

SAFEGUARDS:

Records are stored in buildings protected by security guards; access to records is restricted to designated individuals having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are destroyed 1 year following termination of practitioner's assignment or employment.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them is contained in this system of records should write to the Commander, US Army Health Services Command, ATTN: HSPA–C, Ft Sam Houston, TX 78234. Individual should furnish his/her full name, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

Official Personnel Rosters, registers, and Army records and reports.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0917.01DASG

SYSTEM NAME:

Health Care and Medical Treatment Record System.

SYSTEM LOCATION:

Army Medical Department facilities/activities at addresses listed in the appendix to the Army's inventory of system notices (48 FR 25773, June 6, 1983.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Armed Forces (both active and inactive); dependents; civilian employees of the Department of Defense; members of the US Coast Guard, Public Health Service, and Coast and Geodetic Survey; cadets and midshipmen of the military academies; employees of the American National Red Cross; and other categories of individuals who receive medical treatment at Army Medical Department facilities/activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records (of a permanent nature) used to document health; psychological and mental hygiene consultation and evaluation; medical/dental care and treatment for any health or medical condition provided an eligible individual on an in-patient and/or out-patient status to include but not limited to: health; clinical (in-patient); out-patient; dental; consultation; and procurement and separation x-ray record files. Subsidiary medical records (of a temporary nature) are also maintained to support records relating to treatment/observation of individuals. Such records include but are not limited to: social work case files, inquiries/complaints about medical treatment or service rendered by the medical treatment facility, and patient treatment x-ray and index files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., sections 1071–1085; 50 U.S.C., Supplement IV, Appendix 454, as amended.

PURPOSE(S):

To provide health care and medical treatment of individuals identified in the "Individual Category" above; to establish tuberculosis/tumor/cancer registries; for research studies; compilation of statistical data and management reports; to implement preventive medicine, dentistry, and communicable disease control programs; to adjudicate claims and determine benefits; to evaluate care rendered; determine professional certification and hospital accreditation; and determine suitability of persons for service or assignment.

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

Information may be disclosed to:

Veterans Administration: To adjudicate veterans' claims and provide medical care to Army members.

National Research Council, National Academy of Sciences, National Institute of Health, and similar institutions for authorized health research in the interest of the Federal Government and the public. When not essential for longitudinal studies, patient identification data shall be eliminated from records used for research studies. Facilities/activities releasing such records shall maintain a list of all such research organizations and an accounting disclosure of records released thereto.

Local and State governments and agencies for compliance with local laws and regulations governing control of communicable diseases, preventive medicine and safety, child abuse, and other public health and welfare programs.

Note: Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., section 1175 and Title 42 U.S.C., section 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. Blanket "routine uses" in 48 FR 25503 do not apply to these records.

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

STORAGE:

Paper records in file folders; visible card files; microfiche; cassettes; punched cards; magnetic tapes/discs; computer printouts; x-ray film preservers.

RETRIEVABILITY:

By patient or sponsor's surname or SSN.

SAFEGUARDS:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated segments are protected by controlled system passwords governing access to data.

RETENTION AND DISPOSAL:

Medical records of a permanent nature are retained as follows:

Military Health/Dental and Procurement/Separation X-ray records are permanent. Clinical (in patient), Out-patient, Dental, and Consultation record files for military members are destroyed after 50 years; records pertaining to US Military Academy cadets are withdrawn and retired to the Surgeon, U.S. Military Academy, West Point, NY. Records on civilians and foreign nations are destroyed after 25 years. Records on American Red Cross personnel are withdrawn and forwarded to the American National Red Cross.

All medical records (except the Military Health/Dental records which are active while individual is on active duty, then retired with the individual's Military Personnel Records Jacket and the Procurement/Separation X-ray records which are forwarded to the National Personnel Records Center on an accumulation basis) are retained in active file while treatment is provided and subsequently held of a period of 1 to 5 years following treatment before being retired to the National Personnel Reocords Center.

Subsidiary medical records, of a temporary nature, are normally not retained long beyond termination of treatment; however supporting documents determined to have significant documentation value to patient care and treatment are incorporated into the appropriate permanent record file.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the medical facility where treatment was provided (for civilian and military records): Red Cross employees may write to the Medical Officer, American National Red Cross, 18th and D Streets, NW, Washington DC 20006.

RECORD ACCESS PROCEDURES:

Individuals should write as indicated in "Notification procedure", providing their full name, SSN, and current

address and telephone number. Query should include sufficient details to permit locating the records, to include name of the hosptial and year of treatment.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulations 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Personal interviews and history statements for the individuals; abstracts or copies of pertinent medical records; examination records of intelligence, personality, achievement, and aptitude; reports from attending and previous physicians and other medical personnel regarding results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies and research conducted to provide health care and medical treatment; and similar or related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0922.01DASG

SYSTEM NAME:

Occupational Health Records.

SYSTEM LOCATION:

Army medical treatment facilities; addresses may be obtained from the Systems Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of the Army employees; active duty military personnel and their dependents who are treated on an out-patient basis by medical treatment facilities for whom specific occupational health examinations have been requested.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, SSN, date and place of birth, marital status, dates of medical surveillance tests and their results; documents reflecting the training, expereince and certification to work within hazardous environments; external exposure to chemicals, radiation, physical stress, non-human primates, including personnel monitoring results, work area monitoring readings, and similar and related documents; personnel protective equipment and medical programs required to limit exposure to environmental safety and health hazards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR Chapter XVII, Occupational Safety and Health Standards; 5 U.S.C., section 150; Executive Orders 11612 and 11807.

PURPOSE(S):

To determine medical fitness and to evaluate health of persons listed in the "Individual Category" above, pursuant to appropriate preventive medicine programs; to ensure that employees are qualified to perform duties under environmental stress and that such stress is limited to lowest level practical.

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

Information may be disclosed to appropriate Government agencies whose responsibility falls within the above occupational health statutes.

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

STORAGE:

Paper records; magnetic tapes, discs, and printouts.

RETRIEVABILITY:

By individual's name and/or SSN.

SAFEGUARDS:

Access to all records is restricted to designated individuals whose official duties dictate need therefor. Information in automated media are further protected by storage in locked rooms. All individuals afforded access are given periodic orientations concerning sensitivity of personal information and requirement to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Personnel exposure files/monitoring data are retained after 5 years after evaluation and recorded on permanent medical records. Records relating to individual's health are incorporated in the individual's medical record.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records may write to the Patient Administrator at the appropriate medical treatment facility, or to the System Manager. Individual must provide full name, SSN, current address and telephone number, sufficient details to permit locating records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", supplying information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From Army medical records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0924.01DASG

SYSTEM NAME:

Army Community Health Nursing Records—Family Records.

SYSTEM LOCATION:

Army Medical Centers and hospitals; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals eligible for Army military medical care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Family Record Form (DA Form 3762), Case Referral Form (DA Form 3763); medical diagnosis, observations, socio-economic plans and goals for nursing care, summarization of consultations, and similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

PURPOSE(S):

To identify family members who receive Army community health nursing care.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders retained in the Army Community Health Nursing

Office; copy of DA Forms 3762 and 3763 is filed in individual's out-patient medical record.

RETRIEVABILITY:

By surname of eligible military member or sponsor.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need therefor. Facilities are locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system of records contains information on them should inquire of the Patient Administrator of the Army Medical Treatment Facility which provided the health nursing care.

RECORD ACCESS PROCEDURES:

Individuals who desire access to records pertaining to them should write to the Army Medical Treatment Facility where the record is believed to exist and furnish their full name, SSN; name and SSN of sponsor, if applicable; relationship to military member; current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual, family members, other persons having information relevant to health of family members; educational institutions; civilian health, welfare, and recreational agencies; civilian law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0929.02aDASG

SYSTEM NAME:

Privately Owned Animal Record Files.

SYSTEM LOCATION:

Veterinarian service at medical facilities on Army installations and activities; official mailing addresses are in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose privately owned animals receive veterinary care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home address and telephone number of animal's owner, record of treatment of the animal; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 133, 1071 through 1087, 5031 and 8012.

PURPOSE(S):

To record registration, vaccination, and/or treatment of animals; to compile statistical data; and to indentify animals registered with the Veterinary Animal Disease Prevention and Control Facility in connection with the Veterinary Prevention Medicine and Zoonotic Disease Control Program.

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

None.

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

STORAGE:

Paper records in file folders.

RETREIVABILITY:

By name of the animal's owner.

SAFEGUARDS:

Records are maintained in buildings which are locked when unattended and are accessed only by authorized personnel having an official need-to-know.

RETENTION AND DISPOSAL:

Destroyed within 6 months of death of the animal, expiration of rabies vaccination, or transfer of owner.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the veterinary facility where the animal was treated or euthanized.

RECORD ACCESS PROCEDURES:

Written request should contain the animal owner's name, home address and telephone number, and the animal's rabies vaccination number. Personal visits may be made to the veterinary facility where animal was treated. Owner must provide personal identification such as a valid military identification card or driver's license.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the animal owner, veterinarian reports, and similar or related documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1001.02TRADOC

SYSTEM NAME:

Individual Basic Training Survey.

SYSTEM LOCATION:

Primary system exists at Headquarters, Modern Army Selected System Test, Evaluation and Review, Ft Hood, TX 76554. Segments are located at Ft Polk, LA, Ft Gordon, GA, Ft Knox, KY, Ft Leonard Wood, MO, Ft Sill, OK, and Ft Bliss, TX.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and enlisted personnel currently assigned or attached as training cadre; enlisted personnel assigned or attached for purpose of completing US Army individual basic training and/or individual advanced training at locations listed above; first-line supervisors of the graduate trainee upon arrival at his/her first duty station/unit after graduation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on individuals include name, SSN, data assigned, unit assigned, race, marital status, component, age, educational level and years, prior service, branch of service, enlistment option, enlistment commitment, military occupational specialty (MOS) training infusee/recycle into unit, mental category, general technical aptitude area score, years of active service, grade, job title, last primary MOS (PMOS) score, combat experience, months' total experience on this job, drill sergeant program entry method, gaining unit identification code, trainee daily incidents such as discharge, Uniform Code of Military Justice actions, sick call, absent without leave, recycles, receipt of mental hygiene consultation service, graduated, injured in training, non-graduate and reason, admittance to

hospital, all trainee basic MOS qualification tests and scores to include the number of attempted tries to pass tests, supervisors' responses to questionnaire as to graduate trainees' level of expertise and qualifications to function at an entry skill level for his assigned MOS, an attitude survey on trainees as a group unit which is not keyed to individuals' name or SSN.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012; 5 U.S.C., section 301.

PURPOSE(S):

To provide Army commanders with the ability to determine if the "one station unit training" philosophy is a successful method of training the individual soldier in critical entry level skills for first unit assignment through the use of statistical summary documents on groupings of trainees by unit of assignment.

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

None.

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

STORAGE:

Computer magnetic tapes, discs and printouts.

RETRIEVABILITY:

By SNN.

SAFEGUARDS:

All records are restricted to individuals having need therefor in the performance of official duties. Automated media records are further protected by controlled access to operations rooms, restricted output distribution; computer printouts are protected by locked cabinets, personnel screening, and a need-to-know verification.

RETENTION AND DISPOSAL:

Destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Training and Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them exists in this system of records should write to the System Manager, providing full name, SSN, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual, automated system interfaces, military personnel records, and individual trainee qualification test score cards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1001.08aDAPE

SYSTEM NAME:

Office Personnel Training Files.

SYSTEM LOCATION:

Maintained by officials designated to administer agency training programs at Headquarters, Department of the Army staff, field operating agencies, major commands, installations, and activities. Mailing addresses are in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel employed by the Army who have been selected or scheduled for, or have recently completed training related to functional responsibilities of the office to which assigned or are in furtherance of individual's career development.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records pretain to the scheduling and follow-up of military and civilian training courses. Documents include (a) annual projection of indivudual training necessary to maximize personal career development goals and mission accomplishment; (b) tuition, personnel and travel costs; (c) course name and training facility at which offered; and (d) personal data including name, rank/grade, SSN, security clearance, résumé of educational background to include academic achievements, on-the-job and formal classroom training, and related management reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To provide management and indivuduals with reports of training completion, courses scheduled, and relevant required actions.

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

None.

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

STORAGE:

Paper records in file folders; magnetic tapes/discs.

RETRIEVABILITY:

By name and/or SSN.

SAFEGUARDS:

All records are maintained in secured buildings, in either file cabinets or areas accessible only to authorized persons having a need-to-know. Computer rooms are accessible only by authorized personnel through controlled access. Computer software precludes unauthorized access to the file by use of a system password and system lock-out procedures.

RETENTION AND DISPOSAL:

Destroyed after 1 year or when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the training coordinator at the local installation.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander/training officer/supervisor. Written requests should include full name of individual and SSN. For personal visits, individual must provide acceptable identification, such as driver's license, military or civilian identification card.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual applying for training, his/her supervisor, agency training officer, or from office personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.03bAMC

SYSTEM NAME:

Student/Faculty Records: AMC Schools System.

SYSTEM LOCATION:

US Army Logistics Management Center, Ft Lee, VA; US Army Management Engineering Training Agency, Rock Island, IL; Joint Military Packaging Training Center, Aberdeen Proving Grounds, MD; USAMC Ammunition Center/School, Savanna, IL; USAMC Field Safety Agency, Charlestown, IN.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

STUDENTS ENROLLED/ATTENDING SCHOOLS IDENTIFIED ABOVE, FACULTY, INSTRUCTORS, AND GUEST SPEAKERS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student academic records consisting of course completion and results, aptitudes and personal qualities, grades/ratings assigned; instructor/guest speaker qualifications and evaluations, inlcuding biographical data; class historical/academic achievements; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To determine applicant eligibility, monitor individual's progress, maintain record of student/faculty achievements, and to provide bases for management assessment of curricula and faculty effectiveness and class standing.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records; cards; photographs; magnetic tapes/discs; and printouts.

RETRIEVABILITY:

By name, SSN, military service number.

SAFEGUARDS:

Records are maintained in locked cabinets within secured areas accessible only to authorized persons having an official need-to-know.

RETENTION AND DISPOSAL:

Individual academic records are retained for 40 years, 3 of which are at the school which created them; they are subsequently transferred to the National Personnel Records Center, 9700 Page Boulevard, St Louis, MO. Faculty/instructor qualifications records are retained until individual transfer from the facility, held for 5 years, and then destroyed. Other records are retained until no longer needed; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commandant/Director of the appropriate School/Agency. Requests should contain person's full name, rank/grade, SSN, course title/class number, and date of attendance or, if a faculty member: name, course(s) taught, and period in which instructed at named training facility.

RECORD ACCESS PROCEDURES:

Written requests for information should be made to the Commandant/Director of the appropriate training facility, giving information specified in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, student, faculty, instructor, guest speaker, and management analyses of class performance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.03dTRADOC

SYSTEM NAME:

TRADOC Educational Data Systems.

SYSTEM LOCATION:

US Army Management Systems Support Agency, Headquarters, Department of the Army. Input-output terminals are located at the Soldiers Support Center, Ft Benjamin Harrison, IN, and at Army Service Schools, the addresses of which may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Army, Navy, Marine Corps, and Air Force, Reserve Officer Training Corps and National Defense Cadet Corps students, Department of Defense civilian employees, and approved foreign military personnel enrolled in a resident/non-resident course at a US Army service school.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, grade/rank, SSN, address, service component, branch, personnel classification, military occupational specialty, credit hours accumulated, examination and lesson grades, student academic status, curricula, course description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To record lessons and/or exam grades; maintain student academic status, course and subcourse descriptions; produce course completion certificates and reflect credit hours earned; and produce management summary reports.

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

None.

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

STORAGE:

Magnetic tapes, discs, and paper printouts.

RETRIEVABILITY:

By SSN.

SAFEGUARDS:

Random number sign-on authentication for each inquiry made to the system is required. Sign-on decks to enable such access are updated weekly, safeguarded under Army Regulation 380-5 owing to their Confidential classification, and are unique to one terminal only. Access is granted only designated personnel at Headquarters, US Army Training and Doctrine Command and Army Service Schools responsible for the administration and processing of resident students.

RETENTION AND DISPOSAL:

Machine records are retained during student's enrollment, after which student's records are transferred to the Academic Records System History File for indefinite retention. Non-resident

students are assigned a 6 month enrollment period or, if in multiple subcourses, an enrollment period of 1 year. A hard copy transcript reflecting the student's personal and academic data is produced; this is retained by the service school for 6 years; then transferred to the National Personnel Records Center, St Louis, MO where it is retained for 34 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Training and Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commandant of the US Army Service School where student is enrolled. Written requests must contain notarized signature for identification. Individual making request in person must provide acceptable identification such as driver's license, military identification.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing full name, SSN, and signature.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

Form individuals upon enrollment, from class records and instructors, from student's personnel records, and from graded examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.03fDASG

SYSTEM NAME:

Army School Student Files: Physical Therapy Program.

SYSTEM LOCATION:

Office of The Surgeon, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Graduates of the US Army Physical Therapy Program since 1928.

CATEGORIES OF RECORDS IN THE SYSTEM:

Academic grades only on graduates from 1973 to the present. Academic grades and varying amounts and types of anecdotal information on performance: 1945 – 1972.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To provide certification of graduation from an approved physical therapy program to the individual graduate.

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

None.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By last name of graduate.

SAFEGUARDS:

Records are in closed files, accessible only to designated officials having need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: DASG–DBR. Individual should furnish full name, maiden name if married, year of graduation, current address, institution and complete address to which transcript is to be mailed if other than that of individual concerned.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure"; providing information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).,

RECORD SOURCE CATEGORIES:

Staff and faculty of appropriate school and/or training hospital responsible for presentation of instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.03jHSC

SYSTEM NAME:

Clinical Specialist School Student Files.

SYSTEM LOCATION:

Health Services Command Clinical Specialist School, Fitzsimons Army Medical Center, Denver, CO 80240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These files relate to student personnel who attend formal course of instruction at the Clinical Specialist School.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Academic Records consisting of courses attended by Army members, length of each, extent of each, completion and results, aptitudes and personal qualities, grade and rating attained and related data for each indiviual; Faculty Board files pertaining to the class standing, rating, classification and proficiency of students; Class Academic Record indicating progress and attendance of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To confirm eligibility for attendance, monitor student progress, determine successful completion of academic requirements and prepare transcripts. Records reflect accomplishment of courses which may be prerequisites for attendance at other formal courses of instruction, or taking of State Board, Licensed Practical Nursing examinations.

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

None.

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

STORAGE:

Paper records in file folders; card files; magnetic tapes and discs.

RETRIEVABILITY:

By name and/or assigned class number.

SAFEGUARDS:

Building housing records has limited access; information is released only to authorized personnel.

RETENTION AND DISPOSAL:

Individual Academic Records and Class Academic records are destroyed after 40 years; collateral individual training records are destroyed after 1 year; Faculty Board files are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Health Services Command, Ft Sam Houston, TX 78234.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commander, Fitzsimmons Army Medical Center, ATTN: HSF–N, Denver, CO 80240.

RECORD ACCESS PROCEDURES:

Written requests for information should be addressed to the appropriate course director, and include student's full name, rank at time of attendance, SSN, military service number or student number, if applicable, course title and class number, or description of type training received, and dates of course attendance.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From Staff and faculty of the school responsible for presentation of instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.03iDLI

SYSTEM NAME:

Standardized Student Records system.

SYSTEM LOCATION:

Defense Language Institute, Presidio of Monterey, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been enrolled for foreign language training at the Defense Language Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, and military administrative data, together with academic data generated at Defense Language Institute.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To establish permanent student record used for issuing official grade transcripts and preparing statistical studies to improve training and testing methods.

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

None.

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

STORAGE:

Magnetic tapes/discs.

RETRIEVABILITY:

By SSN.

SAFEGUARDS:

Records are accessible via remote terminal only by authorized personnel citing established user identifier and password.

RETENTION AND DISPOSAL:

Records and permanent. They are retained in active file (on-line) until student departs; then retired to a history tape.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, Defense Language Institute, Presidio of Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from the Academic Records Office, Defense Language Institute. Individual should provide full name, current address and telephone number, SSN, class attended, and year graduated.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; staff and faculty.

SYTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.03oDAMO

SYSTEM NAME:

US Army War College Cooperative Degree Program Files.

SYSTEM LOCATION:

US Army War College, Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past students participating in the Cooperative Degree Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, rank, and service number, past military and civilian academic records (transcripts, diplomas, letters of recommendation, Veterans Administration application, etc.).

AUTHORITY FOR MAINTEANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To assist students in applying for, and pursuing their graduate degree; to monitor administrative data for use in managing the program (number and percent of students participating, degrees being pursued, anticipated completion dates, schools being attended, etc.), and to maintain data for evaluating the program.

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

Information may be disclosed to the Veterans Administration and other interested Government agencies.

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

STORAGE:

Paper records in file cabinets; magnetic tapes/discs.

RETRIEVABILITY:

By student's name.

SAFEGUARDS:

Records are maintained in a secured area with access limited to authorized personnel. In addition, access to computerized data is by password known only to designated, authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, US Army War College, Carlisle Barracks, PA 17013.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: Director, Human Resources Development. Individual should furnish full name, SSN/service number, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From students; staff and faculty; officials at cooperating civilian institutions such as Shippensburg State College and the Capitol Campus of the Pennsylvania State University.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–33615 Filed 12–26–84; 8:45 am]

BILLING CODE 3810–01–M

Privacy Act of 1974; Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Deletion of and Amendments to Notices for Systems of Records.

SUMMARY: The Department of the Army proposes to delete 13 and amend 27 system notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification changes, amended notices are printed below in their entirety.

DATE: This action shall be effective without further notice on or before January 28, 1985, unless comments are received which would result in a contrary determination.

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

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

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

FR Doc 83–12048 (48 FR 25502), June 6, 1983
FR Doc 83–18883 (48 FR 32046), July 14, 1983
FR Doc 83–24181 (48 FR 40291), September 6, 1983
FR Doc 83–28792 (48 FR 49086), October 24, 1983
FR Doc 84–1118 (49 FR 2006), January 17, 1984
FR Doc 84–2331 (49 FR 3506), January 27 1984
FR Doc 84–3683 (49 FR 5170), February 10, 1984
FR Doc 84–6438 (49 FR 8993), March 9, 1984
FR Doc 84–11652 (49 FR 18600), May 1, 1984
FR Doc 84–14035 (49 FR 22122), May 25, 1984
FR Doc 84–15558 (49 FR 24045), June 11, 1984
FR Doc 84–16178 (49 FR 24914), June 18, 1984
FR Doc 84–16520 (49 FR 25499), June 21, 1984
FR Doc 84–17271 (49 FR 26625), June 28, 1984
FR Doc 84–18684 (49 FR 28754), July 16, 1984
FR Doc 84–19506 (49 FR 29812), July 24, 1984
FR Doc 84–38067 (49 FR 28967), October 2, 1984
FR Doc 84–39168 (49 FR 39188), October 4, 1984
FR Doc 84–40637 (49 FR 40637), October 17, 1984
FR Doc 84–26818 (49 FR 43990), November 1, 1984
FR Doc 84–31707 (49 FR 47520), December 5, 1984

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

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

December 21, 1984.

DELETIONS

AO702.04aDAAR

System name:

OCS Waiver Requests (48 FR 25640), June 6, 1983.

Reason:

Records are covered by system notice AO705.01DAPC, reprinted in this **Federal Register.**

AO708.13cDAPC

System name:

Foreign Area Officer Training (48 FR 25666), June 6, 1983.

Reason:

Records are covered in system notice AO708.08DAPC

AO708.17bDASG

System name:

Contract Surgeon Personnel Files (48 FR 25668), June 6, 1983.

Reason:

Records are covered by system notice OPM/GOVT–1.

AO802.01aNGB

System name:

Technician Personnel Management Information System (48 FR 25699), June 6, 1983.

Reason:

Records are covered by system notice OPM/GOVT–1.

AO811.06DAPE

System name:

Referral Program for NAF Employees (48 FR 25705), June 6, 1983.

Reason:

Records are not subject to the Privacy Act of 1974, as amended.

AO814.02aDAPE

System name:

Labor Management Relations Records System (48 FR 25707), June 6, 1983

Reason:

Records are not subject to the Privacy Act of 1974, as amended.

A1012.031DAAG

System name:

Reserve Officer Training Corps—Active Duty Training (48 FR 25734), June 6, 1983.

Reason:

Records are covered by system notice AO705.01DAPC, reprinted in this **Federal Register.**

A1012.03nTRADOC

System name:

Nonresident Instruction Automated System (48 FR 25735), June 6, 1983

Reason:

Records are covered by system notice A1012.03aTRADOC.

A1012.03qHSC

System name:

Resident Instruction & Support Files (48 FR 25737), June 6, 1983.

Reason:

Records are covered by system notice A1012.03gHSC, reprinted in this **Federal Register.**

A1012.04hTRADOC

System name:

Grade Calculator System (48 FR 25738), June 6, 1983.

Reason:

Records are covered by system notice A1012.03aTRADOC.

A1101.08aUSACC

System name:

Operation of Private Radio Station/Citizen Band Radio (48 FR 25746), June 6, 1983.

Reason:

Records are covered by system notice A1106.04USAISC.

A1107.17DAMO

System name:

Photographer Identification Files (48 FR 25747), June 6, 1983.

Reason:

Records are not subject to the Privacy Act of 1974, as amended.

A1205.16DAPC

System name:

Passport and Visa Files (48 FR 25752), June 6, 1983.

Reason:

Records are covered by system notice A1205.30DAAG, reprinted in this **Federal Register.**

AO225.11bDAAG

System name:

The USA Individual Ready, Standby and Retired Reserve Personnel Information System (48 FR 24557), June 6, 1983.

Changes:

System ID:

Delete "AO225.11bDAAG"; add: "AO715.07aDARC". After "Authority for maintenance of the system", add:

"Purpose(s):

To maintain personnel data on members assigned to individual ready, standby and retired Army Reserves; to select and order individuals to military active duty training; to identify personnel for promotion; to determine those not qualified for retention in the reserve forces; to issue annual statement of retirement credits; to select qualified members for potential assignment to active Army units and reserve component units in the event of mobilization."

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

Delete entry; substitute: "None".

AO411.08aOSA

System name:

Biographical Files of Members of Congress (48 FR 25596), June 6, 1983.

Changes:

System ID:

Change to read: "AO411.05OSA

System name:

Change to read: "Biographies: Members of Congress". After "Authority for maintenance of the system", add:

"Purpose(s)

To provide background information on Members of Congress before whom Army representatives may be testifying or for whom escorts may be provided, to familiarize them with the Member's attitudes and relationships with the Department of the Army."

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

Delete entries; add "None".

AO703.01aDAPC

System name:

Military Personnel Action Files (48 FR 25642), June 6, 1983.

Changes:

System ID.

Change to read: "AO705.01DAPC".

System name:

Delete title; add: "Officer Appointment Files".

Categories of records in the system:

Change to read: "Individual applications for appointment as a warrant or commissioned officer, evaluation reports, supplemental information concerning qualifications, notification of acceptance/rejection, and similar relevant documents and reports."

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

"Purpose(s):

To determine acceptability of applicants into the Army officer ranks."

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

Delete entry; substitute therefor: "None".

AO708.07DAPE

System name:

Unfavorable Information Files (48 FR 25664), June 6, 1983.

Changes:

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

"Purpose(s):

To record Board action and to provide pattern of subsequent unfavorable information. Information filed in the performance portion of the OMPF is also used by Department of Army promotion/selection boards when the individual has been afforded due process."

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

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

A0708.13DAIG

System name:

Inspector General Personnel System (48 FR 25666), June 6, 1983.

Changes:

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

"Purpose(s):

To manage assignment of members to Inspector General duties."

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

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

A0708.16aUSREDCOM

System name:

Military Personnel Data File, USREDCOM (48 FR 25667), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

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

"Purpose(s):

To maintain a consolidated joint personnel file pertaining to Army, Navy, Marine Corps, and Air Force personnel assigned to the US Readiness Command. Although each military service has its own personnel records system, USREDCOM requires basic personnel data for Command Manning Rosters, Immunization Rosters, Joint Task Force Deployment Rosters, and similar management purposes."

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

Delete entry; substitute "None".

A0708.20DAAG

System name:

Philippine Army Files (48 FR 25670), June 6, 1983.

Changes:

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

"Purpose(s):

To answer inquiries regarding individuals who served, or allegedly served, with the Philippine Commonwealth Army, including recognized Guerilla Forces, during World War II in the Philippines."

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

Delete the fourth paragraph.

System manager(s) and address:

Delete the first paragraph.

Record source categories:

Delete the last two sentences.

AO710.02DAJA

System name:

JAGC Reserve Components Officer Personnel Records (48 FR 25675), June 6, 1983.

Changes:

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

"Purpose(s):

To schedule Judge Advocate General Corps reserve officier training; select officers for reserve unit command positions; identify individual reservists in need of training; determine mandatory retirement dates; provide full background information on individuals applying for NOBDES positions, constructive credit for training courses and/or active duty for training; to document background of applicants for appointment in the Judge Advocate General Corps or branch transfer consistent with prerequisites required for type of appointment/branch transfer and to establish eligibility for appointment/branch transfer; for management and statistical reports and studies."

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

Delete entries; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 19832."

System manager(s) and address:

Change entry to read: "The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310."

AO715.1aDAPC

System name:

SIDPERS Personnel Data Card (48 FR 25682), June 6, 1983.

Changes:

System ID:

Delete the suffix "a".

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

"Purposes(s):

To account for and maintain data relating to each assigned and/or attached active military person; to support the accounting of and reporting function incident to maintenance of the Officer and Enlisted Master Files, the Military Personnel Records, Jacket, and the Official Military Personnel File; for personnel management actions and reports."

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

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

AO718.01DAPC

System name:

Military Award Case File (48 FR 25684), June 6, 1983.

Changes:

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

"Purposes(s):

To consider individual nominations for awards and/or decorations; record final action; maintain individual award case files."

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

Delete entries; substitute therefor: "Information may be disclosed to public and private organizations, including news media, which grant or publicize awards, honors, or decorations."

AO725.01aDAAG

System name:

Child Care Centers Registration Files (48 FR 25692), June 6, 1983.

Changes:

System ID:

Delete "DAAG"; add: "DACF".

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

"Purposes(s):

To provide child care service."

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

Delete entry; substitute therefor: "Information from this system may be disclosed to civilian health and welfare departments/agencies in emergency situations."

System manager(s) and address:

Delete entry; substitute therefor: "Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301."

AO725.01bDAAG

System name:

Family Life Communications Info and Referral Servcie (48 FR 25693), June 6, 1983.

Changes:

System ID:

Delete "DAAG"; add "DACF".

System location:

Delete the first and third paragraphs. Add the following as the opening paragraph: "US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301."

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

"Purposes(s):

To provide assistance to service members (active duty, reserve/retired), civilian employees and their families in programs that affect family life. Statistical data may be provided commanders or managers at all levels of the Army in support of their functions or programs."

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

Delete the first paragraph.

System manager(s) and address:

Delete entry; substitute therefor: "Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301."

AO725.01dDAAG

System name:

Personal Affairs Army Community Service Assistance Files (48 FR 25694), June 6, 1983.

Changes:

System ID:

Delete "DAAG"; add 'DACF".

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

"Purpose(s):

To provide assistance or service required by persons identified in 'Categories of individuals' above in resolving personal problems; to review qualifications or and assign tasks to ACS volunteers participating in the program."

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

Delete entry; substitute therefor: "None".

System manager(s) and address:

Delete entry; suibstitute therefor: "Commander, US Army Community and Family Support Center, 2416 Eisenhower Avenue, Alexandria, VA 22331–0301."

AO727.08aDAPC

System name:

Temporary Disability Retirement Master List (TDRL) (48 FR 25698), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

System location:

Add: "Copy of the Master List is retained at US Army Physical Disability Agency, US Army Enlisted Records and Evaluation Center, US Army Reserve Components Personnel and Administration Center, US Army Finance and Accounting Center."

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

"Purpose(s):

To coordinate with medical treatment facilities for scheduling medical examinations; to issue travel orders for individual to report to medical treatment facility for annual medical examination; to determine individual's status by the end of the fifth year of being on the TDRL, i.e., whether individual is to be permanently retired for disability, or returned to active duty."

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

Delete entries; substitute "None".

Record source categories:

Change to read: "Information is obtained from medical treatment facilities, Army Physical Disability Agency, Army records and reports."

AO807.14aDAPE

System name:

Department of the Army Civilian Personnel Systems (48 FR 25702), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

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

"Purpose(s):

Information in this system is used by civilian personnel offices to screen qualifications of employees; determine status, eligibility, and emplolyee's rights and benefits under pertinent laws and regulations governing Federal employment; compute length of service; compile reports and statistical analyses of civilian workforce strength trends, accounting, and composition; and to provide personnel services."

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

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

"Department of Labor, Veterans Administration, Social Security Administration, or a national, State, county, municipal, or other publicly recognized charitable or income security administration agency (e.g., State unemployment compensation agencies), where necessary to adjudicate a claim under OPM's retirement, insurance, or health benefits programs or to conduct an analytical study or audit of benefits being paid under such programs.

"Office of Federal Employees Group Life Insurance, information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance.

"Health insurance carriers contracting with OPM to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or aduit of benefit provisions of such contracts.

"Federal, State, or local agencies for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs.

"Officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

"Public and private organizations, including news media, which grant or publicize awards and/or honors, information on individuals considered/selected for incentive awards and other honors."

AO812.03DAPE

System name:

Grievance Records (48 FR 25706), June 6, 1983.

Changes:

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

"Purpose(s):

To review allegations, obtain facts, conduct hearings when appropriate, and render decisions."

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

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

A1012.03gHSC

System name:

Academy of Health Sciences: Academic Records (48 FR 25732), June 6, 1983.

Changes:

System name:

Before "Records", insert "and Supporting".

Categories records in the system:

Add: "aptitudes and personal qualities, including corporate fitness results; faculty board records pertaining to class standing/rating/classification/proficiency of students; class academic records maintained by instructors indicating attendance and progress of class members."

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

"Purpose(s):

To determine eligibility for enrollment/attendance, monitor student progress, record accomplishments, and serve as record of courses which may be prerequisites for other formal courses of instruction."

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

Delete the first paragraph.

A1012.04hDAMO

System name:

NDU Student Data Files (48 FR 25737), June 6, 1983.

Changes:

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

"Purpose(s):

To confirm attendance eligibility, monitor student progress, produce record of grades and achievements, prepare assignment rosters, render management and statistical summaries and reports, and compile class yearbooks."

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

Delete the first paragraph.

A1108.16DAAG

System name:

Postal and Mail Service System (48 FR 25748), June 6, 1983.

Changes:

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

"Purpose(s):

To designate persons authorized to perform Army postal functions; to maintain current addresses of persons arriving/departing units for purpose of handling personal mail."

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

Delete the frist paragraph.

A1201.02MTMC

System name:

Personal Property Movement and Storage (48 FR 25750), June 6, 1983.

Changes:

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

"Purpose(s):

To arrange for the movement, storage and handling of personal property; to identify/trace lost of damaged shipments; to answer inquiries and monitor effectiveness of personal property traffic management functions."

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

Delete the first paragraph.

A1205.26aDALO

System name:

Local Transportation Authorization Files (48 FR 25753), June 6, 1983.

Changes:

System ID:

Delete suffix "a".

System name:

Add: "and Use" before "Files".
After "Authority for maintenance of the system", add:

"Purpose(s):

To account for issuance of tickets/tokens/fare passes for local official travel."

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

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

A1205.30aDAAG

System name:

Individual Travel Files (48 FR 25754), June 6, 1983.

Changes:

System ID:

Delete suffix "a".
Add: "and Use" before "Files".
After "Authority for maintenance of the system", add:

"Purpose(s):

To process official travel requests (and personal travel to restricted areas if in oversea commands) for military and civilian personnel; to determine eligibility of individual's dependents to travel; to obtain necessary clearances where foreign travel is involved, including assisting individual in applying for passports and visas and counseling where proposed travel involves visiting/transiting communist countries."

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

Delete information beginning "By the Department of the Army * * *" through "countries."

A1304.08aDASG

System name:

Immunity Booster Files (48 FR 25758), June 6, 1983.

Changes:

System ID:

Delete ".08a"; and: ".05".

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

"Purpose(s):

To create a large data base of immunological data for research purposes, and to manage the scheduling of all health screening tests, immunizations, physicals, and other special procedures required by the US Army Medical Research Institute of Infectious Diseases' biosurveillance program, radiologic safety program, and occupational health and safety program."

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

Delete the first paragraph.

A1304.21aDASG

System name:

Sandfly Fever Files (48 FR 25758), June 6, 1983.

Changes:

System ID:

Delete suffix "a".
After "Authority for maintenance of the system", add:

"Purpose(s):

Information in this system is being stored for possible future study. Data were collected and analyzed during a previous Sandfly fever study."

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

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

System manager(s) and address:

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

A1401.07dDAAG

System name:

Library Borrowers'/Users' Profile Files (48 FR 25760), June 6, 1983.

Changes:

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

"Purpose(s):

To identify individuals authorized to borrow library materials; to ensure that all library property is returned and individual's account is cleared, and to provide librarian useful information for

selecting, ordering, and meeting user requirements."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry; substitute thereof: "None".

A1402.18DAJA

System name:

Procurement Misconduct Files (48 FR 25761), June 6, 1983.

Changes:

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

"Purpose(s):

To determine whether criminal or civil proceedings should be initiated against the contractor with the Government or Government procurement officials for criminal conduct in connection with procurement activities and to maintain and distribute a list of contractors determined to be ineligible to participate in Government procurement activities."

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

Delete information from "The collected information is used * * *" to "the Judge Advocate General of the Army,"; delete information following "United States Attorneys" to the end of the paragraph.

A1403.30aDAAG

System name:

Commercial Entertainment Transaction Records (48 FR 25762), June 6, 1983.

Changes:

System ID:

Delete "aDAAG"; add: "DACF".

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

"Purpose(s):

To register individual/group entertainers appearing at NAF activities or instrumentalities, clubs, associations or recreation centers; to issue pay and supporting documents incident to contract for such entertainers; to account for monies of open messes and clubs for entertainment purposes."

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

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

System manager(s) and address:

Delete entries; substitute thereof: "Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301."

Systems A0411.050SA, A0705.01DAPC, A0708.07DAPE, A0708.13DAIG, A0708.16USREDCOM, A0708.20DARC, A0710.02DAJA, A0715.01DAPC, A0715.07aDARC, A0718.01DAPC, A0725.01aDACF, A0725.01bDACF, A0725.01dDACF, A0727.08DAPC, A0807.14DAPE, A0812.03DAPE, A1012.03gHSC, A1012.04hDAMO, A1108.16DAAG, A1201.02MTMC, A1205.26DALO, A1205.30DAAG, A1304.05DASG, A1304.21DASG, A1401.07bDAAG, A1402.18DAJA, and A1403.30DACF read as follows:

A0411.050SA

SYSTEM NAME:

Biographies: Members of Congress.

SYSTEM LOCATION:

Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Members of the US Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information on members of the Congress, their voting trends, and committee memberships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. section 1034.

PURPOSE(S):

To provide background information on Members of Congress before whom Army representatives may be testifying or for whom escorts may be provided, to familiarize them with the Member's attitudes and relationships with the Department of the Army.

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

None.

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

STORAGE:

Paper records in looseleaf binders.

RETRIEVABILITY:

By last name of Member of Congress.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained only for the tenure of the Member of Congress.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Requester should identify the full name and State of representation of the Member of Congress.

RECORD ACCESS PROCEDURES:

Information may be accessed by writing to the System Manager, furnishing information specified in "Notification procedure".

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

Official public records such as the Congressional Record, Congressional Quarterly Weekly Report, official transcripts of unclassified committee hearings, and the Congressional Staff Directory.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0705.01DAPC

SYSTEM NAME:

Officer Appointment Files.

SYSTEM LOCATION:

Primary system exists at the US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400. Segments exist at Army installations and commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for appointment in the U.S. Army or U.S. Army Reserves.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual applications for appointment as a warrant or commissioned officer, evaluation reports, supplemental information concerning qualifications, notification of acceptance/rejection, and similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To determine acceptability of applicants into the Army officer ranks.

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

None.

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

STORAGE:

Paper records in file folders; microfiche.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in controlled areas accessible only to designated individuals having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system of records contains information on them should inquire of the Army installation to which application was sent, or to the System Manager. Individual should provide his/her full name, SSN, date of application, place to which sent, and any other information that will assist in locating the record.

RECORD ACCESS PROCEDURES:

Individuals should submit a written request as specified in "Notification procedure".

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; extracts form personnel records; forms, documents, and related papers originated by or received in Army offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO708.07DAPE

SYSTEM NAME:

Unfavorable Information Files.

SYSTEM LOCATION:

Primary records are located at the Department of the Army Suitability Evaluation Board, Office of the Deputy Chief of Staff for Personnel, The Pentagon, Washington, DC 20310. Segments of the System may exist at Suitability Evaluation Board at Major Army Commands; addresses are identified in the appendix to the Army inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel (active, reserve, National Guard) on whom unfavorable information has been discovered, considered, referred to individual, and disposed of, to include appeals and petitions for removal or transfer of such information from the individual's performance record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of unfavorable information, copy of letter of notification to individual, individual's response or appeal, summary of consideration of response or appeal, disposition determination, and voting record of Board members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To record Board action and to provide pattern of subsequent unfavorable information. Information filed in the performance portion of the Official Military Personnel File is also used by Department of Army promotion/selection boards when the individual has been afforded due process.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having offical need therefor. Buildings housing records are secured at all times.

RETENTION AND DISPOSAL:

Records are retained by the Suitability Evaluation Board for 20 years, following which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may inquire of the System Manager, ATTN: DAPE-MPD. Inquirer should furnish his/her full name, SSN, sufficient details concerning time and place of event to ensure locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Indididuals seeking access should provide information specified in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Suitability Evaluation Board proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AO708.13DAIG

SYSTEM NAME:

Inspector General Personnel System.

SYSTEM LOCATION:

US Army Inspector General Agency, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned and/or detailed to Inspector General offices/positions in Department of the Army and certain Department of Defense and Joint activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, SSN, education, duty position, organization of assignment, date assigned, estimated departure date, job specialty, and relevant career data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S)

To manage assignment of members to Inspector General duties.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE

Cards, computer disc/tape and printouts.

RETRIEVABILITY:

By individual's name or SSN.

SAFEGUARDS:

Physical security devices, limited access via building guard and personnel clearances restrict access to authorized personnel having need for the information in their official duties. Access to and update of information are protected through a double password system (terminal control and designation of individuals). Password changes are made at specified intervals.

RETENTION AND DISPOSAL:

Information is retained until individual transfers or is separated; historical data remain in automated media for 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system should inquire of the System Manager, ATTN: DAIG–ZXM. Individual should provide his/her full name, SSN, current address and telephone number, and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records on themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; reports, letters, assignment and detail orders; Army reports and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO708.16USREDCOM

SYSTEM NAME:

Military Personnel Data File, USREDCOM.

SYSTEM LOCATION:

US Readiness Command, MacDill Air Force Base, FL 33608.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army, Navy, Marine Corps, and Air Force personnel assigned for duty with USREDCOM.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, SSN, rank, pay grade, date of rank, branch of service, Army officer branch, basic active service date, basic pay entry date, date of birth, organization and division, alert status—joint task force, immunization dates, weapon qualification, primary and secondary military specialty, duty MOS/AFSC, marital status, officer evaluation report/enlisted efficiency report date, reserve/regular officer status, duty telephone number, home address and telephone number, spouse's name, date arrived at USREDCOM, projected loss date, expiration term of service, foreign service availability code, human personal reliability screening date, language proficiency, enlisted evaluation report weighted average, name of OER/EER rater, duty title, permanent grade, date of rank, rated-category, highest professional military and civilian education, source of commission, mandatory retirement date (officers).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To maintain a consolidated joint personnel file pertaining to Army, Navy, Marine Corps, and Air Force personnel. Although each service has its own personnel records system, USREDCOM requires basic personnel data for Command Manning Rosters, Immunization Rosters, Joint Task Force Deployment Rosters, and similar management purposes.

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

None.

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

STORAGE:

The system is an on-line disk resident application with backup maintained on magnetic tape.

RETRIEVABILITY:

Standard reports and ad hoc retrievals are generated via remote terminals using a data management system. Updates and record brousing may be accomplished in the interactive mode through keying by SSN.

SAFEGUARDS:

All personnel qualified to add, change, or delete records of this file must be cleared for "Top Secret". All operators have passwords which are required for access to the computer file. All output products bear Privacy Act labels.

RETENTION AND DISPOSAL:

Personnel data are deleted upon departure of the individual from USREDCOM.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Readiness Command, MacDill Air Force Base, Florida 33608.

NOTIFICATION PROCEDURE.

Individuals wishing to know whether or not information on them is contained in this system may write to the System Manager, ATTN: Directorate of Personnel, J1 (ATTN: RCJ1–MP). Individual must furnish his/her full name, SSN, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records on themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From official military personnel records of the individual upon his/her reporting to USREDCOM for duty.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO708.20DARC

SYSTEM NAME:

Philippine Army Files.

SYSTEM LOCATION:

US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Philippine Commonwealth Army who were inducted for service with the US Armed Forces Far East under the Military Order of the President of the United States dated July 26, 1941; Philippinos who served in Guerrilla units officially recognized and listed in the Recognized Philippine Guerrilla Rosters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military personnel file contains enlistment papers, orders inducting individual into US Armed Forces Far East service, soldier's qualification card, unit orders of assignment, efficiency rating sheets, pay vouchers or receipts, affidavits and certificates, service records, determination of status under the Missing Persons Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 490–77, 7 May 1942.

PURPOSE(S):

To answer inquiries regarding individuals who served, or allegedly served, with the Philippine Commonwealth Army, including recognized Guerilla Forces, during World War II, in the Philippines.

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

Information may be disclosed to: Veterans Administration: to verify or certify service with the US Armed Forces Far East or recognized guerrilla units; provide available medical records or other documents to assist in determining benefits.

Department of Justice: To certify or verify service regarding application of individual for citizenship.

Department of Health and Human Services: To verify type of service that is used to assist in determining eligibility for benefits.

Department of State: To provide statement of service or verification of type of service performed.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name, service number, VA claim number, units assigned to during period of service in question, names of parents, birth date and place, name of spouse and children if applicable. (Due to similarity of names, complete file must be screened to determine proper individual.)

SAFEGUARDS:

Records are maintained in areas accessible only to designated personnel having official need therefor.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them exists in this system should write to the System Manager, ATTN: DARC–PSE–AP, providing full name, service number, VA claim number if applicable, and name and/or number of the unit to which assigned during the period of service.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records on themselves should write as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From records of military service compiled during period of individual's service with the Philippine Commonwealth Army and/or the US Armed Forces Far East prior to December 7, 1941 up to August 1945.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO710.02DAJA

SYSTEM NAME:

JAGC Reserve Components Officer Personnel Records.

SYSTEM LOCATION:

The Judge Advocate General's School, US Army, Charlottesville, VA 22901; Computer Center, University of Viginia, Charlottesville, VA 22901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Judge Advocate General Corps (JAGC) US Army Reserve and National Guard officers, not serving on extended active duty; and officers seeking appointment, branch transfer, or Federal Recognition to the JAGC without concurrent call to active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, application for appointment, active duty training, constructive credit, mobilization designee position, educational courses completed, home and business addresses and telephone numbers, grade, promotion eligibility date, primary military occupational specialty, date of birth, sex, basic date of mandatory removal, unit assignment and address, employer, job title, specialty and awards, correspondence between the Army and the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 275(a).

PURPOSE(S):

To schedule Judge Advocate General Corps reserve officer training; select officers for reserve unit command positions; identify individual reservists in need of training ; determine mandatory retirement dates; provide full background information on individuals applying for mobilization designee positions, constructive credit for training courses and/or Active Duty for Training; to document background of applicants for appointment in the Judge Advocate General Corps or branch transfer consistent with prerequisites required for type of appointment/branch transfer and to establish eligibility for appointment/branch transfer. Records are also used for management and statistical studies and reports.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders; magnetic tape/disc.

RETRIEVABILITY:

By individual's surname and SSN.

SAFEGUARDS:

All records are maintained in secured areas, accessible only to designated

officals. Automated records require password for access.

RETENTION AND DISPOSAL:

Records are retained until individual officer retires from the Reserves, held 2 additional years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them exists in this system should inquire of the Director, Reserve Affairs Department at The Judge Advocate School, Charlottesville, VA 22901. Individuals must Provide his/her name, SSN, sufficient details to permit locating pertinent records, and and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should submit a written request as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; official personnel documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO715.01DAPC

SYSTEM NAME:

SIDPERS Personnel Data Card.

SYSTEM LOCATION:

Each active Army unit furnishing personnel and strength data to the Headquarters, Department of the Army.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army members.

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Form 2475–2 which includes individual's name, SSN, organization, unit, station, grade and pay group, blood type, duty assignment, duty phone, local address and telephone number, name and address of next-of-kin, home of record, place of birth, awards, military occupational specialty evaluation data, and unit commander's name and grade. In addition, records include actions reported as SIDPERS change report remarks on members assigned/attached to a military unit bearing on the legal and financial rights of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. section 301; 10 U.S.C., section 3012.

PURPOSE(S):

To account for and maintain data relating to each assigned and/or attached active military person; to support the accounting of and reporting function incident to maintenance of the Officer and Enlisted Master Files, the Military Personnel Records Jacket, and the Official Military Personnel File; for personnel management actions and reports.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders; magnetic tapes, discs.

RETRIEVABILITY:

By individual's surname; SSN.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel having need therefor in perfoming their duties.

RETENTION AND DISPOSAL:

Records are retained in the reporting unit for 1 year following the date of the last entry on the personnel data card; they are then shipped to the National Personnel Records Center (Military Personnel Records), St Louis, MO where they are retained 74 additional years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Information may be obtained from the reporting unit of assignment/attachment of the individual.

RECORD ACCESS PROCEDURES:

Individual should write or visit the reporting unit of assignment/attachment, furnishing name, SSN, military or other normally acceptable identification and details that will assist in locating the information sought.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the Enlistment Record (DD Form 4), Report of Separation (DD Form 214) for reenlistees; Extension of enlistment (DA Form 1695); Special Orders issued by enlistment/reenlistment authorities, personal information furnished by the individual, documents/records/reports/forms originated within the reporting unit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0715.07aDARC

SYSTEM NAME:

Individual Ready, Standby and Retired Reserve Personnel Information System.

SYSTEM LOCATION:

US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the US Army Reserve not assigned to a Reserve unit and not serving on extended active duty in an enlisted reserve status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and military status and qualifications data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 275.

PURPOSE(S):

To maintain personnel data on members assigned to individual ready, standby and retired Army Reserves; to select and order individuals to military active duty training; to identify personnel for promotion; to determine those not qualified for retention in the reserve forces; to issue annual statement of retirement credits; to select qualified members for potential assignment to active Army units and reserve component units in the event of mobilization.

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

None.

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

STORAGE:

Computer magnetic tapes and discs.

RETRIEVABILITY:

By SSN.

SAFEGUARDS:

Records are located in secured building; access requires an ID badge and is limited to individuals having official need therefor.

RETENTION AND DISPOSAL:

Records are maintained for 7 months after individual completes satutory or contractual reserve commitment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis, MO. 63132.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them exists in this system should write to the System Manager, ATTN: DARC–SS. Individual should furnish his/her full name, SSN, current address and telephone number, and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the Official Military Personnel File and the Military Personnel Records Jacket.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0718.01DAPC

SYSTEM NAME:

Military Award Case File.

SYSTEM LOCATION:

Primary system exists at US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400. Segments exist at Army commands which have been delegated authority for approval of an award.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel on active duty, members of reserve components, US civilians serving with US Army in a combat zone, and deceased former members of the US Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include recommendation for awards; endorsements; award board approvals/disapprovals; citation texts; Department of Army letter orders/general orders; related papers supporting the award; correspondence among the Army, service member, and individuals having knowledge or information relating to the service member concerned or the act or achievement for which award is recommended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapters 57, 357; 5 U.S.C., section 301.

PURPOSE(S):

To consider individual nominations for awards and/or decorations; record final action; maintain individual award case files.

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

Information may be disclosed to public and private organizations, including news media, which grant or publicize awards or honors.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By nominee's name.

SAFEGUARDS:

Records are accessible only to designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Approved wartime or combat activities military award case files are retained permanently; approved case files for all other periods are destroyed after 1 year. Disapproved military award case files are destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them is included in this system should write to the System Manager, ATTN: DAPC–AL. Individual should include his/her full name, SSN, grade and branch of service, name of award/honor, and current address.

RECORD ACCESS PROCEDURE:

Individuals wishing to access records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From recommendation for award (DA Form 638), with supporting records, forms, statements, letters, and similar documents originated by persons other than the awardee and other individuals having information useful in making an award determination.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO725.01aDACF

SYSTEM NAME:

Child Care Centers Registration Files.

SYSTEM LOCATION:

Child Care Centers, Army-wide. Addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who use Child Care Center services: active duty and retired military personnel and their dependents; members of the Reserve components on active duty for training and their dependents; Department of Army civilians overseas and their dependents overseas and in the Continental United States where local civilian resources are not available and other designated personnel as determined by the commander.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents include, but are not limited to, parent's/guardian's name, grade or rank, SSN, home address and telephone number, duty address and telephone number; signature of parent/guardian for emergency notification; child's name, birthdate, medical information including allergies,

immunization dates; remarks and observations by Child Care Center employees, parents, or physicians; and financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

"To provide child care service."

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

Information from this system may be disclosed to civilian health and welfare departments/agencies in emergency situations.

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

STORAGE:

Card files; paper files in folders; magnetic tapes/discs.

RETRIEVABILITY:

By surname and/or SSN of parent or guardian.

SAFEGUARDS:

Records are accessible only to authorized personnel. Positive identification and authorization to access data is established prior to releasing personal data to an individual. Computer systems/remote terminals are housed in designated controlled areas:

RETENTION AND DISPOSAL:

Records are destroyed after 2 years. Information may be transferred from one Child Care Center to another upon transfer of child.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–1301.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the Director, Child Care Center at the installation where record is believed to exist. Individual must provide present name, rank, SSN, and proof of identification.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should address an inquiry as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual receiving service; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0725.01bDACF

SYSTEM NAME:

Family Life Communications Information and Referral Service.

SYSTEM LOCATION:

US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22301–0301. Segments of the system are located at Family Assistance/Quality of Life Offices/Army Community Service Centers at major commands and installations, Army-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army service members, civilian employees, their families, social service organizations (Federal, State, local) acting on behalf of the member, employee, or family member. Other military service personnel and civilian employees may be included when such individuals are stationed with Army elements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, mailing address and telephone number of the individual; documentation reflecting nature or basis of service desired or required in the following typical matters, but only to the extent or degree required to determine the proper office, command, or installation that should handle details, resolve problems, or provide responses: pay, medical, education, housing, voting, commissary/exchange privileges and practices, community service programs provided by chaplains, alcohol/drug abuse, Equal Employment Opportunity; related processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To provide assistance to service members (active duty, reserve/retired), civilian employees and their families in programs that affect family life. Statistical data may be provided commanders or managers at all levels of the Army in support of their functions or programs.

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

Information may be disclosed to bonafide Federal, State, or local social service or welfare organizations.

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

STORAGE:

Paper records in file folders; magnetic tape, disc, cassette.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings guarded by security personnel and rooms are secured by locks when not in use. All records are restricted to individuals having official need therefor in the performance of their assigned duties. Information in automated media is further protected by an authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Information is retained for 2 years following resolution of the problem or provision of information, after which it is destroyed by shredding or erasing. Information in automated media used to provide statistical data is retained indefinitely; however, individually identifiable data are purged within 2 years following resolution of problem.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact either the System Manager or the Major Army Command or installation to which initial inquiry was directed. Individual should provide his/her full name, SSN, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should write as indicated in "Notification procedure," providing information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and

appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; his/her family; social or welfare organizations under Federal, State, or local jurisdiction; official military or civilian records; other components of the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0725.01dDACF

SYSTEM NAME:

Personal Affairs: Army Community Service Assistance Files.

SYSTEM LOCATION:

Army Community Service Centers at installations, Armywide; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who receive Army Community Service (ACS) assistance: Active duty and retired military personnel and their dependents; members of components on active duty for training and their dependents; Department of Army civilians overseas and their dependents overseas and in the Continental United States where local civilian resources are not available; widows, widowers and other next-of-kin, regardless of dependency status, of military personnel who were on active duty or retired at time of decease; next-of-kin of prisoner of war/missing in action (POW/MIA) of all Armed Services; and other personnel designated by the commander; Army Community Service Program volunteers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents include, but are not limited to: Contact summaries, progress notes, referral forms, problem statements used to provide referral and follow-up, financial aid; exceptional children assistance, child advocacy assistance, relocation services, services, general assistance, and similar services; ACS volunteer service records (see Department of the Army Form 3063–R, Army Regulation 608–1 for detailed services provided.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To provide assistance or service required by persons identified in "Categories of individuals" above in resolving personal problems; to review qualifications or and assign tasks to Army Community service volunteers participating in the program.

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

None.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only to Army Community Service staff.

RETENTION AND DISPOSAL:

Destroyed after 2 years. Information may be transferred from one Army Community Service Center to another upon permanent change of station of service member.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Information may be obtained from Army installation Army Community Service Officer upon the individual's providing full name, rank, SSN, and military status, together with current military or dependent identification card.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed as indicated in "Notification procedure", furnishing information required therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From individuals receiving assistance; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO727.08DAPC

SYSTEM NAME:

Temporary Disability Retirement Master List (TDRL).

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400. Copy of the Master List is retained at US Army Physical Disability Agency, Health Services Command, US Army Enlisted Records and Evaluation Center, US Army Reserve Components Personnel and Administration Center, and US Army Finance and Accounting Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel who are on temporary disability retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains SSN, name, address, Department of Army special order number, percentage of disability, doctor code, reexamination date, date placed on TDRL, hospital code, travel code, Army component, pay termination code, requirement for board code, record control number, hospital name and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 1376.

PURPOSE(S):

To coordinate with medical treatment facilities for scheduling medical examinations; to issue travel orders for individual to report to medical treatment facility for annual medical examination; to determine individual's status by the end of the fifth year of being on the TDRL, i.e., whether individual is to be permanently retired for disability, or returned to duty.

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

None.

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

STORAGE:

Paper records in medical treatment facilities; magnetic tape, disc.

RETRIEVABILITY:

By SSN and date.

SAFEGUARDS:

Access to all records is restricted to individuals having need therefor in the performance of duties.

Automated media are further protected by authorized password for system, controlled access to operation rooms and controlled output distribution.

RETENTION AND DISPOSAL:

A magnetic tape record is maintained on each individual while in a temporary disability retired status. The current and two previous tape files are maintained at any given time.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the System Manager, ATTN: EPA–D, furnishing full name, SSN, current address and telephone number, and signature. Inquires are restricted to issues relating to the TDRL only; issues of pay must be made of the US Army Finance and Accounting Center.

RECORD ACCESS PROCEDURE:

Individuals desiring to access records about themselves should write as indicated in "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From medical treatment facilities, Army Physical Disability Agency, other Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0807.14DAPE

SYSTEM NAME:

Department of the Army Civilian Personnel Systems.

SYSTEM LOCATION:

Primary system is the Civilian Personnel Information System/Civilian Career Management File, US Army Civilian Personnel Center, 200 Stovall Street, Alexandria, VA.

Derivative systems are maintained at commands, installations and activities dependent on the type of system maintained. Command-wide systems are the Civilian Personnel Accounting System at US Army Military District of Washington, the US Army Corps of Engineers Management Information System, and the Personnel Management Information System of US Army Materiel Command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All US citizen appropriated fund employees and, in some instances, non-appropriated fund employees, dependents, and foreign nationals; military personnel are included in the incentive awards and training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Civilian personnel systems vary in informational capacity according to respective requirements and contain several or all of the following records: Academic discipline; career program; citizenship; date of birth; educational level; employee tenure; Federal Employees Group Life Insurance; functional classification; name of employee; nature of action; occupational series; pay basis, plan, rate determinant; physical handicap; position occupied and tenure; military status; salary; service computation date; sex; SSN; special program identifier; submitting office number; training data, including costs, non-duty hours, on-duty hours, principal purpose, special interest program, date of completion; type of appointment; unit identification code; veterans preference; work schedule; organizational and position data; retention data; adverse action data; Fair Labor Standards Act coverage; cost of living allowances; transportation entitlements; cost codes; leave category; salary history; wage area; position sensitivity; security investigation data; security clearance and access data; performance/suggestion/cash awards; reemployment rights; training agreement reserve status; vessel operations qualifications; Government driver's license; food handler's permit; intern recruitment and training data; career management data including performance/potential ratings; employee evaluation; qualifications achievements; dependent data; overseas sponsor information; state address; home address; leave data; foreign language code. Records are maintained for military personnel participating in department-wide incentive awards and training programs sponsored by operating civilian personnel offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

PURPOSE(S):

Information is this system is used by civilian personnel offices to screen qualifications of employees; determine status, eligibility, and employee's rights and benefits under pertinent laws and regulations governing Federal employment; compute length of service; compile reports and statistical analyses of civilian workforce strength trends, accounting, and composition; and to provide personnel services.

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

Information may be disclosed to:

Department of Labor, Veterans Administration, Social Security Administration, or a national, State, county, municipal, or other publicly recognized charitable or income security administration agency (e.g., State unemployment compensation agencies), where necessary to adjudicate a claim under OPM's retirement, insurance, or health benefits program or to conduct an analytical study or audit of benefits being paid under such programs.

Office of Federal Employees Group Life Insurance, information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance.

Health insurance carriers contracting with OPM to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts.

Federal, State, or local agencies for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs.

Officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

Public and private organizations, including news media, which grant or publicize awards and/or honors, information on individuals considered/selected for incentive awards and other honors.

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

STORAGE:

Magnetic tapes, drum, disc, punched cards; microfilm/fiche; or hard copy.

RETRIEVABILITY:

By SSN and/or name.

SAFEGUARDS:

Computer facilities and terminals are located in restricted areas accessible

only to authorized personnel who are properly screened, cleared, and trained. Manual records, microfilm/fiche, and computer printouts are stored in locked rooms or cabinets on military installations or in buildings secured by guards.

RETENTION AND DISPOSAL:

These records are retained for varying periods of time. Generally, they are maintained for a minimum of 1 year or until the employee transfers or separates. They may also be retained indefinitely as a basis for longitudinal work history statistical studies.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Upon presentation of proper indentification, information may be obtained from servicing civilian personnel office. Individual must provide full name and SSN.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records about themselves in this system may inquire as specified in "Notification procedure".

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; from his/her official personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0812.03DAPE

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Servicing civilian personnel office of each Army activity or installation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees of the Department of the Army who have submitted grievances in accordance with Part 771 of the regulations of the Office of Personnel Management (5 CFR Part 771) or through a negotiated grievance procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case file includes all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's finding and recommendations, copy of the original and final decisions, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., sections 1302, 3301; Executive Order 10577; 3 CFR Parts 1954–1958; Executive Order 10987; 3 CFR 1959–1963.

PURPOSE(S):

To review allegations, obtain facts, conduct hearings when appropriate, and render decision.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Information is maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Records of appropriated fund employees are destroyed 7 years after closing of the case; those of non-appropriated fund employees are destroyed 5 years after closing. Disposal is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the Army personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: Name, date of birth, approximate date of closing the case and kind of action taken, organization and activity where employed at time grievance was initiated, and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records about them should address a written inquiry as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial aciton will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the Army's ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact their servicing civilan personnel office, providing information specified in "Notification procedure". Individuals must also follow the Privacy Act regulations of the Office of Personnel Management (see 5 CFR 297.208 and 297.201).

RECORD SOURCE CATEGORIES:

From the individual on whom the record is maintained; testimony of witnesses; related correspondence; Army records and reports; similar relevant documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.03gHSC

SYSTEM NAME:

Academy of Health Sciences: Academic and Supporting Records.

SYSTEM LOCATION:

Academy of Health Sciences, Ft Sam Houston, TX 78234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident and correspondence students enrolled in courses at the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, SSN, grade/rank, academic qualifications, progress reports, academic grades, ratings attained, aptitudes and personal qualities, including corporate fitness results; faculty board records pertaining to class standing/rating/classification/proficiency of students; class academic records maintained by instructors indicating attendance and progress of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To determine eligibility for enrollment/attendance, monitor student progress, record accomplishments, and serve as record of courses which may be prerequisite for other formal courses of instruction.

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

Information may be disclosed to colleges or universities or medical institutions which accredit the Academy's instruction.

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

STORAGE:

Paper records, microfiche, cards, magnetic tape and/or disc, and computer printouts.

RETRIEVABILITY:

By individual's name, SSN, student number.

SAFEGUARDS:

Information is accessed only by individuals having need therefor in the performance of their duties; automated data are protected further by assigned passwords.

RETENTION AND DISPOSAL:

Academic records are maintained 40 years at the Academy of Health Sciences. Except for the master file, automated data are erased after the fourth updating cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Health Services Command, Ft Sam Houston, Texas 78234.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them is contained in this system of records may inquire of the Registrar, Academy of Health Sciences, Ft Sam Houston, TX. Inquirers should furnish full name, SSN, date attended/enrolled, current address, and signature.

RECORD ACCESS PROCEDURES:

Written requests should be sent to the Superintendent, Academy of Health Sciences, Ft Sam Houston, TX 78234 and include the information in "Notification precedure".

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual; Academy of Health Sciences staff and faculty.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.04hDAMO

SYSTEM NAME:

National Defense University Student Data Files.

SYSTEM LOCATION:

National Defense University, Ft Leslie J. McNair, Washington, DC 20319.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident/non-resident students enrolled at courses of instruction at the National Defense University (NDU) including the Industrial College of the Armed Forces and the National War College.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, SSN, student number, grade/rank, branch of service or civilian agency, years of Federal service, biographical data, course/section assignment, prior education, and academic and other related management data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To confirm attendance eligibility, monitor student progress, produce record of grades and achievments, prepare assignment rosters; to render management and statistical summaries and reports; and compile class yearbooks.

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

Student transcripts may be disclosed to other educational institutions.

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

STORAGE:

Paper records in file folders; computer magnetic tapes, discs, and printouts.

RETRIEVABILITY:

By SSN or student identification number.

SAFEGUARDS:

Recorcds are maintained in buildings which employ security guards and are accessed only by the authorized personnel having an official need-to-know. Automated records employ software passwords; magnetic tapes are protected by user identification and manual control. Compare room is controlled by card key system requiring positive identification and authorization.

RETENTION AND DISPOSAL:

Individual and class academic records are destroyed after 40 years. Records pertaining to extension courses are held indefinitely before being retired to the National Personnel Records Center, St. Louis, MO. Individual training records are destroyed annually; management reports are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

President, National Defense University, Ft Leslie J. McNair, Washington, DC 20319.

NOTIFICATION PROCEDURE:

Students may apply to the National Defense University, Ft Leslie J. McNair, Washington, DC 20319. Requester should provide his/her full name, SSN, and date of enrollment and/or completion or graduation.

RECORD ACCESS PROCEDURES:

Requests for access to records should follow requirements in "Notification procedure".

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From applicants, faculty evaluations and reports, transcripts from educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1108.16DAAG

SYSTEM NAME:

Postal and Mail Service System.

SYSTEM LOCATION:

Postal facilities at Army headquarters offices, commands, and installations. Addresses appear in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons designated as mail agents; military personnel assigned/attached to Army installations who desire mail handling service; standing delivery order agents designated by individuals who desire such service.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 285 designating Army postal clerks/NCO's/supervisors; locator cards comprising a directory of individuals assigned enroute and/or departing given installation showing individual's full name, grade, current mailing address, date of assignment/detachment, and SSN (latter is voluntary); standing delivery order designations of agents to handle individual's mail.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To designate persons authorized to perform Army postal functions; to maintain current addresses of persons arriving/departing units for purpose of handling personal mail.

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

Information may be disclosed to US Postal Service.

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

STORAGE:

Cards, paper records; microfiche, word processing disk.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are located in secured buildings, accessible only to designated persons having an official need for the information. Where word processing equipment is used, information is protected by a password system; when not in use, word processing equipment is locked.

RETENTION AND DISPOSAL:

Postal personnel designations and designation of mail delivery agents by individuals are destroyed 3 years following termination of individual's duty as such. Directory locator cards are retained for 1 year after individual departs a unit.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system of records contains information concerning them should inquire of the Postal Director at the unit where assigned or employed.

RECORD ACCESS PROCEDURES:

Written requests should contain individual's full name, rank/grade, SSN, and any other information that will assist in locating records. Personal visits may be made; individual must furnish proof of identity.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual, unit commanders, and Army postal officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1201.02MTMC

SYSTEM NAME:

Personal Property Movement and Storage Records.

SYSTEM LOCATION:

Installation Transportation Offices and Joint Personal Property Shipping Offices, world-wide; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Army, Navy, Marine Corps, and Air Force; civilian employees; dependents; personnel of other government agencies when sponsored by the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Orders authorizing shipment/storage of personal property to include privately owned vehicles and house trailers/mobile homes; Department of Defense Form 1131 (Cash Collection Voucher), DD Form 1299 (Application for Shipment and/or Storage of Personal Property), DD Form 1384 (Transportation Control and Movement Document), DD Form 1797 (Personal Property Counseling Checklist), SF 1103 (Government Bill of Lading), Storage contracts, and similar related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To arrange for the movement, storage and handling of personal property; to identify/trace lost or damaged shipments; to answer inquiries and monitor effectiveness of personal property traffic management functions.

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

Information may be disclosed to commercial carriers to identify ownership, verify delivery or shipment, support billing for services rendered, and justify claims for loss, damage, or theft.

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

STORAGE:

Paper records in file folders; microfilm; magnetic tapes, and computer printouts.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is maintained in secured areas, accessible only to authorized personnel having an official need-to-know. Automated segments are further protected by code numbers/passwords.

RETENTION AND DISPOSAL:

Documents relating to packing, shipping and/or storing of household goods within continental United States are destroyed after 3 years; those relating to overseas areas are destroyed after 6 years. Documents regarding shipment of privately owned vehicle/house trailers are destroyed after 2 years. Shipment discrepancy reports are destroyed after 2 years or when claim/investigation is settled, whichever is later. Administrative files reflecting queries and responses are retained for 2 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, Military Traffic Management Command, Washington, DC 20315.

NOTIFICATION PROCEDURE:

Information may be obtained from the Installation Transportation Office which processed the shipping/storage documents.

RECORD ACCESS PROCEDURES:

Written requests should contain requester's full name, SSN, current address and telephone number, and any information which will assist in locating the records requested (e.g., type of

shipment, origin, destination, date of application, etc.)

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual whose personal property is shipped/stored; from the carrier/storage facility.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1205.26DALO

SYSTEM NAME:

Location Transportation Authorization and Use Files.

SYSTEM LOCATION:

Army offices charged with responsibility for approving and issuing local transportation fare media to be used in the transaction of official Government business.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person required to use official local transportation in conducting official Government business with and around his/her designated duty system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to the accounting for and issuance of local ferry tickets, commercial bus tokens, rail passes, toll bridge tickets, etc., for official travel of Government personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To account for issuance of tickets/tokens/fare passes for local official travel.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders; cards.

RETRIEVABILITY:

By user's name or SSN.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION OF PROCEDURE:

Information may be obtained from the designated official responsible for issuing local transportation fare media.

RECORD ACCESS PROCEDURES:

Individuals may inquire of the designated official who dispenses local fare authorizations.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From individuals using tickets/tokens/passes for official travel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1205.30DAAG

SYSTEM NAME:

Individual Travel Files.

SYSTEM LOCATION:

Travel offices at installations, major commands, and Army Staff Agencies. Addresses are contained in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military (active and reserve) and civilian personnel, US Government personnel assigned to Army and other military installations, their dependents and bonafide members of individual's household, and US personnel traveling under Army sponsorship, including contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to travel of persons on official Government business, and/or their dependents, including but not limited to travel assignment orders, authorized leave enroute, availability of quarters and/or shipment of household goods and personal effects, application for passport/visas, the passport on completion of authorized travel, security clearance and relevant messages and correspondence. Records may also include clearances for official travel to or within certain foreign countries which may require military theater/area and/or Department of State authorization pursuant to DOD Directive 5000.7 or other established military requirement applying in oversea commands for personal unofficial travel in certain foreign countries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 704 and 3012; Status of Forces Agreement or other similar international agreements binding on military forces.

PURPOSE(S):

To process official travel requests (and personal travel to restricted areas if in oversea commands) for military and civilian personnel; to determine eligibility of individual's dependents to travel; to obtain necessary clearances where foreign travel is involved, including assisting individual in applying for passports and visas and counseling where proposed travel involves visiting/transiting communist countries.

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

Information may be disclosed to attaché or law enforcement authorities of foreign countries; to US Department of Justice or Defense Department of legal/intelligence/investigative agencies for security, investigative, intelligence, and/or counterintelligence operations.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons who are properly screened, cleared, and trained. Buildings housing records are either located on controlled access post or otherwise secured when offices are closed.

RETENTION AND DISPOSAL:

Records are retained for 2 years after which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, 2462 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURES:

Information may be obtained from the Administrative or Personal Services Office at the installation/major command at which travel request/clearance was initiated.

RECORD ACCESS PROCEDURE:

Individuals may submit written requests for information in this system to the appropriate decentralized record custodian, furnishing full name, grade/rank, signature, and details of travel authorization/clearance documents being accessed. Custodian of records may require notarized statement of identity.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are in Army regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual requesting travel authorization/clearance; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1304.05 DASG

SYSTEM NAME:

Immunity Booster Files.

SYSTEM LOCATION:

US Army Medical Reserch Institute of Infectious Diseases, Ft. Detrick, Frederick, MD 21701.

CALEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of Ft Detrick engaged in research who have been immunized with a biological product or who fall under the Occupational Health and Safety Act or Radiologic Safety Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name of biological agents, individual's name, SSN, age, race, date of birth, occupation, titers, immunization schedule, known allergies, amount of dosage, reaction to immunization, radiologic agents, exposure level, health screening test results, health test schedule, similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To create a large data base of immunological data for research purposes, and to manage the scheduling of all health screening tests, immunizations, physicals and other special procedures required by the US Army Medical Research Institute of Infectious Disease's biosurveillance program, radiologic safety program, and occupational health and safety program.

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

None.

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

STORAGE:

Random access disk files, card files, and backed up on magnetic tape.

RETRIEVABILITY:

For research purposes, the data are usually retrieved and analyzed with respect to relative times, vaccine lots, titers, demographic values, etc. Data are seldom retrieved by name of individual or SSN. Schedule data, however, are retrieved by name, by test to be taken, and by month of schedules examinations.

SAFEGUARDS:

Records are maintained in controlled areas; access is restricted to authorized persons having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the Commander, US Army Medical Research Institute of Infectious Diseases, Ft. Detrick, Frederick, MD 21701. Writer should be specific concerning type of information sought.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should inquire as indicated in "Notification procedure".

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From medical persons; their interview with individual concerned; laboratory results; immunization results; and other relevant test results.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1304.21DASG

SYSTEM NAME:

Sandfly Fever Files.

SYSTEM LOCATION:

US Army Medical Research Institute of Infectious Diseases, Ft. Detrick, Frederick, MD 21701.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All human volunteers who participated in the Sandfly fever studies at US Army Medical Research Institute of Infectious Diseases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain data on name, body temperature, pulse, blood pressure, respirations, urinalysis results, blood serology results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

Information is being stored for possible future study. Data were collected and analyzed during a previous Sandfly fever study.

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

None.

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

STORAGE:

Records are maintained on punched computer cards and printouts.

RETRIEVABILITY:

By individual's name; analyzed by parameter, pre- or post-infection day and experimentals versus controls.

SAFEGUARDS:

Files are maintained in a secured building locked during non-duty hours. Access is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Records will be maintained until they have no futher research value.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the Commander, US Army Medical Research Institute of Infectious Diseases, Ft Detrick, Frederick, MD 21703. Individual should provide sufficient detail to permit locating the record.

RECORD ACCESS PROCEDURE:

Individuals may access records pertaining to them by writing as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From quantitative data obtained from investigative staff and clinical laboratory reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1401.07bDAAG

SYSTEM NAME:

Library Borrower's/Users' Profile Files.

SYSTEM LOCATION:

Libraries on Army installations and activities. Addresses are contained in the appendix to the Army's inventory of system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized users of Army library facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, SSN, and telephone number of the user.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To identify individuals authorized to borrow library materials; to ensure that all library property is returned and individual's account is cleared, and to provide librarian useful information for selecting, ordering, and meeting user requirements.

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

None.

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

STORAGE:

Card files, magnetic tapes, computer printouts.

RETRIEVABILITY:

By user's surname, SSN, and/or residence.

SAFEGUARDS:

Information is maintained in areas accessible only authorized persons who have official need therefor. Libraries are secured during non-duty hours.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed to obtain and/or control library materials.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them is contained in this system of records should inquire of the specific library that provided services, furnishing their name, period in which a user and any other information that would assist in locating applicable records.

RECORD ACCESS PROCEDURE:

Individuals seeking access should follow the guidance in "Notification procedure".

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1402.18DAJA

SYSTEM NAME:

Procurement Misconduct Files.

SYSTEM LOCATION:

Office of The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or legal entities investigated for alleged procurement misconduct, such as fraudulent activities in securing or performing a Government contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal and administrative investigations of fraudulent or other criminal conduct in connection with Government procurement activities and the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To determine whether criminal or civil proceeding should be initiated against the contractor with the Government or Government procurement officials for criminal conduct in connection with procurement activities and to maintain and distribute a list of contractors determined to be ineligible to participate in Government procurement activities.

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

Information may be disclosed to the Department of Justice and United States Attorneys.

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

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By last name.

SAFEGUARDS:

Records are maintained in file cabinets accessible only be authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Destroyed 15 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them exists in this system of records may write to the System Manager, ATTN: Chief, Litigation Division, furnishing full name, current address and telephone number, specific details that will enable locating the record, and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", supplying information required therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

Department of the Army Staff agencies, Army records and reports, Department of Justice, US Attorneys, opposing counsel, and similar relevant sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1403.30DACF

SYSTEM NAME:

Commercial Entertainment Transaction Records.

SYSTEM LOCATION:

Installation and area clubs; other membership associations, nonappropriated fund activities and instrumentalities; Armed Forces recreation centers throughout the Army; United States Army Europe and Korea commercial/entertainment offices; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual performers, members of entertainment groups or their agents who may be members of the United States Forces and/or their dependents, civilian components of US Forces and/or their dependents, and other US citizens or foreign nationals.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name of individual or group, SSN of individual, type of entertainment, passport number, nationality, location of performances, agent code, performance/band information, fees charged, payment records, individual contract number, performance information and date, and code of the non-appropriated fund activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To register individual/group entertainers appearing at non-appropriated fund activities or instrumentalities, clubs, associations or recreation centers; to issue pay and supporting documents incident to contract for such entertainers; to account for monies of open messes and clubs for entertainment purposes.

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

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

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

STORAGE:

Paper records in file folders; punch cards, magnetic tapes and discs, and computer printouts.

RETRIEVABILITY:

By SSN, agent code or band code.

SAFEGUARDS:

Buildings housing records employ security guards. Paper files, computer cards, and printouts are stored in areas accessible only to authorized personnel; offices and buildings are locked during non-duty hours. Access to computer is limited to individuals who are properly cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained for 6 years; then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records should write to the System Manager, providing full name of the individual, agent code (if applicable), SSN and/or passport number, and the time period and performance date involved.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in "Notification procedure", providing information specified therein.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

From the individual entertainer and agent.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–33589 Filed 12–26–84; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Desegregation of Public Education Program

AGENCY: Department of Education.

ACTION: Extension of Closing Date for Transmittal of Applications for New State Educational Agency Projects for Fiscal Year 1985.

SUMMARY: The December 28, 1984 closing date for transmittal of applications under the State educational agency (SEA) program for race, sex, and national origin desegregation assistance authorized by Title IV of the Civil Rights Act of 1964 is extended. The new closing date is January 14, 1985.

SUPPLEMENTARY INFORMATION: Authority for this program is contained in the Title IV of the Civil Rights Act of 1964. (42 U.S.C. 2000c–2000c–5).

The program issues awards to SEAs.

The purpose of the awards is to provide technical assistance, training, and advisory services to school districts in coping with the special educational problems caused by the desegregation of their schools based on race, sex, and national origin.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Washington, D.C. 20202. Applications for the SEA program should be marked Attention: 84.004C.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of

Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The regulations provide specific criteria for awards in 34 CFR 270.17–19 (formerly 45 CFR 180.17–19). Applications will be evaluated under these criteria. The Secretary approves only those applications that receive a score of at least 60 points on the criteria. The applicant should also refer to 34 CFR 270.11–15 (formerly 45 CFR 180.11–15) in the development of the grant application.

An SEA should submit separate applications for race, sex, or national origin desegregation assistance awards. SEAs that presently have awards are reminded that they must submit new applications for fiscal year 1985.

Intergovernmental Review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A–95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review:

State

Alabama	New Mexico
Arizona	New York
Arkansas	North Dakota
California	Ohio
Connecticut	Oklahoma
Delaware	Oregon
District of Columbia	Pennsylvania
Florida	South Carolina
Hawaii	South Dakota
Indiana	Texas
Kansas	Tennessee
Kentucky	Trust Territory
Louisiana	Utah
Maine	Vermont
Massachusetts	Virginia
Michigan	Washington
Missouri	West Virginia
Montana	Wisconsin
Nebraska	Wyoming
Nevada	Guam
New Hampshire	Virgin Islands
New Jersey	

Immediately upon receipt of this notice, applicants that are governmental entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by April 11, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (84.004) 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Available Funds: It is expected that $24,000,000 will be available under the Title IV program for fiscal year 1985. Approximately $14,000,000 will be made available for grants to SEAs. The remaining $10,000,000 will be used for awards to desegregation assistance centers. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Pursuant to a Congressional directive in the conference report accompanying the Department's fiscal year 1985 appropriation act, the Department is using fiscal year 1985 Title IV funds to support 1984 projects that did not receive the full amount of their funding commitments due to the freeze on fiscal year 1984 funds imposed by the District Court in *United States v. Board of Education of the City of Chicago.* At such time as the fiscal year 1984 funds are released by the District Court, accounting adjustments will be made so that 1985 grants can be awarded using fiscal year 1985 funds.

The Department has awarded 106 grants for 1984 SEA projects. The Department makes separate grants for race, sex, and national origin desegregation projects. The average amount of a grant for 1984 SEA projects is approximately $132,000.

Application Forms: Application forms and program information packages were mailed on November 15, 1984. The forms are available and they may be obtained by writing to the Equity Training and Technical Assistance Program Staff, U.S. Department of Education (Room 2031, FOB–6), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content,

eporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

(The application is approved under OMB Number 1810–0030.)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education program, 34 CFR Part 270 (formerly 45 CFR Part 180).

(b) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

FOR FURTHER INFORMATION CONTACT: For further information contact George R. Rhodes, Jr., Director, Division of Education Support, U.S. Department of Education (Room 2003, FOB–6), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–8484.

(42 U.S.C. 2000c–2000c–5)

(Catalog of Federal Domestic Assistance Number 84.004, Civil Rights Technical Assistance Programs)

Dated: December 21, 1984.

Gary L. Jones,

Acting Secretary of Education.

[FR Doc. 84–33674 Filed 12–26–84; 8:45 am]

BILLING CODE 4000–01–M

Office of Postsecondary Education

Strengthening Program and Endowment Grant Program

AGENCY: Department of Education.

ACTION: Notice of Dates and Locations for Application Preparation Workshops for New Planning Grants and New Renewable Development Grants.

SUMMARY: The Assistant Secretary for Postsecondary Education will conduct Application Preparation Workshops to assist prospective applicants to develop applications for grants under the Strengthening Program, as well as the Endowment Grant Program.

DATES: Workshops are scheduled to be held on January 14, 16, 17 and 18.

ADDRESSES: The locations for the workshops are as follows:

January 14–15, 1985

Washington, DC, Department of Health and Human Services, HEW North Building Auditorium, Room 1067, 330 Independence Avenue, SW., Washington, DC

Contact Person: Dr. Louis J. Venuto, (202) 245–2429

January 16–17, 1985

Minneapolis, Minnesota, U.S. Courthouse, Room B15, 110 South Fourth Street, Minneapolis, Minnesota

Contact Person: Dr. Louis J. Venuto, (202) 245–2429

January 17–18, 1985

Albuquerque, New Mexico, Ballroom, Administrative Office Building, University of Albuquerque, St. Joseph Place, NW., Albuquerque, New Mexico

Contact Person: Dr. David Vargas, (505) 831–1111, ext. 330

January 18–19, 1985

San Francisco, California, Federal Office Building, Room 2007, 450 Golden Gate Avenue

Contact Person: Mr. William Garrison, (415) 556–5689

FOR FURTHER INFORMATION CONTACT: Dr. Louis Venuto, Chief, Strengthening Program Branch, Division of Institutional Development, Office of Higher Education Programs, Office of Postsecondary Education, Department of Education, Washington, DC 20202. Telephone: (202) 245–2429.

SUPPLEMENTARY INFORMATION: An Application Notice for new grants in fiscal year 1985 under the Strengthening Program was published in the **Federal Register** on December 13, 1984. (49 FR 48606–48608). The deadline date for receipt of applications is February 15, 1985. The Application Notice for fiscal year 1985 for the Endowment Grant Program was published in the **Federal Register** on November 15, 1984, (49 FR 45218–19) with a deadline date of January 25, 1985.

The Department of Education will conduct application preparation workshops to assist prospective applicants to develop applications for Strengthening Program grants, as well as for Endowment grants, authorized under the Institutional Aid Programs, Title III of the Higher Education Act of 1965, as amended.

The workshops will consist of a one-day presentation and a half-day session for follow-up assistance. The presentations will include a review of requirements for filing applications, the purposes of the Strengthening and Endowment Programs, allowable and non-allowable costs, and the application review process. Time will be provided for questions and answers. Each workshop will begin with registration at 8:30 a.m., and presentations are scheduled from 9:00 a.m. to 4:00 p.m. The half-day sessions are scheduled from 9:00 a.m. to noon, on the following day.

The Department will not charge a registration fee for attendance at the workshops.

Prospective applicants that have significant enrollments of Hispanic and Native American students are strongly encouraged to attend the workshops for guidance in developing more competitive applications.

(Catalog of Federal Domestic Assistance No. 84.031A—Strengthening Program)

Dated: December 21, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84–33672 Filed 12–26–84; 8:45 am]

BILLING CODE 4000–01–M

Office of Special Education and Rehabilitative Services

Discretionary Grant Programs

AGENCY: Department of Education.

ACTION: Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1985 Noncompeting Continuation Awards.

SUMMARY: The purpose of these application notices is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of noncompeting continuation grant applications for certain programs administered by the Department of Education under the Office of Special Education and Rehabilitative Services.

Organization of Notice

This notice contains two parts. Part I includes the list of all closing dates for noncompeting continuation awards covered by this notice. Part II consists of the individual application announcements for each program. These announcements are in the same order as the closing dates listed in Part I.

Instructions for Transmittal of Applications

Applicants should note specifically the instructions for the transmittal of applications included below:

Transmittal of Applications: To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

If an application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be

addressed to the Department of Education, Application Control Center, Attention: (insert appropriate CFDA number), 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: In each application notice, under the paragraph on availability of funds, these estimates of funding levels do not bind the Department to a specific number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Intergovernmental Review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations 34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled: "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

Some of the following programs in this notice are subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

Included in each application announcement in this notice is a current list of States that have established a process, designated a single point of contact, and have selected that program for review. Also included in each announcement is the date by which comments and recommendations from the single point of contact review are due to the Department.

The Executive Order for Intergovernmental Review will apply to the following programs:

84.025—Services for Deaf-Blind Children and Youth
84.030—Recruitment and Information
84.078—Postsecondary Education Programs for Handicapped Persons
84.026—Educational Media Research Production, Distribution and Training Program
84.024—Handicapped Children's Early Education Program

PART I.—LIST OF PROGRAM APPLICATION ANNOUNCEMENTS PUBLISHED IN THIS NOTICE

CFDA No.	Program	Closing date
84.023L	Research in Education of the Handicapped. Research in Education of the Handicapped—Handicapped Children's Model Program/Youth Employment Projects.	02/15/85

PART I.—LIST OF PROGRAM APPLICATION ANNOUNCEMENTS PUBLISHED IN THIS NOTICE—Continued

CFDA No.	Program	Closing date
84.023N	Research in Education of the Handicapped—Handicapped Children's Model Program/Post-Secondary Projects. Services for Deaf-Blind Children and Youth.	02/15/85
84.025B	Services for Deaf-Blind Children and Youth.	03/01/85
84.025F	Services to Deaf-Blind Youth Upon Attaining the Age of 22. Recruitment and Information.	03/01/85
84.030B	National Clearinghouse on Education of the Handicapped Individuals.	02/21/85
84.030D	National Clearinghouse on Postsecondary Education for Handicapped Individuals. Auxiliary activities—Innovative Programs for Severely Handicapped Children.	02/21/85
84.086X-A	Independent Living Skills Training for Severely Handicapped Youth.	02/26/85
84.086X-B	Parent Involvement in Provisions of Educational Services and Life-Long Planning for Severely Handicapped Children and Youth.	02/26/85
84.086X-C	Non-Directed Demonstration Projects for Severely Handicapped Children and Youth. Postsecondary Education Programs for Handicapped Persons.	02/26/85
84.078B	Postsecondary Education Programs for Handicapped Persons—Centers for Deaf Individuals.	03/15/85
84.078D	Postsecondary Education Programs for Handicapped Persons—Demonstration Projects. Educational Media Research, Production, Distribution, and Training Program.	03/15/85
84.026B	Educational Media Research, Production, Distribution, and Training Program.	04/1/85

PART I.—LIST OF PROGRAM APPLICATION ANNOUNCEMENTS PUBLISHED IN THIS NOTICE—Continued

CFDA No.	Program	Closing date
	Handicapped Children's Early Education Program.	
84.024H	Handicapped Children's Early Education Program—Training and Technical Assistance for State Plan Program.	02/21/85
84.024F	Handicapped Children's Early Education Program—Early Childhood State Plan.	05/17/85
	Research in Education of the Handicappped.	
84.023E	Research in Education of the Handicapped—Field Initiated Research Projects.	06/21/85

Part II—Application Notice

Research in Education of the Handicapped

Applications are invited for projects under the Research in Education of the Handicapped program.

Authority for this program is contained in sections 641 and 642 of Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441, 1442)

Awards are made under this program to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations.

The purpose of this program is to make awards to eligible parties for research and related purposes, and to conduct research, surveys, or demonstrations, relating to the education of handicapped children and youth. This may include model programs designed to meet the special educational needs of those children. It may also include research and related purposes, and research, surveys, or demonstrations, relating to physical education and recreation for handicapped children.

84.023L—Research in Education of the handicapped—Handicapped Children's Model Program/Youth Employment Projects

Closing Date: February 15, 1985.

Program Information: This priority supports second budget period funding for Youth Employment projects under the Research in Education of the Handicapped program—Handicapped Children's Model Program. These are projects that were first funded in fiscal year 1984 related to the role of the school in increasing the employability of handicapped individuals, and on any option open to the handicapped providing for the transition from school to work.

84.023N—Research in Education of the Handicapped—Handicapped Children's Model Program Post-Secondary Projects

Closing Date: February 15, 1985.

Program Information: This priority supports second budget period funding for Post-Secondary projects under the Research in Education of the Handicapped program—Handicapped Children's Model Program. These are projects that were first funded in fiscal year 1984 related to post-secondary and continuing education for the handicapped.

Available Funds: It is estimated that approximately $1,350,000 will be available for support of 12 Youth Employment projects and approximately $1,461,000 will be available for support of 15 Post-Secondary projects.

Application Forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1820-0028)

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Research in Education of the Handicapped program (34 CFR Part 324).

(b) Education Department General Administration Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78).

For Further Information Contact: Dr. Nancy Safer, Research Projects Branch, Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. [Switzer Building, Room 3513-M/S 2313), Washington, D.C. 20202. Telephone (202) 732-1109.

(20 U.S.C. 1441, 1442)

Services for Deaf-Blind Children and Youth

Applications are invited for projects under the Services for Deaf-Blind Children and Youth program.

Authority for this program is contained in Section 622 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1422)

Awards are made under this program to public or nonprofit private agencies, institutions, or organizations.

This program supports projects that enhance services to deaf-blind children and youth, particularly by providing technical assistance to State educational agencies and others who are involved in the education of deaf-blind children and youth.

84.025B—Services For Deaf-Blind Children and Youth

Closing Date: March 1, 1985.

Program Information: This priority supports the continued second budget period funding for cooperative agreements initially awarded in 1984 for the provision of services to deaf-blind children and youth, and technical assistance to State educational agencies, in accordance with 34 CFR 307.11.

84.025F—Services to Deaf-Blind Youth Upon Attaining the Age of 22

Closing Date: March 1, 1985.

Program Information: This priority supports the continued second budget period funding for one cooperative agreement initially awarded in 1984 to provided technical assistance to State educational agencies in making available to deaf-blind youth, upon attaining the age of 22, programs and services to facilitate their transition from education to employment and other services, in accordance with 34 CFR 307.13.

Intergovernmental Review: The information on Intergovernmental Review of Federal Programs, as required under Executive Order 12372, is included in the preamble to this notice.

The following is a current list of States that have established a process, designated a single point of contact, and have selected this program for review:

State	
Alabama	Arizona

Arkansas
California
Connecticut
Delaware
District of Columbia
Florida
Guam
Hawaii
Indiana
Kansas
Kentucky
Louisiana
Maine
Massachusetts
Michigan
Missouri
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Dakota
Northern Mariana Islands
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
South Dakota
Tennessee
Texas
Trust Territory
Utah
Vermont
Virgin Islands
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Immediately upon receipt of this notice, applicants which are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by April 1, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (84.030), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please Note That the Above Address is Not the Same Address as the One to Which the Applicant Submits its Application. Do Not Send Applications to the Above Address

Available Funds: It is estimated that approximately $5,264,000 will be available for support of the second year of the 13 fiscal year 1984 cooperative agreements issued for services to deaf blind children and youth in accordance with 34 CFR 307.11; and $730,000 for support of the second year of the one fiscal year 1984 cooperative agreement for technical assistance to State Educational Agencies on behalf of deaf-blind youth upon attaining the age of 22, in accordance with 34 CFR 307.13. Funding for awards under 34 CFR 307.11 will be based on the extend to which applicants address the two priorities described under 34 CFR 307.11(a) (1) and (2). However, funds not used for these two priorities may be used by the grantee, upon request of the State educational agency, for the services described in 34 CFR 307.11(a)(3).

Application Forms: Application forms and program information packages will be mailed on January 9, 1985, to grantees who are eligible to apply for noncompeting continuation cooperative agreement support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 double-spaced or 10 single-spaced pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1820–0028)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Services for Deaf-Blind Children and Youth program (34 CFR Part 307) published at 49 FR 28360 on July 11, 1984.

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

For Further Information Contact: Charles Freeman, Special Needs Section, Special Education Programs, Department of Education, 330 C Street, SW., (Switzer Building, Room 3511–M/S 2313), Washington, D.C. 20202. Telephone: (202) 732–1165.

(20 U.S.C. 1422)

Recruitment and Information

Applications are invited for projects under the Recruitment and Information program.

Authority for this program is contained in section 633 of Part D of the Education of the Handicapped Act.

(20 U.S.C. 1433)

Awards are made under this program to public agencies or nonprofit private organizations or institutions. Contracts may be made with profit-making organizations only when necessary for materials or media access.

The purpose of this program is to support a national clearinghouse on the education of the handicapped, a national clearinghouse on postsecondary education for handicapped individuals, and projects to carry out, in conjunction with any clearinghouse assisted under this part, specific recruitment and information services.

84.030B—National Clearinghouse on Education of the Handicapped

Closing Date: February 21, 1985.

Program Information: This priority supports the continued second budget period funding for a cooperative agreement initially awarded in fiscal year 1984 to establish and operate a national clearinghouse on the education of the handicapped that carries out the activities described under 34 CFR 320.10(a).

84.030D—National Clearinghouse on Postsecondary Education for Handicapped Individuals

Closing Date: February 21, 1985.

Program Information: This priority supports the continued second budget period funding for a cooperative agreement initially awarded in fiscal year 1984 to establish and operate a national clearinghouse on postsecondary education for handicapped individuals to collect and disseminate information on a national basis to handicapped individuals, professionals, and other interested individuals concerning postsecondary services and programs for the handicapped, including specially designed programs of postsecondary, vocational, technical, and adult education for handicapped individuals.

Intergovernmental Review: The information on Intergovernmental Review of Federal Programs, as required under Executive Order 12372, is included in the preamble to this notice.

The following is a current list of States that have established a process, designated a single point of contact, and have selected this program for review:

State	
Alabama	New Jersey
Arizona	New Mexico
Arkansas	New York
California	North Dakota
Connecticut	Northern Mariana Islands
Delaware	Ohio
Florida	Oregon
Guam	Pennsylvania
Hawaii	South Dakota
Indiana	Tennessee
Kansas	Texas
Kentucky	Trust Territory
Louisiana	Utah
Maine	Vermont
Massachusetts	Virgin Islands
Michigan	Virginia
Missouri	Washington
Montana	Wisconsin
Nebraska	Wyoming
Nevada	Oklahoma
New Hampshire	

Immediately upon receipt of this notice, applicants which are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by *March 21, 1985* to the following address:

The Secretary, U.S. Department of Education, Room 4181 (84.030), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please Note That the Above Address Is Not the Same Address as the One to Which the Applicant Submits its Application. Do Not Send Applications to the Above Address

Available Funds: It is estimated that approximately $700,000 will be available for support of the second year of the fiscal year 1984 cooperative agreement awarded under 84.030B, the national clearinghouse on the education of the handicapped; and that $325,000 will be available for support of the second year of the fiscal year 1984 cooperative agreement awarded under 84.030D, the national clearinghouse on postsecondary education.

Application Forms: Application forms and program information packages will be mailed on January 9, 1985, to grantees who are eligible to apply for noncompeting continuation cooperative agreement support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 double-spaced or 10 single-spaced pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1820–0028)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Recruitment and Information program (34 CFR Part 320) published at 49 FR 25984 on June 25, 1984.

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

For Further Information Contact: Helene S. Corradino, Special Needs Section, Special Education Programs, Department of Education, 330 C Street, SW., (Switzer Building, Room 3511–M/S 2313), Washington, D.C. 20202. Telephone: (202) 732–1167.

(20 U.S.C. 1433)

Auxiliary Activities—Innovative Programs for Severely Handicapped Children

Applications are invited for projects under the Auxiliary Activities—Innovative Programs for Severely Handicapped Children program.

Authority for this program is contained in section 624 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1424)

Awards are made under this program to public or private, profit or non-profit organizations and institutions.

The Auxiliary Activities program supports research, development or demonstration, training, and dissemination activities which, consistent with the purpose of Part C of the Education of the Handicapped Act, meet the unique educational needs of handicapped children and youth, including those who are severely handicapped.

84.086X–A—Independent Living Skills Training for Severely Handicapped Youth

Closing Date: February 26, 1985.

Program Information: This priority supports the continued third budget period funding for grants initially awarded in 1983 for the development of innovative, cost effective methods for providing training in independent living skills to severely handicapped youth, age 16 through 21, making the transition from educational to home/community environments.

84.086X–B—Parent Involvement in Provision of Educational Services and Life-Long Planning for Severely Handicapped Children and Youth

Closing Date: February 26, 1985.

Program Information: This priority supports the continued third budget period funding for grants initially awarded in 1983 for increasing the involvement of parents in the development, establishment, and evaluation of individualized educational programs for severely handicapped children and youth, and in the life-long planning for these persons.

84.086X–C—Non-Directed Demonstration Projects for Severely Handicapped Children and Youth

Closing Date: February 26, 1985.

Program Information: This priority supports the continued second or third budget period funding for grants initially awarded in 1983 or 1984 for demonstrating specific, viable procedures for meeting significant educational needs of severely handicapped (other than deaf-blind) children and youth.

Available Funds: It is estimated that approximately $1,685,000 will be available for support of the third year of the 14 fiscal year 1983 grants, and $220,000 for support of the second year of the two fiscal year 1984 grants.

Application Forms: Application forms and program information packages will be mailed on *January 9, 1985,* to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 double-spaced or 10 single-spaced pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1820–0028)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Auxiliary Activities Program—Innovative Programs for Severely Handicapped Children program (34 CFR Part 315) published at 49 FR 28020 on July 9, 1984.

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For Further Information Contact: R. Paul Thompson, Special Needs Section, Special Education Programs, Department of Education, 330 C Street, SW., (Switzer Building, Room 4615–M/S 2313), Washington, D.C. 20202. Telephone: (202) 732–1161.

(20 U.S.C. 1424)

Postsecondary Education Programs for Handicapped Persons

Applications are invited for projects governing centers for deaf individuals and demonstration projects under the Postsecondary Education Programs for Handicapped Persons Program.

Authority for this program is contained in section 625 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1424a)

Awards are made under this program to State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other nonprofit educational agencies.

84.078B—Postsecondary Education Programs for Handicapped Persons—Centers for Deaf Individuals

Closing Date: March 15, 1985.

Program Information: Applications are invited for projects for centers for deaf individuals under the Postsecondary Education Programs for Handicapped Persons program.

Awards are made under this program to State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other nonprofit educational agencies currently operating centers for deaf individuals and under multi-year grants.

The purpose of this program is to support the development, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education in centers for deaf individuals.

84.078D—Postsecondary Education Programs for Handicapped Persons—Demonstration Projects

Closing Date: March 15, 1985.

Program Information: Applications are invited for demonstration projects under the Postsecondary Education Programs for Handicapped Persons program.

Awards are made under this program to State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other nonprofit educational agencies currently conducting model demonstration projects of supportive services to individuals with handicapping conditions other than deafness, including those who are learning disabled or mildly mentally retarded.

The purpose of this program is to provide assistance for the development, operation, and dissemination of specially designed model programs of vocational, technical, continuing, or adult education for handicapped individuals.

Available Funds: It is expected that approximately $2,400,000 will be available for support of four continuation grants for centers funded in Fiscal Year 1983. It is estimated that approximately $1,900,000 will be available for support of 13 continuation grants for demonstration projects funded in Fiscal Year 1984.

Intergovernmental Review: The information on Intergovernmental Review of Federal Programs, as required under Executive Order 12372, is included in the preamble to this notice.

The following is a current list of States that have established a process, designated a single point of contact, and have selected this program for review:

State	
Alabama	New Mexico
Arizona	New York
Arkansas	North Dakota
California	Northern Mariana Islands
Colorado	Ohio
Connecticut	Oklahoma
Delaware	Oregon
District of Columbia	Pennsylvania
Florida	Puerto Rico
Guam	Rhode Island
Hawaii	South Carolina
Indiana	South Dakota
Kansas	Texas
Louisiana	Trust Territory
Maine	Utah
Massachusetts	Vermont
Michigan	Virginia
Missouri	Virgin Islands
Montana	Washington
Nebraska	Wisconsin
Nevada	Wyoming
New Hampshire	
New Jersey	

Immediately upon receipt of this notice, applicants which are governmental entities, including local educational agenices, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by April 15, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (84.078), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be

determined on the same basis as application.)

Please Note That the Above Address is Not the Same Address as the One to Which the Applicant Submits its Application. Do Not Send Applications to the Above Address

Application Forms: Application forms and program information packages will be mailed on January 9, 1985, to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 double-spaced or 10 single-spaced pages in length. The Secretary further urges that applicants submit only the information that is requested.

(Approved by the Office of Management and Budget under control number 1820–0028)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Postsecondary Education Programs for Handicapped Persons program (34 CFR Part 338) published at 49 FR 25990 on June 25, 1984.

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

For Further Information Contact: Dr. Joseph Rosenstein, Postsecondary Education Programs, Captioning and Adaptation Branch, Division of Innovation and Development, Special Education Programs, 400 Maryland Avenue, SW., (Switzer Building, Room 3511–M/S 2313), Washington, D.C. 20202. Telephone: (202) 732–1176.

(20 U.S.C. 1424a)

Educational Media Research, Production, Distribution, and Training Program

Applications are invited for projects under the Educational Media Research, Production, Distribution, and Training program.

Authority for this program is contained in sections 651(a)(2) and 652(b)(5) of Part F of the Education of the Handicapped Act.

(20 U.S.C. 1451, 1452)

Awards are made under this program to profit and nonprofit public and private agencies, organizations, and institutions.

84.026B—Educational Media Research, Production, Distribution, and Training Program

Closing Date: April 1, 1985.

Program Information: The purpose of this program is to promote the educational advancement of handicapped persons by providing assistance for projects which:

(a) Undertake research on the use of new, or improved advances in, educational media and technology for handicapped persons;

(b) Disseminate information about practices found effective in the use of educational media and technology; and

(c) Train persons in the use of educational media and technology for the advancement of handicapped persons.

Intergovernmental Review: The information on Intergovernmental Review of Federal Program, as required under Executive Order 12372, is included in the preamble to this notice.

The following is a current list of States that have established a process, designated a single point of contact, and have selected this program for review:

State

Alabama	New Mexico
Arizona	New York
Arkansas	North Dakota
California	Northern Mariana Islands
Connecticut	Ohio
Delaware	Oklahoma
District of Columbia	Oregon
Florida	Pennsylvania
Guam	Puerto Rico
Hawaii	South Caroilina
Indiana	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Trust Territory
Maine	Utah
Massachusetts	Vermont
Michigan	Virgin Islands
Missouri	Virginia
Montana	Washington
Nebraska	Wisconsin
Nevada	Wyoming
New Hampshire	
New Jersey	

Immediately upon receipt of this notice, applicants which are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered May 1, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (84.024), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please Note That the Above Address is Not the Same Address as the One to Which the Applicant Submits its Application. Do Not Send Applications to the Above Address

Available Funds: It is estimated that approximately $1.5 million will be available for second-year support of 17 noncompeting continuation grants awarded in Fiscal Year 1984. These awards were made for cost-sharing projects under consortium arrangement entered into by a combination of eligible entities.

Application Forms: Application forms and program information packages will be mailed to grantees on February 1, 1985, who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1820–0028)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Educational Media Research,

Production, Distribution, and Training program (34 CFR Part 332).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

For Further Information Contact: Doris L. Cargile, Technology and Marketing Branch, Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW., (Switzer Building, Room 3511–M/S 2313), Washington, D.C. 20202. Telephone: (202) 732–1125.

(20 U.S.C. 1451(a)(2), 1452(b)(5))

Handicapped Children's Early Education Program

Applications are invited for projects under the Handicapped Children's Early Education Program.

Authority for this program is contained in Section 623 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1423)

Awards are made under this program to appropriate public agencies and private non-profit organizations to develop and implement experimental preschool and early education programs for handicapped children which show promise of promoting a comprehensive and strengthened approach to the special problems of young handicapped children. Awards are also provided to assist States in planning, developing, and implementing a comprehensive delivery system that provide education and related services to handicapped children from birth through five years and their families. One grant may be awarded to each State.

84.024H—Handicapped Children's Early Education Program—Training and Technical Assistance for the State Plan Program

Closing Date: February 21, 1985.

Program Information: This priority supports the second budget period for a cooperative agreement initially awarded in 1984 for the establishment of a technical assistance program to provide training and other assistance to applicants for and recipients of awards for Early Childhood State Plan projects under the Handicapped Children's Early Education Program.

84.024F—Handicapped Children's Early Education Program—Early Childhood State Plan

Closing Date: May 17, 1985.

Program Information: This priority supports the second budget period for grants initially awarded in 1984. Grantees may be in one of three program stages: planning, development, or implementation. Grants are for the purpose of establishing, over a maximum period of eight years, a comprehensive State-wide system for delivering special education and related services to all handicapped children from birth through five years of age.

Intergovernmental Review: The information on Intergovernmental Review of Federal Programs, as required under Executive Order 12372, is included in the preamble to this notice.

The following is a current list of States that have established a process, designated a single point of contact, and have selected this program for review:

State

Alabama	New Mexico
Arizona	New York
Arkansas	North Dakota
California	Northern Mariana Islands
Connecticut	Ohio
Delaware	Oklahoma
District of Columbia	Oregon
Florida	Pennsylvania
Guam	Puerto Rico
Hawaii	South Carolina
Indiana	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Trust Territory
Maine	Utah
Massachusetts	Vermont
Michigan	Virgin Islands
Missouri	Virginia
Montana	Washington
Nebraska	West Virginia
Nevada	Wisconsin
New Hampshire	Wyoming
New Jersey	

Immediately upon receipt of this notice, applicants which are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities for both programs (84.024F and 84.024H) must be mailed or hand delivered by March 21, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (84.024), 400 Maryland Avenue SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications).

Please Note That the Above Address Is Not the Same Address as the One to Which the Applicant Submits Its Application. Do Not Send Applications to the Above Address

Available Funds: It is estimated that approximately $3,100,000 will be available for support of the second budget period of the 26 fiscal year 1984 Early Childhood State plan grants.

It is estimated that approximately $675,000 will be available for support of the second budget period of the fiscal year 1984 cooperative agreement issued for training and technical assistance activities for the State plan program.

Application Forms: Application forms and program information packages for both programs (84.024F and 84.024H) will be mailed to grantees on January 9, 1985, who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1820–0028)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education Program (34 CFR Part 309) published at 49 FR 28350 on July 11, 1984.

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

For Further Information Contact: For information on (84.024F) contact Becky Calkins, Handicapped Children's Early Education Program Section, Special Education Programs, Department of Education, 330 C Street SW., (Switzer Building, Room 3511–M/S 2313) Washington, D.C. 20202. Telephone: (202) 732–1156.

For information on (84.024H) contact Helene Corradino, Program Support Section, Special Education Programs, Department of Education, 330 C Street SW. (Switzer Building, Room 3511–M/S 2313), Washington, D.c. 20202. Telephone: (202) 732–1167.

(20 U.S.C. 1424)

Research in Education of the Handicapped

Applications are invited for Field-Initiated Research projects under the Research in Education of the Handicapped program. These are the five year projects that were first funded in fiscal year 1984.

Authority for this program is contained in Section 641 and 642 of Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441, 1442)

Awards are made under this program to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or search agencies and organizations.

84. 023E—Research in Education of the Handicapped—Field Initiated Research Projects

Closing Date: June 21, 1985.

Program Information: The purpose of these projects is to provide support for a broad range of field initiated research projects focusing on the education of handicapped children and youth. The appropriate areas of interest for projects are limited only by the mission of the research program—support of applied research relating to education of the handicapped children and youth.

Available Funds: It is estimated that approximately $800,000 will be available to award 16 noncompeting continuation grants at originally projected funding levels.

Application Forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1820–0028)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Research in Education of the Handicapped program (34 CFR Part 324).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For Further Information Contact: Dr. Nancy Safer, Research Projects Branch, Special Education Program, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3513–M/S 2313), Washington, D.C. 20202. Telephone: (202) 732–1109.

(20 U.S.C. 1441, 1442)

Dated: December 21, 1984.

Gary L. Jones,

Acting Secretary of Education.

[FR Doc. 84–33671 Filed 12–26–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

National Petroleum Council, Refinery Capability Task Group; Meeting

Notice is hereby given that the Refinery Capability Task Group will meet in January 1985. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Refinery Capability Task Group will address previous Council refining studies and evaluate future refinery operations and their impact on petroleum markets. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Refinery Capability Task Group will hold its second meeting on Tuesday, January 8, 1985, starting at 9:00 a.m., in the Lubbock Room of the Houston Airport Marriott Hotel, 18700 Kennedy Boulevard, Houston, Texas.

The tentative agenda for the Refinery Capability Task Group meeting follows:

1. Opening remarks by Chairman and Government Cochairman.

2. Define the objectives and methodology of the U.S. Refinery Capbility Task Group.

3. Review the revised refinery survey questionnaire.

4. Discuss assignments for the Task Group members.

5. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Refinery Capability Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Refinery Capability Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Mrs. Carolyn Klym, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353–2709, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on December 17, 1984.

William A. Vaughan,

Assistant Secretary, Fossil Energy

[FR Doc. 84–33623 Filed 12–26–84; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Proposed Consent Order; Don E. Pratt Oil Operations

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order to Don E. Pratt, Individually and Don E. Pratt Oil Operations, a sole proprietorship and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Don E. Pratt, Individually and Don E. Pratt Oil Operations, a sole proprietorship (Pratt) and provides an opportunity for public comment on terms and conditions of the proposed Consent Order.

DATE: Comments by January 28, 1985.

ADDRESS: Send comments to: David H. Jackson, Director, Kansas City ERA Office, Suite 2100, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City ERA Office, Suite 2100, 324 East 11th Street, Kansas City, Missouri 64106,

(816) 374–2092. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On November 27, 1984 the ERA executed a proposed Consent Order with Don E. Pratt, Individually and Don E. Pratt Oil Operations, a sole proprietorship headquartered in Hays, Kansas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000.00 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Don E. Pratt, Individually and Don E. Pratt Oil Operations, a sole proprietorship (Pratt) during the period September 1973 through January 1981 engaged in the production and sale of crude oil. ERA audited the companies' compliance during this period with the Mandatory Petroleum Price and Allocation Regulations (Regulations) most recently codified in 10 CFR Parts 205, 210, 211, 212, 213 and issued a Proposed Remedial Order (PRO) to Pratt requiring refunds for alleged overcharges in violation of the Regulations. The Proposed Remedial Order was followed by a Decision and Order (DRO–0039) of the Office of Hearings and Appeals which remanded the PRO to the Regional Office for further findings.

The companies and ERA each believe that its position is meritorious. However, to resolve the issues raised by the audit without further litigation of the PRO, the companies and ERA would enter into the Consent Order. Pratt would do so without admitting they have violated any provision of the Regulations. Except for these matters explicitly excluded therein, the Consent Order would resolve all administrative and civil judicial claims, demands, liabilities, or causes of action between DOE and the companies with respect to the audit period. The significant terms of the proposed Consent Order are as follows:

A. After the Consent Order becomes effective, a program of refunds shall be implemented in the aggregate amount of $890,000.00 plus installment interest. These refunds shall be forwarded to the DOE for ultimate disposition.

B. The company shall pay $17,500.00 on the first day of the first month following the effective date of the Consent Order and $17,500.00 on the first day of each month thereafter for thirty-five (35) months. Each payment shall be applied to interest first and the balance to the outstanding principal amount. The remaining unpaid principal and interest shall be paid in one payment thirty (30) days after the thirty-sixth (36th) payment.

II. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation: "Comments on the Pratt Consent Order." The ERA will consider all comments it receives by 4:30 p.m., C.D.T., on January 28, 1985. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 27th day of November, 1984.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 84–33550 Filed 12–26–84; 8:45 am]

BILLING CODE 6450–01–M

Proposed Consent Order; Oxy Petroleum, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order to Oxy Petroleum, Inc. and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Oxy Petroleum, Inc. and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: January 28, 1985.

ADDRESS: Send comments to: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration U.S. Department of Energy, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, U.S. Department of Energy, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002, (713) 229–3715. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On November 20, 1984, the ERA executed a proposed Consent Order with Oxy Petroleum, Inc., Box 300, Tulsa, OK 74102. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Oxy Petroleum, Inc. (Oxy), during the period September 1, 1973 through January 31, 1976, engaged in the production and sale of crude oil. ERA audited Oxy's compliance during this period with the Mandatory Petroleum Price and Allocation Regulations (Regulations) most recently codified in 10 CFR Parts 205, 210 211, 212, 213 and issued a Notice of Probable Violation (NOPV) to Oxy alleging violation of the regulations. Oxy submitted written and oral responses to the NOPV, contending that allegations in the NOPV may not be sustained.

Oxy and ERA each believe that its position is meritorious. However, to resolve the issues raised by the audit without further litigation, Oxy and ERA would enter into this Consent Order. Oxy would do so without admitting it has violated any provision of the Regulations. Except for those matters explicitly excluded therein, the Consent Order would resolve all administrative and civil judicial claims, demands, liabilities, or causes of action between DOE and Oxy with respect to the matters and the time period covered by the NOPV. The significant terms of the proposed Consent Order are as follows:

A. Within 30 days of the date the Consent Order becomes effective, Oxy will refund the sum of $2,717,320.75.

B. The payment will be made by cashiers or certified check made payable to the U.S. Department of Energy (DOE) for deposit in a suitable account pending distribution by DOE.

II. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be indentified on the outside of the envelope and on the documents submitted with the designation: "Comments on Oxy Consent Order." The ERA will consider all comments it receives by 4:30 p.m., C.D.T., on January 28, 1985. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Houston, Texas on the 30th day of November, 1984.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 84-33552 Filed 12-26-84; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; Questor Petroleum Corporation and Kyle S. McAlister

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Remedial Order to Questor Petroleum Corporation and Kyle S. McAlister.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Questor Petroleum Corporation (Questor), 2825 Wilcrest, Houston, Texas 77042 and Kyle S. McAlister, 122 Park Drive, San Antonio, Texas 78212. This Proposed Remedial Order alleges that Questor charged prices in excess of its actual purchase prices in violation of 10 CFR 212.186, 210.62(c) and 205.202 during the period January 1978 through June 1979 in the amount of $8,173,986.19.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 5th day of December, 1984.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 84-33551 Filed 12-26-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00189; FRL 2743-7]

State-FIFRA Issues Research and Evaluation Group (SFIREG); Open Meeting of Working Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 2-day meeting of the Working Committee on Ground-water Protection and Disposal (WC/GPD) of the State FIFRA Issues Research and Evaluation Group (SFIREG). The meeting will be open to the public.

DATES: Monday, January 14 and Tuesday, January 15, 1985, beginning at 8:30 a.m. each day and concluding by 4:30 p.m., Tuesday, January 15.

ADDRESS: The meeting will be held at: Hyatt Regency-Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202, (703-486-1234).

FOR FURTHER INFORMATION CONTACT: By mail:

Philip H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1115, Crystal Mall No. 2, Arlington, VA, (703-557-7096).

SUPPLEMENTARY INFORMATION: This will be the first meeting of the Working Committee on Ground-water Protection and Disposal, which has been established pursuant to EPA's grant to the Association of American Pesticide Control Officials establishing SFIREG. The purpose of the WC/GPD will be to consider pesticide related aspects of ground-water protection and disposal of pesticide waste, excess pesticides and used pesticide containers, and to make recommendations, through the full SFIREG, regarding Agency policies in these key areas. The meeting of the Working Committee will be concerned with the following topics:

1. Purpose and organization of WC/GPD.

2. Office of Drinking Water/Office of Pesticide Programs joint survey of pesticides in ground-water and drinking water.

3. Formulas for developing health advisories and health guidelines.

4. Health advisory priorities.

5. Status of ground-water protection labeling effort.

6. Status of strategy for protecting ground-water from pesticides.

7. Summary of State activities in ground-water protection area.

8. Impact of 1984 RCRA Amendments on pesticide disposal.

9. Delisting technology.

10. Disposal of excess and unwanted pesticide products.

11. Disposal of leftover tank mixes.

12. Identification of major disposal issues.

13. Disposal of empty pesticide containers.

14. Summary of State activities in disposal area.

15. Other topics as appropriate.

Dated: December 18, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 84-33594 Filed 12-26-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-000014-055.

Title: Trans Pacific Freight Conference (Hong Kong).

Parties:

American President Lines, Ltd.
Barber Blue Sea Line
A.P. Moller-Maersk Line
Sea-Land Service, Inc.
United States Lines, Inc.

Synopsis: The proposed amendment would permit the member lines in their

capacity as Bureau members to enter into agreements with any other carrier or person "including a conference of carriers," provided such agreements are separately filed and become effective under the Shipping Act of 1984.

Agreement No.: 202–000014–056.
Title: Trans Pacific Freight Conference (Hong Kong).
Parties:
American President Lines, Ltd.
Barber Blue Sea Line
A.P. Moller-Maersk Line
Sea-Land Service, Inc.
United States Lines, Inc.

Synopsis: The proposed amendment would establish permanent authority in the conference to control and regulate service contracts covering the carriage of cargo in the conference trades.

Agreement No.: 224–004137–001.
Title: Oakland Terminal Agreement.
Parties:
Port of Oakland (Port)
Italia S.p.A di Navigazione (Italian Line)

Synopsis: Agreement No. 224–004137–001 acknowledges that Agreement No. 2224–004137 is superseded and terminated upon the effectiveness of Agreement No. 221–010670, between the Port, Italian Line and d'Amico Societa di Navigazione per Azioni operating as a joint service under the name of Italia-d'Amico Line. Regarding Italian Line, the terminal utilized and the economic factors of its use thereof are substantially the same under both Agreement No. 221–010670 and the superseded Agreement No. 224–004137.

Agreement No.: 202–005700–039.
Title: New York Freight Bureau.
Parties:
Barber Blue Sea Line
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would permit the member lines in their capacity as Bureau members to enter into agreements with any other carrier or person "including a conference of carriers," provided such agreements are separately filed and become effective under the Shipping Act of 1984.

Agreement No.: 202–005700–040.
Title: New York Freight Bureau.
Parties:
Barber Blue Sea Line
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would establish permanent authority in the conference to control and regulate service contracts covering the carriage of cargo in the conference trades.

Agreement No.: 202–009648A–024.
Title: Inter-American Freight Conference.
Parties:
A. Bottacchi S.A. de Navegacion C.F.I. e I.
A/S Ivarans Rederi
Colonial Carib Carriers, Ltd.
Companhia Maritima Nacional
Companhia de Navegacao Lloyd Brasileiro
Companhia de Navegacao Maritima Netumar
Cylanco S.A.
Delta Steamship Lines, Inc.
Empresa Lineas Maritimas Argentinas Socieded Anonima
Empresa de Navegacao Allianca S.A.
Frota Amazonica S.A.
Georgia-Aztec Line
High Seas Company Limited
Van Nievelt Goudriaan & Co. B.V.
J. Lauritzen Holding A/S
Kimberly Navigation Company
Lineas Maritimas Paraguayas S.A.
Lumber Carriers Limited
Mortensen and Lange
Passaat Line N.V.
Reefer Express Lines Pty. Ltd.
R.M.C. Lines, Inc.
Ship Operators (International) Inc.
States Africa Line, Inc.
Transportacion Maritima Mexicana S.A.
United States Lines (S.A.), Inc.

Synopsis: The proposed amendment would modify the agreement to incorporate mandatory provisions required under the Shipping Act of 1984.

Agreement No.: 202–009831–004.
Title: New Zealand/U.S. Atlantic and Gulf Shipping Lines Rate Agreement.
Parties:
Columbus Line
Pacific America Container Express Line

Synopsis: The proposed amendment would delete the interim mandatory provision governing independent action, modifying an existing agreement provision governing independent action and would add a new provision authorizing conference action with respect to service contracts.

Agreement No.: 212–009848–013.
Title: U.S. Gulf/Brazil Pooling Agreement.
Parties:
Delta Steamship Lines, Inc.
Companhia de Navegacao Llyod Brasileiro
Companhia Maritima Nacional

Synopsis: The proposed amendment designates certain articles which are permitted to become effective upon filing, in accordance with Commission and Brazilian regulations, and reiterates that all other modifications may not become effective until all necessary governmental approvals are obtained or until the modification becomes effective under the Shipping Act of 1984, whichever date is later.

Agreement No.: 202–009968–011.
Title: Inter-American Freight Conference Puerto Rico and U.S. Virgin Islands Area Agreement.
Parties:
A. Bottacchi S.A. de Navegacion C.F.I. e I. A/S Ivarans Rederi
Companhia Maritima Nacional
Companhia de Navegacao Lloyd Brasileiro
Companhia de Navegacao Maritima Netumar
Delta Steamship Lines, Inc.
Empresa Lines Maritimas Argentinas Socieded Anonima
Empresa de Navegacao Allianca S.A.
Frota Amazonica S.A.
High Seas Company Limited
Passaat Line N.V.
Paxicon Line
Ship Operators (International) Inc.
Suriname Line
Transportacion Maritima Mexicana S.A.
Venezolana Line

Synopsis: The proposed amendment would modify the agreement to incorporate mandatory provisions required under the Shipping Act of 1984.

Agreement No.: 202–010122–012.
Title: Inter-American Freight Conference Area River Plate/Puerto Rico and U.S. Virgin Islands/River Plate.
Parties:
A. Bottacchi S.A. de Navegacion C.F.I. e I. A/S Ivarans Rederi
Companhia Maritima Nacional
Companhia de Navegacao Lloyd Brasileiro
Delta Steamship Lines, Inc.
Empresa Lines Maritimas Argentinas Socieded Anonima
Transportacion Maritima Mexicana S.A.
Compania Anonima Venezolana de Navegacion

Synopsis: The proposed amendment would modify the agreement to incorporate mandatory provisions required under the Shipping Act of 1984.

Agreement No.: 202–010268–004.
Title: Australia-Eastern U.S.A. Shipping Conference.
Parties:

Associated Container Transportation (Australia) Limited
Atlanttrafik Express Service, Ltd.
Columbus Line
The Australia National Line

Synopsis: The proposed amendment would provide for self-policing by the conference in lieu of policing by an "Enforcement Authority".

Agreement No.: 212–010320–008.
Title: Brazil/U.S. Gulf Ports Pooling Agreement.
Parties:
Companhia de Navegacao Lloyd Brasileiro
Companhia Maritima Nacional
Delta Steamship Lines, Inc.
Empresa Lineas Maritimas Argentinas S.A.
A. Bottacchi S.A. de Navegacion C.F.I. e I.
Transportacion Maritima Mexicana S.A.
Cylanco S.A.

Synopsis: The proposed amendment designates certain articles which are permitted to become effective upon filing, in accordance with Commission and Brazilian regulations, and reiterates that all other modifications may not become affective until all necessary governmental approvals are obtained or until the modification becomes effective under the Shipping Act of 1984, whichever date is later.

Agreement No.: 212–010382–006.
Title: Pool Agreement Argentina/U.S. Gulf Ports.
Parties:
A. Bottacchi S.A. de Navegacion C.F.I. e I.
Companhia de Navegacao LLoyd Brasileiro
Companhia Martima Nacional
Delta Steamship Lines, Inc.
Empresas Lineas Maritimas Argentinas S.A.
Reefer Express Lines Pty., Ltd.
Transportacion Maritima Mexicana S.A.
Cylanco S.A.

Synopsis: The proposed amendment designates certain articles which are permitted to become effective upon filing, in accordance with Commission and Argentine regulations, and reiterates that all other modifications may not become effective until all necessary governmental approvals are obtained or until the modification becomes effective under the Shipping Act of 1984, whichever date is later. It would also provide that, unless otherwise specified, all votes taken must be unanimous.

Agreement No.: 212–010389–003.
Title: Pool Agreement U.S. Gulf/Argentina Ports.
Parties:
Delta Steamship Lines, Inc.
Empresas Lineas Maritimas Argentinas S.A.
A. Bottacchi S.A. de Navegacion C.F.I. e I.

Synopsis: The proposed amendment designates certain articles which are permitted to become affective upon filing, in accordance with Commission and Argentine regulations, and reiterates that all other modifications may not become effective until all necessary governmental approvals are obtained or until the modification becomes effective under the Shipping Act of 1984, whichever date is later. It would also provide that, unless otherwise specified, all votes taken must be unanimous.

Agreement No.: 224–010705.
Title: San Francisco Terminal Agreement.
Parties:
Port of San Francisco (Port)
Companhia de Navegacao Lloyd Brasileiro (Lloyd Brasileiro)

Synopsis: Agreement No. 224–010705 provides for the utilization by Lloyd Brasileiro of the Port as its published port of call in northern California. As consideration to Lloyd Brasileiro, for using the Port, Lloyd Brasileiro shall pay to the Port 60% of all revenue from dockage and wharfage generated under the agreement from Port facilities in lieu of 100% of the Port Tariff charges. The term of the agreement is for five years.

Agreement No.: 224–010708.
Title: Richmond Virginia Terminal Agreement.
Parties:
The City of Richmond, Virginia (City)
Meehan Overseas Terminal, Ltd. (Meehan)

Synopsis: The agreement provides for the lease by the City to Meehan of the port facility at the Port of Richmond, Virginia. Meehan agrees that the basic purpose of the lease is to govern the handling of all waterborne merchandise, commodities, or other property handled at the port terminal facility, and the same shall be assessed wharfage, storage, and supplemental fees. The lease shall be for a term of four years.

By Order of the Federal Maritime Commission.

Dated: December 20, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–33620 Filed 12–26–84; 8:45 am]

BILLING CODE 6730–01–M

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Francis C. Hurney, Agency Clearance Officer, Federal Maritime Commission, 1100 L Street, NW, Room 11101, Washington, D.C. 20573, telephone number (202) 523–5725. Comments may be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the Federal Register in which this notice appears.

Summary of Item Submitted for OMB Review

46 CFR Part 580—Publishing and Filing of Tariffs in the Foreign Commerce of the United States

46 CFR Part 580 is the Commission's regulation to enforce the tariff filing provisions of section 8 of the Shipping Act of 1984. Every common carrier by water and conference of such carriers engaged in the foreign commerce of the United States is required to file with the Commission and keep open to public inspection tariffs showing rates and charges for transportation between U.S. and foreign ports and between points on any through route which is established. This submission extends approved clearance OMB 3072–0009 for 46 CFR Part 580.

The Commission estimates 1,200 annual respondents and 256,763 annual manhours for 46 CFR Part 580. Total estimated annual cost to the government is $1,600,000; annual cost to the public is estimated at $3,200,000.

Francis C. Hurney,

Secretary.

[FR Doc. 84–33619 Filed 12–26–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Citizens Bankshares of Springhill, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking

activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activites will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 15, 1985.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Citizens Bankshares of Springhill, Inc.*, Springhill, Louisiana; to engage *de novo* through its subsidiary, Citizens Finance Company of Springhill, Inc., Springhill, Louisiana, in consumer lending in the State of Louisiana.

2. *Henrietta Banchshares, Inc.*, Henrietta, Texas; to engage *de novo* in consumer and commercial lending activities in the State of Texas.

Board of Governors of the Federal Reserve System, December 20, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-33604 Filed 12-26-84; 8:45 am]

BILLING CODE 6210-01-M

The Long-Term Credit Bank of Japan, Limited, 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 17, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Long-Term Credit Bank of Japan, Limited*, Tokyo, Japan; to become a bank holding company be converting its existing subsidiary LTCB Trust Company, New York, New York, to a "bank" as defined in section 2(c) of the Bank Holding Company Act.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Railroad & Banking Company of Georgia*, Augusta, Georgia; to merge with National City Bankcorp, Rome, Georgia, thereby indirectly acquiring National City Bank of Rome, Rome, Georgia.

C. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Central Illinois Community Bancorp, Inc.*, Peoria, Illinois; to acquire 95 percent of the voting shares of Northwest Community Bank of Peoria, Peoria, Illinois.

2. *Peoples Mid-Illinois Corporation*, Bloomington, Illinois; to acquire 100 percent of the voting shares of First National Bank of Normal, Normal, Illionis.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Capital Bancorporation, Inc.*, Clayton, Missouri; to acquire 80 percent or more of the voting shares of Capital Bank & Trust Company of Clayton, Clayton, Missouri, a *de novo* bank.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Plaza Bancshares, Inc.*, Fort Worth, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of River Plaza National Bank, Fort Worth, Texas.

2. *Southshares, Inc.*, Laredo, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of South Texas National Bank of Laredo, Laredo, Texas.

Board of Governors of the Federal Reserve System, December 20, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-33606 Filed 12-26-84; 8:45 am]

BILLING CODE 6210-01-M

J.P. Morgan & Co. Inc.; Proposal to Execute and Clear Stock Index Futures and Options on Futures

J.P. Morgan & Co. Incorporated, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to execute and clear futures contracts and options on futures contracts on stock indexes for nonaffiliated persons on major commodities exchanges. These activities would be performed through the applicant's futures commission merchant ("FCM") subsidiary, Morgan Futures Corporation, in the U.S. and abroad through offices in New York, Chicago, London, and Singapore.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board has not previously approved the proposed execution and clearance of futures contracts and options on futures contracts on stock indexes. Applicant believes that these activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto. In Applicant's opinion, the brokerage of stock index futures and options on these futures is functionally and operationally similar to other brokerage activities previously approved for bank holding companies.

including brokerage of financial futures through FCM subsidiaries and discount securities brokerage.

Interested persons may express their views on whether the proposed activities of executing and clearing futures and options on futures on a stock index are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether the proposal as a whole 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 these questions must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 18, 1985.

Board of Governors of the Federal Reserve System, December 20, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-33605 Filed 12-26-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Ad Hoc Working Group of the Frederick Cancer Research Facility Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Ad Hoc Working Group of the Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, January 8, 1985. The meeting will be held at the Brookshire Hotel, 120 East Lombard Street, Baltimore, Maryland 21202. The meeting will be open to the public and will be held from 8:30 am until 5:00 pm. The agenda will include the regular status report, presentations on AIDs vaccine and intervention, including subcontracts, shared services, fermentation production facilities, supercomputer operations and future planning needs. Attendance by the public will be limited to space available.

Dr. Berge Hamper, Executive Secretary, Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, Frederick Cancer Research Facility, Building 427, Frederick, Maryland 21701 (301-695-1108) will furnish substantive program information.

This notice is being published less than 15 days prior to the meeting date because of conflicting schedules.

Dated: December 20, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-33576 Filed 12-26-84; 8:45 am]

BILLING CODE 4140-01-M

Office of Human Development Services

Administration for Native Americans Program; Briefing Meetings

AGENCY: Administration for Native Americans, HHS.

ACTION: Notice of briefing meetings on ANA Program Announcement 13612-851.

SUMMARY: The Administration for Native Americans (ANA) announces that there will be four three-day meetings in January 1985 for the purpose of discussing local community determination of social and economic development strategies (SEDS) and ANA Program Announcement 13612-851, published in the **Federal Register** on August 1, 1984 (49 FR 30880-30882).

One day of the meeting will be a presentation by the Commissioner of the Administration for Native Americans on Program Announcement 13612-851, social and economic development strategies, development of SEDS at the local community level, and implementation of SEDS by tribal councils and elected boards of Native American organizations. The other two days will be one-on-one technical assistance meetings between an ANA staff member and potential applicants who wish to avail themselves of ANA staff assistance in improving the ability of the tribe or Native American organization to complete for ANA funding in future competitions.

Both unsuccessful and potential applicants under Program Announcement 13612-851 are invited to attend. ANA is recommending that the Tribal Chairperson or Board President and another elected official attend the meeting on the day the Commissioner addresses social and economic development strategies. A staff person from the applicant organization is encouraged to attend the one-on-one meeting with the ANA staff member. Applicants who were disapproved under the October 10, 1984 closing date should bring their disapproved application with them to the one-on-one meetings.

Dates and places:

January 7-9, 1985, San Francisco, CA
January 9-11, 1985, Denver, CO
January 9-11, 1985, Oklahoma City, OK
January 14-16, 1985, Washington, DC

Contact person: Persons wishing to attend one of these meetings may call David Dowd, ANA, (202) 245-7714 to obtain further information on the specific place and time of the meetings.

SUPPLEMENTARY INFORMATION: The Administration for Native Americans is authorized under the Native American Program Act of 1974, Pub. L. 93-644, as amended. Program Announcement 13612-851 announced that financial assistance is available for Indian tribes and Native American organizations under a competitive grant application process.

The Commissioner of the Administration for Native Americans will make his presentation on January 7 in San Francisco, January 9 in Denver, January 10 in Oklahoma City, and January 14 in Washington, D.C.

Date: December 20, 1984.

William Lynn Engles,

Commissioner, Administration for Native Americans.

[FR Doc. 84-33599 Filed 12-24-84; 8:45 am]

BILLING CODE 4130-01-M

President's Committee on Mental Retardation; Meeting

Agency holding the meeting: President's Committee on Mental Retardation.

Time and date:

January 15, 1985 from 2:00 P.M. to 6:00 P.M.
January 16, 1985 from 9:00 A.M. to 5:30 P.M.
January 17, 1985 from 9:00 A.M. to 4:30 P.M.
January 18, 1985 from 9:00 A.M. to 3:00 P.M.

Place: Capitol Holiday Inn, 550 C Street, SW., Washington, D.C.

Status: Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

Matters to be considered: Reports by the Steering Committee of the President's Committee on Mental

Retardation (PCMR) will be given. The PCMR plans to discuss critical issues concerning prevention, family and community services, full citzenship, public awareness and other issues relevant to the PCMR's goals.

The PCMR: (1) acts in an advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons who are mentally retarded; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect the mentally retarded.

Contact person for more information: Jim F. Young, 330 Independence Avenue, Room 4061—North, Washington, D.C. 20201, (202) 245–7634.

Dated: December 19, 1984.

Jim F. Young,

Acting Executive Director, PCMR.

[FR Doc. 84–33600 Filed 12–24–84; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Request for Comments on the Status of Kuwait Under the Mineral Leasing Act of 1920

AGENCY: Office of the Secretary, Interior.

ACTION: Requests for Comments on the Status of Kuwait Under the Mineral Leasing Act of 1920.

SUMMARY: Section 1 of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181), provides in part: "Citizens of another country, the laws, customs, or regulationis of which deny similar or like privileges to citizens or corporatioins of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act." In response to the decision in *Santa Fe International* v. *Watt*, 519 F. Supp. 929 (D. Del. 1984), the Department of the Interior requests written comments from any member of the public which will assist the Department in determining whether the Government of Kuwait intended to discriminate against citizens or corporations of the United States when Kuwait nationalized its petroleum industry in the 1970's.

DATE: Comments should be submitted by January 28, 1985. Comments postmarked or received after this date may not be considered in the decisionmaking process on determining the status of Kuwait.

ADDRESS: Comments should be sent to: Director (610) Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5633 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William R. Murray, (202) 343–4803.

SUPPLEMENTARY INFORMATION: On March 10, 1983, the Secretary of the Interior determined that the laws, customs and regulations of Kuwait deny similar or like privileges to citizens and corporations of the United States. This determination was published in a notice in the **Federal Register** on April 15, 1983 (48 FR 16348). The Secretary's determination was based on the conclusion that Kuwait discriminated against United States corporations because in the 1970's it nationalized all United States-owned concessions, but allowed a Japanese-owned company (Arabian Oil Co.) to retain a concession. Although the Secretary found that Kuwait law is currently neutral toward foreign investment in petroleum resources, the Secretary concluded that Kuwait's nationalization process constituted *de facto* discrimination against citizens and corporations of the United States..

As a result of the determination of the Secretary of the Interior, citizens of Kuwait could no longer own interests in oil and gas leases, combined hydrocarbon leases, gilsonite leases or oil or gas pipeline right-of-way permits issued under the Mineral Leasing Act of 1920. Santa Fe International Corp, which is owned by the Kuwait Petroleum Corporation, successfully challenged the determination of the Secretary in the U.S. District Court for the District of Delaware. The Court held that *de facto* discrimination is not a proper standard for making the status determination under section 1 of the Act. The Court ruled that discrimination constitutes a denial of similar or like privileges under section 1 of the Act only if it is based on nationality. The Court concluded: "If the Japanese interests in the Arabian Oil concession were allowed to survive (by Kuwait) for legitimate and objective business reasons, and not for reasons relating to nationality, then (Interior) must find Kuwait qualified under section 1 of the (Act)." 591 F. Supp. at 942. The Court set aside the Secretary's determination and returned the matter to the Department of the Interior for further consideration. The Department did not appeal the decision.

In reaching a determination under the standard stablished by the Court, the Department of the Interior will consider the information it now possesses in its files. This information consists of three categories as follows: (1) the record on which the Secretary of the Interior based his March 10, 1983, determination, including the public comments received in response to the Department's original request for comments on the status of Kuwait under section 1 of the Mineral Leasing Act of 1920 as published in the **Federal Register** of July 8, 1982 (47 FR 29720); (2) information submitted to the Court by Santa Fe International Corp. and the other plantiffs, including the response from the Embassy of Kuwait dated May 4, 1983, to certain questions the Department asked the Government of Kuwait; and (3) the briefs submitted to the Court. This information is available for public review at the above noted address.

In reviewing this information, the Court commented: "The record in this case, however, does not support such an inference (of discrimination on the basis of U.S. citizenship) and shows only objective reasons behind the continuation of the Arabian Oil concession. No evidence suggests that the Japanese were treated favorably because they were Japanese or that Americans were treated differently because they were Americans. Instead, all of the evidence suggests that citizenship was entirely irrelevant to Kuwait's decision to leave the Arabian Oil concession in private hands." 591 F. Supp. at 941 (Footnotes omited).

The objective business reasons to which the Court referred result from the fact that the concession owned by Arabian Oil Company is located in the offshore portion of the Divided Zone, a disputed boundary area claimed by both Kuwait and Saudia Arabia. Pursuant to a 1965 Agreement between the two countries, each owns an undivided interest in the mineral resources of the Divided Zone and they jointly administer the offshore portion of the Zone. As a result, according to the record before the Court, Kuwait cannot modify the Arabian Oil concession unless Saudi Arabia is willing to do so. In addition, Kuwait argues that due to the nature of offshore operations, it would be operationally and administratively difficult for Kuwait and Saudia Arabia to try to have separate operations in the offshore portion of the Divided Zone.

The Department of the Interior requests the public to provide additional

information, or to comment on the existing information, relating to the question of whether Kuwait nationalized the United States-owned petroleum concessions because they were American or failed to nationalize the Japanese interest because it was not American. After reviewing these comments and the existing record, the Department will issue its determination on the status of Kuwait under section 1 of the Mineral Leasing Act of 1920. The Department will also consider whether offshore practices of a foreign country are relevant to determinations under section 1 of the Act.

J. Steven Griles,

Acting Assistant Secretary of the Interior.

December 20, 1984.

[FR Doc. 84-33533 Filed 12-26-84; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[Designation Order NV-050-8501]

Nevada Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designations decisions.

SUMMARY: All public lands administered by BLM in the 3,416,393 acre Caliente Planning Area of the Las Vegas District are hereby designated open, limited, or closed to off-road motorized vehicle use in accordance with executive orders and as a result of the Bureau's Planning System.

SUPPLEMENTARY INFORMATION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 152 8340-8341-8342. The following described lands under Administration of the Bureau of Land Management are designated as open or limited to off-road motorized vehicle use.

The 3,416,393 acre area affected by the designations is known as the Caliente Resource Area, which includes all public lands in part of Lincoln County, Nevada. These designations are made as a result of Resource Management decisions contained in the 1980 Caliente Management Framework Plan, comments received from two public open house meetings, and several written comments. These designations are published as final today. Under 43 CFR 4.21 an appeal may be filed within thirty days with the Interior Board of Land Appeals.

A. Open Designation. Areas which are designated open comprise approximately 3,155,339 acres. Open designation was determined to be appropriate for these public lands since off-road vehicle use is an important recreational activity and is essential for the conduct of other authorized resource uses.

B. Limited Designation—The following areas are designated as limited to ORV use due to ORV related conflicts or problems:

1. Desert Tortoise crucial areas "limited" designation—all use is restricted to existing roads and trails in these areas. The "limited" designation is to help in protecting a native species. Approximate size is *51,360* acres.

2. Gila Monster habitat area "limited" designation—competitive events are restricted to existing roads and will be handled on a case by case basis via the Special Recreation Permit system, no restriction on individual use. The "limited" designation is to help in protecting a species listed by the State of Nevada as rare. Approximate size is *16,960* acres.

3. Desert Bighorn Sheep lambing areas "limited" designation—competitive events are not allowed, no restriction on individual use. The "limited" designation is to help in protecting Desert Bighorn Sheep habitat. Approximate size *192,734* acres.

The legal descriptions for the above areas are as follows:

Crucial Desert Tortoise Habitat (Limited)

Mount Diablo Meridian

Area 1

T. 8 S., R. 61 E.,
Sec. 26, S½;
Sec. 27,
Sec. 28, E½;
Sec. 33, E½;
Secs. 34, 35, 36.

Area 2

T. 10 S., R. 62 E.,
Sec. 2,
Secs. 11, 12, 13;
Sec. 14, E½;
Sec. 23, W½;
Secs. 24, 25;
Sec. 36.
T. 11 S., R. 62 E.,
Sec. 1;
T. 10 S., R. 63 E.,
Sec. 7, SW¼;
Sec. 18, W½;
Sec. 19, S½;
Secs. 30, 31, 32;
Sec. 33, SE¼;
Sec. 34, W½.
T. 11 S., R. 63 E.,
Sec. 1, W½;
Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14;
Sec. 15, N½;
Sec. 16;
Sec. 17, N½;
Sec. 19, W½;
Sec. 21, E½;
Sec. 22;
Sec. 23, S½;
Secs. 24, 26, 27;
Sec. 28, E½;
Sec. 30, E½;
Sec. 34;
Sec. 35, W½.
T. 12 S., R. 63 E.,
Sec. 2, NW¼;
Secs. 3, 4;
Sec. 5, S½;
Sec. 9;
Sec. 10, W½;
Sec. 14, W½;
Sec. 15;
Sec. 16, E½;
Sec. 22;
Sec. 23, W½;
Secs. 25, 26;
Sec. 27, E½;
Sec. 35;
Sec. 36, W½.

Area 3

T. 12 S., R. 63 E.,
Sec. 12;
Sec. 13, NE¼.

Area 4

T. 12 S., R. 63 E.,
Sec. 28;
Sec. 29, NE¼;
Sec. 33.

Area 5

T. 10 S., R. 64 E.,
Secs. 20, 21, 22, 27, 28, 29, 32;
Sec. 33, N½.
T. 11 S., R. 64 E.,
Sec. 5, W½;
Sec. 6, E½.

Area 6

T. 12 S., R. 68 E.,
Sec. 8, S½;
Sec. 9, SW¼;
Sec. 14, S½;
Secs. 16, 17;
Sec. 18, SE¼;
Sec. 19, E½;
Secs. 20, 21, 22;
Sec. 23, W½;
Secs. 27, 28, 29;
Sec. 30, SE¼;
Secs. 31, 32, 33;
Sec. 34, W½.

The areas described aggregate 51,360 acres of public land.

Gila Monster Habitat Area (Limited)

Mount Diablo Meridian

T. 11 S., R. 65 E.,
Sec. 36, SE½.
T. 12 S., R. 65 E.,
Sec. 1, 12;
Sec. 13, W½;
Sec. 24, W½;
Sec. 25, W½;
Sec. 36, W½.
T. 10 S., R. 66 E.,
Sec. 24;
Sec. 25, NW¼;
Sec. 26, S½;
Sec. 34;

Sec. 35, NW¼.
T. 11 S., R. 66 E.,
Sec. 4, W½;
Sec. 5, SE¼;
Sec. 8;
Sec. 17, W½;
Sec. 19, E½;
Sec. 30;
Sec. 31, NW¼;
Sec. 32, E½.
T. 7 S., R. 67 E.,
Sec. 17, SW¼;
Sec. 18, NE¼;
Sec. 20, NE¼;
Sec. 21, S½;
Sec. 27, S½;
Sec. 35, W½.
T. 8 S., R. 67 E.,
Sec. 3, E½;
Sec. 11, W½;
Sec. 14, W½;
Sec. 23, W½;
Sec. 26, NW¼;
Sec. 27, E½;
Sec. 34.
T. 9 S., R. 67 E.,
Sec. 3, E½;
Sec. 10, E½;
Sec. 14, W½;
Sec. 22, E½;
Sec. 23, NW¼;
Sec. 27, E½;
Sec. 34.
T. 10 S., R. 67 E.,
Sec. 3, W½;
Sec. 4, E½;
Secs. 9, 17;
Sec. 18, SE¼;
Sec. 19, N½.

The areas described aggregate 16,960 acres of public land.

Desert Bighorn Sheep Areas (Limited)

Mount Diablo Meridian

Pahranagat Range

T. 6 S., R. 59 E.,
Sec. 28, SE¼;
Secs. 32, 33.
T. 7 S., R. 59 E.,
Sec. 4, W½;
Sec. 5;
Secs. 8, 9;
Sec. 10, SW¼;
Sec. 14, SW¼;
Secs. 15, 16, 17;
Sec. 18, SE¼;
Sec. 19, E½;
Secs. 20, 21, 22;
Sec. 23, W½;
Secs. 26, 27, 28, 29;
Sec. 30, E½;
Sec. 32, NE¼;
Sec. 33, E½, NW¼;
Secs. 34, 35.

Delamar Range

T. 9 S., R. 63 E.,
Sec. 34, E½;
Secs. 35, 36.
T. 10 S., R. 63 E.,
Secs. 1, 2, 3;
Sec. 4, SE¼;
Sec. 8, S½;
Secs. 9, 10, 11, 12, 13, 14, 15, 16, 17;
Sec. 18, NE¼, S½;
Secs. 19, 20, 21;
Sec. 22, E½, NW¼;
Secs. 23, 24;
Sec. 25, NW¼;
Sec. 16;
Sec. 27, E½;
Sec. 28;
Sec. 29, NE¼;
Sec. 34, E½;
Sec. 35, W½.
T. 9 S., R. 64 E.,
Sec. 19, SE¼;
Sec. 20, E½;
Sec. 21;
Sec. 23, E½;
Sec. 26, NW¼;
Secs. 27, 28, 29, 30, 31, 32;
Sec. 33, NE¼, W½;
Sec. 34, NW¼.
T. 10 S., R. 64 E.,
Sec. 4, W½;
Secs. 5, 6, 7, 8;
Sec. 17, W½;
Secs. 18, 19;
Sec. 30, W½.

Meadow Valley Range

T. 11 S., R. 64 E.,
Sec. 1, W½;
Secs. 2, 3;
Sec. 4, E½;
Sec. 8, SE¼;
Secs. 9, 10, 11;
Sec. 12, W½;
Secs. 13, 14, 15, 16, 17;
Sec. 19, E½;
Secs. 20, 21, 22, 23;
Sec. 25, SW¼;
Sec. 26;
Sec. 27, E½;
Sec. 28, N½;
Secs. 29, 30, 31, 32;
Sec. 34, N½;
Sec. 35, N½.
T. 12 S., R. 64 E.,
Sec. 1;
Sec. 4, NW¼;
Secs. 5, 6, 7;
Sec. 8, W½;
Secs. 12, 13;
Sec. 17, W½;
Secs. 18, 19;
Sec. 20, W½;
Sec. 24, N½;
Sec. 27, W½;
Sec. 28, NE¼, S½;
Sec. 29;
Sec. 30, E½;
Sec. 31, NE¼;
Secs. 32, 33;
Sec. 34, NW¼, S½;
Sec. 36.
T. 9 S., R. 65 E.,
Sec. 13;
Sec. 23, NE¼, S½;
Sec. 24;
Sec. 25, W½;
Sec. 26;
Sec. 27, E½;
Secs. 34, 35, 26.
T. 10 S., R. 65 E.,
Secs. 1, 2, 3, 4;
Sec. 8, NE¼, S½;
Secs. 9, 10, 11, 12;
Sec. 13, N½;
Sec. 14, N½, SE¼;
Sec. 16, NW¼;
Sec. 17;
Sec. 18, E½;
Secs. 19, 20, 29, 30;
Sec. 31, N½, SE¼;
Sec. 32, W½.
T. 12 S., R. 65 E.,
Sec. 5, W½;
Secs. 6, 7;
Sec. 8, W½;
Secs. 18, 19;
Sec. 20, SW¼;
Sec. 29, NW¼;
Sec. 30, N½.
T. 9 S., R. 66 E.,
Secs. 5, 7, 8, 17, 18, 33.
T. 10 S., R. 66 E.,
Sec. 3, SW¼;
Sec. 4;
Sec. 5, E½;
Sec. 7, S½, NW¼;
Sec. 8, NE¼, S½;
Sec. 9;
Sec. 10, NW¼;
Sec. 14, SW¼;
Sec. 15, S½;
Secs. 16, 17;
Sec. 18, N½;
Sec. 21, N½, SE¼;
Sec. 22;
Sec. 23, W½;
Sec. 26, NW¼;
Sec. 27, NE¼;
Sec. 28, NE¼.

Mormon Mountains

T. 10 S., R. 67 E.,
Sec. 25, S½;
Sec. 26, S½;
Sec. 33, SE¼;
Secs. 34, 35, 36.
T. 10 ½ S., R. 67 E.,
Sec. 32, E½;
Secs. 33, 34, 35, 36.
T. 11 S., R. 66 E.,
Sec. 11, E½;
Secs. 12, 13;
Sec. 14, E½;
Secs. 24, 25;
Sec. 36, N½, SE¼.
T. 11 S., R. 67 E.,
Secs. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
T. 12 S., R. 67 E.,
Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16;
Sec. 17, NE¼;
Sec. 21, E½;
Secs. 22, 23, 24, 25, 26, 27;
Sec. 28, NE¼;
Sec. 33, SE¼;
Secs. 34, 35, 36.
T. 10 S., R. 68 E.,
Secs. 17, 19, 20;
Sec.22, E½;
Sec. 26, W½;
Secs. 27, 28, 29, 30, 31, 32, 33, 34, 35.
T. 11 S., R. 68 E.,
Secs. 2, 3;
Sec. 5, W½;
Secs. 6, 7, 10, 11;
Sec. 14, NW¼;
Sec. 15, W½;
Sec. 17, W½;
Secs. 18, 19;
Sec. 20, NW¼;
Sec. 21, S½;

Sec. 22, W½;
Sec. 27, W½;
Sec. 28;
Sec. 29, S½;
Secs. 30, 31, 32;
Sec. 33, N½, SW¼.
T. 12 S., R. 68 E.,
Secs. 3, 4, 5, 6, 7, 8, 9;
Sec. 10, W½;
Sec. 14, SW¼;
Sec. 15;
Sec. 16, NE¼;
Sec. 18;
Sec. 29, W½;
Secs. 30, 31.

East Mormons

T. 12 S., R. 68 E.,
Sec. 12, E½;
Sec. 13, E½;
Sec. 24;
Sec. 25, N½;
Sec. 26, NE¼.
T. 11 S., R. 69 E.,
Sec. 19, E½;
Sec. 28, W½;
Sec. 29, W½, SE¼;
Sec. 30, E½,
Sec. 31, E½;
Sec. 32.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing significant impacts of these designations is available for inspection at the office listed below.

ADDRESS: For further information about these designations, contact the following:

District Manager, Las Vegas District Office, 4765 West Vegas Drive, Las Vegas, Nevada 89108, (702) 388–6403
Area Manager, Caliente Resource Area, P.O. Box 237, Caliente, NV. 89008, (702) 726–3141

Kemp Conn,

District Manager, Las Vegas District.

[FR Doc. 84–33534 Filed 12–26–84; 8:45 am]

BILLING CODE 4310–00–M

Realty Action—Exchange; Public Lands in Benton, Lane, Lincoln, Linn, and Polk Counties for Private Lands in Clackamas and Linn Counties, OR

December 17, 1984.

This notice amends that notice of realty action published in the **Federal Register** on October 30, 1984 (FR Doc. 84–28575).

The public lands will be subject to the following additional terms and conditions:

4. A reservation to the United States for the mature timber located on that portion of the NW¼SW¼, Sec. 8, T. 15 S., R. 8 W., Will. Mer., Oreg., more particularly identified and described in Timber Sale Contract OR–080–TS9–171, on file in the Salem District Office, Bureau of Land Management, with right to cut and remove said mature timber for a period of ten years from the date of patent.

5. A reservation to the United States of all oil and gas mineral deposits, with the right to prospect for, mine, and remove such deposits.

The private lands will be subject to the following terms and conditions:

1. Valid, existing rights including any permit, easement, or lease of record.

2. The right to cut and remove all mature timber located on Secs. 26 and 27, T. 7 S., R. 4 E., Will. Mer., Oreg.; said right to run for ten years from the date of the deed to the United States.

3. A reservation of all oil and gas mineral deposits, with the right to prospect for, mine, and remove such deposits.

Melvin Chase,

Acting District Manager.

[FR Doc. 84–33541 Filed 12–26–84; 8:45 am]

BILLING CODE 4310–33–M

[M–59763]

Realty Action—Exchange; Montana

Correction

In FR Doc. 84–31104, appearing on page 46811 in the issue of Wednesday, November 28, 1984, make the following corrections:

1. In the first column, the thirteenth line of the land description should read "Sec. 12, S½S½SE¼SW¼, S½S½S".

2. In the second column, the seventh from last line of the first land description should read "Sec. 33, SW¼NE¼."

3. Also in the second column, the third line of the second land description should read "SE¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;".

BILLING CODE 1505–01–M

Minerals Management Service

Development Operations Coordination Document; Getty Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Getty Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1953, Block 144, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on December 17, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCD's available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: December 17, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84–33544 Filed 12–26–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Texaco USA

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Texaco USA has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0310, Block 217, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Louisa and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on December 14, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: December 14, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-33545 Filed 12-26-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigtion No. 337-TA-198]

Certain Portable Electronic Calculators; Decision Denying Application for Interlocutory Review

AGENCY: International Trade Commission.

ACTION: Denial of complainant's application for interlocutory review of the Administrative Law Judge's (ALJ) ruling (Order No. 21) denying complainant's motion to disqualify the law firm representing certain respondents in the above-referenced investigation.

SUMMARY: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.60(b) (now rule 210.70(b), to be codified at 19 CFR 210.70)(b)).

SUPPLEMENTARY INFORMATION: On October 25, 1984, complainant Texas Instruments, Inc., filed an application for Commission review, under Commission rule 210.60(b), of the ALJ's denial of its motion to disqualify the law firm of Burns, Doane, Swecker and Mathis which represents respondents Nam Tai Electronic, Ltd, Enterprex, and IMA-Hong Kong, Ltd. (Order No. 21, September 28, 1984, denying Motion No. 198-27). On October 30 and 31, 1984, respectively, the Commission investigative attorney and the involved respondents filed oppositions to the application for review.

Copies of the ALJ's rulings, the application for review, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of General Counsel, U.S. International Trade Commission, telephone 202-523-0580.

By order of the Commission.

Issued: December 20, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-33673 Filed 12-26-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-174]

Certain Woodworking Machines; Commission Decision Not To Review Initial Determination Terminating Respondent on the Basis of a Consent Order; Issuance Of Consent Order

AGENCY: International Trade Commission.

ACTION: (1) Nonreview of initial determination (ID) granting a motion to terminate a respondent on the basis of a consent order settlement and (2) issuance of a consent order.

SUMMARY: The Commission hereby gives notice of its decision not to review an ID granting a motion to terminate respondent C.O.M.B. Co. from the above-captioned investigation.

On October 5, 1984, complainant Delta International Machinery Corp. and respondent C.O.M.B. Co. filed a joint motion (No. 174-39) to terminate C.O.M.B. as a respondent on the basis of a consent order. On November 9, 1984, the presiding administrative law judge issued an ID granting the motion.

By virtue of the Commission's decision not to conduct a review, the ID has become the Commission's determination. 19 CFR 210.53(h), as amended at 49 FR 46123 (November 23, 1984). The Commission also has issued the consent order proposed by the parties.

Termination of the investigation as to respondent C.O.M.B. furthers the public interest by conserving Commission resources and those of the parties involved.

FOR FURTHER INFORMATION CONTACT: P.N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rules 210.53 and 211.21 (19 CFR 210.53 and 211.21). Notice of the ID was published in the **Federal Register** of November 21, 1984 (49 FR 45937). No petitions for review of the ID were filed, and no comments were received from other Federal agencies or the public.

Copies of the ID, the consent order, and all other nonconfidential documents on the record of the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0471.

By order of the Commission.

Issued: December 18, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-33656 Filed 12-26-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-235 (Preliminary)]

Iron Ore Pellets From Brazil

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary countervailing duty investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary contervailing duty investigation No. 701-TA-235 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil of iron ore pellets.

provided for in item 601.24 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of Brazil. As provided in section 703(a), the Commission must complete preliminary countervailing duty investigations in 45 days, or in this case by February 4, 1985.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: January 20, 1985.

FOR FURTHER INFORMATION CONTACT: George L. Deyman (202–523–0481), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background. This investigation is being instituted in response to a petition filed on December 20, 1984 by The Cleveland-Cliffs Iron Company, Oglebay Norton Company, Pickands Mather & Co., and the United Steelworkers of America, on behalf of the domestic iron ore pellet industry.

Participation in the investigation. Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list. Pursuant to 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c)), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference. The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on January 10, 1985 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact George L. Deyman (202–523–0481) not later than January 7, 1985 to arrange for their appearance. Parties in support of the imposition of countervailing duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions. Any person may submit to the Commission on or before January 14, 1985 a written statement of information pertinent to the subject of the investigation, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6, as amended by 49 FR 32569, Aug. 15, 1984).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: December 21, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–33647 Filed 12–26–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–224 (Preliminary)]

Live Swine and Pork From Canada

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 703(a) of the Tariff Act of 1980 (19 U.S.C. 1671b(a), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada of live swine and fresh, chilled, or frozen meat (except meat offal) of swine, provided for in items 100.85 and 106.40, respectively, of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of Canada.

Background

On November 2, 1984, a petition was filed with the Commission and the Department of Commerce by counsel on behalf of the National Pork Producers Council (NPPC), Des Moines, IA, alleging that imports of live swine and fresh, chilled, and frozen pork from Canada are being subsidized by the Government of Canada. Accordingly, effective November 2, 1984, the Commission instituted a preliminary countervailing duty investigation under section 703(a) of the Tariff Act of 1930.

Notice of the institution of the Commission's investigation and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on November 15, 1984 (49 FR 45275). The conference was held Washington, DC on November 26, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on this investigation to the Secretary of Commerce on December 17, 1984. A public version of the Commission's report, *Live Swine and Pork from Canada* (investigation No. 701–TA–224 (Preliminary), USITC Publication 1625, December 1984), contains the views of the Commission and information developed during the investigation.

Issued: December 19, 1984.

Kenneth R. Mason,

Secretary

[FR Doc. 84–33652 Filed 12–26–84; 8:45 am]

BILLING CODE 7020–02–M

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[1] The record is defined in § 207.2(i) of the Commission's Rule Practice and Procedure (19 CFR 207.2(i)).

[2] Chairwoman Stern and Commissioner Lodwick not participating.

[Investigation No. 731-TA-207 (Preliminary)]

Cellular Mobile Telephones and Subassemblies Thereof From Japan

Determination

On the basis of the Record [1] developed in this investigation, Chairwoman Stern and Commissioner Rohr determine, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. Section 1673(a)), that there is a reasonable indication that industries in the United States are materially injured or threatened with material injury by reason of imports from Japan of cellular mobile telephone transceivers and cellular mobile telephone control heads and subassemblies thereof, classified under item 685.29 of the Tariff Schedules of the United States (TSUS),[2] which are allegedly being sold in the United States at less than fair value (LTFV)[3]

Commissioner Eckes and Commissioner Lodwick determine that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, by reason of imports from Japan of cellular mobile telephones and subassemblies thereof, classified under item 685.29 of the Tariff schedules of the United States (TSUS), which are allegedly sold at less LTFV.[3] [4]

Background

On November 5, 1984, counsel for Motorola, Inc., Schaumburg, Illinois, filed a petition with the U.S. International Trade Commission and with the Department Commerce alleging that an industry in the United States is materially injured, or threatened with material injury, by reason of imports from Japan of cellular mobile telephones and subassemblies thereof which are allegedly being sold in the United States at LTFV. Accordingly, effective November 5, 1984, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)).

Notice of the Commission's institution of the investigation and the public conference held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on November 15, 1984 (49 FR 45274). All interested parties were afforded the opportunity to present information to the Commission at the public conference which was held in Washington, DC, on November 28, 1984.

The Commission transmitted its report on this investigation to the Secretary of Commerce on December 20, 1984. A public version of the Commission's report, Cellular Mobile Telephones and Subassemblies Thereof from Japan (investigation No. 731-TA-207 (Preliminary), USITC Publication 1629, December 1984), contains the views of the Commission and information developed during the investigation.

Issued: December 21, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-33649 Filed 12-26-84; 8:45 am]

BILLING CODE 7020-02-M

[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and procedure (19 CFR 207.2(i)).

[2] Some of these items may be classified under TSUS item 685.23.

[3] Vice Chairman Liebeler dissenting.

[4] Commissioner Eckes finds that there is a reasonable indication of material injury to an industry in the United States and thus does not reach the issue of reasonable indication of threat of material injury.

Request for Public Comment on Termination of Countervailing Duty Investigations Concerning Certain Chains and Parts Thereof, of Iron or Steel, From Spain and Japan

AGENCY: International Trade Commission.

ACTION: Request for comments on proposed termination of countervailing duty investigations under section 104(b) of the Trade Agreements Act of 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Vastagh, Office of Investigations, telephone 202-523-0283.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such industry would be materially retarded, if the order were to be revoked.

On June 17, 1982, the Commission received a request from the Government of Spain for the review of the countervailing duty order on certain chains and parts thereof, of iron or steel, from Spain. Notice of the countervailing duty order was published on January 24, 1978, in the **Federal Register** (43 FR 3258).

On November 15, 1982, the Commission received a request from the Government of Japan for the review of the countervailing duty order on certain chains and parts thereof, of iron or steel, from Japan. Notice of the countervailing duty order was published on August 24, 1978, in the **Federal Register** (43 FR 37685).

On December 3, 1984, the Commission received letters from counsel for the National Association of Chain Manufacturers, the original petitioner for the countervailing duty order on certain chains and parts thereof, of iron or steel, from Spain and Japan, withdrawing its petition for the imposition of countervailing duties on these products.

In light of the legislative history of section 704(a) of the Tariff Act of 1930 indicating Congress' expectation that the Commission will permit public comment prior to termination, the Commission requests written comments from persons concerning the proposed termination of the investigations on certain chains and parts thereof, of iron or steel, from Spain and Japan. These written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the **Federal Register.**

By order of the Commission.

Issued: December 18, 1984.

Kenneth R. Mason.

Secretary.

[FR Doc. 84-33658 Filed 12-26-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-211 and 212 (Preliminary)]

Certain Welded Carbon Steel Pipes and Tubes From Taiwan and Venezuela

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Taiwan (investigation No. 731-TA-211 (Preliminary)) of certain

rectangular welded carbon steel pipes and tubes [1] and by reason of imports from Venezuela (investigation No. 731-TA-212 (Preliminary)) of certain circular welded carbon steel pipes and tubes,[2] which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by February 1, 1985.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: December 18, 1984.

FOR FURTHER INFORMATION CONTACT: Cynthia Wilson (202-523-0291), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background. These investigations are being instituted in response to a petition filed on December 18, 1984, by counsel for the Committee on Pipe and Tube Imports.

Participation in the investigation. Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list. Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16)), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on January 8, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in conference should contact Cynthia Wilson (202-523-0291) not later than January 4, 1985, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions. Any person may submit to the Commission on or before January 10, 1985, a written statement of information pertinent to the subject of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6, as amended by 49 FR 32569, August 15, 1984).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12)

By order of the Commission.

Issued: December 20, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-33651 Filed 12-26-84; 8:45 am]

BILLING CODE 7020-02-M

[1] For purposes of this investigation, the term "certain retangular welded carbon steel pipes and tubes" covers welded carbon steel pipes and tubes of rectangular (including square) cross section, having a wall thickness of less than 0.156 inch, provided for in item 610.4928 of the Tariff Schedules of the United States Annotated (1984) (TSUSA). Prior to Apr. 1, 1984, these rectangular pipes and tubes were provided for in TSUSA item 610.4975.

[2] For purposes of this investigation, the term "certain circular welded carbon steel tubes" covers welded carbon steel pipels and tubes of circular cross section, 0.375 inch or more but not over 16 inches in outside diameter, provided for in TSUSA items 610.3208, 610.3209, 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925. Prior to Apr. 1, 1984, the circular pipes and tubes were provided for in TSUSA items 610.3208, 610.3209, 610.3231, 610.3232, 610.3241, 610.3244, and 610.3247.

[332-185]

Assessment of the Effects of Barter and Countertrade Transactions on U.S. Industries

AGENCY: International Trade Commission.

ACTION: Rescheduling of public hearing and deadline for filing written submissions.

EFFECTIVE DATE: December 18, 1984.

SUPPLEMENTARY INFORMATION: The public hearing in connection with investigation No. 332-185 has been rescheduled for April 10, 1985, to be continued on April 11, if required. The deadline for public comments in connection with this investigation has been extended to April 3, 1985. Notice of the Commission's institution of the investigation and the original public hearing in connection therewith was published in the **Federal Register** of June 20, 1984 (49 FR 25316). The original public hearing, scheduled for November 14, 1984, was canceled.

By order of this Commission.

Issued: December 21, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-33650 Filed 12-26-84; 8:45 am]

Billing Code 7020-02-M

[Investigation No. 337-TA-199]

Certain Anodes for Cathodic Protection and Components Thereof; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Tecnometal (NE) Limited and Wilson Walton International, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the

Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on December 20, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary , U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments: Interested parties may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: December 20, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–33654 Filed 12–26–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–204]

Certain Pull-Type Golf Carts and Wheels Therefor; Commission Decision Not to Review Initial Determination Amending the Complaint and Notice of Investigation to Join a Party Respondent

AGENCY: International Trade Commission.

ACTION: Decision not to review an initial determination (ID) amending the complaint and notice of investigation to join a party respondent.

SUMMARY: The U.S. International Trade Commission hereby gives notice of its decision not to review an ID (Order No. 3) issued in this investigation by the administrative law judge (ALJ) on November 16, 1984. The ID granted complainants' motion to amend the complaint and notice of investigation to add Glotex International Co., Ltd., of Taipei, Taiwan, as a party respondent.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0079.

SUPPLEMENTARY INFORMATION: The authority for the Commission's action in this matter is contained in 19 U.S.C. 1337 and in 19 CFR 210.53.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0161.

By order of the Commission.

Issued: December 18, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–33655 Filed 12–26–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–198]

Certain Portable Electronic Calculators; Commission Decision Not To Review an Initial Determination Amending Complaint and Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Amendment of complaint and notice of investigation.

SUMMARY: The U.S. International Trade Commission has determined not to review an initial determination (ID) amending the complaint and notice of investigation in the above-captioned investigation. On October 15, 1984, complainant Texas Instruments Incorporated filed a motion (Motion No. 198–36) to amend the complaint and notice of investigation to allege infringement of claims 2, 7, 30, 37, 41, and 53 of U.S. Letters Patent 3,819,921. The motion was supplemented on November 9, 1984. The administrative law judge issued an ID granting the motion on November 16, 1984. No petitions for review of the ID were filed nor were any comments received from Government agencies.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–3395.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.22 (to be codified at 19 CFR 210.22).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during oficial business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

By order of the Commission.

Issued: December 19, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–33653 Filed 12–26–84; 8:45 am]

BILLING CODE 7020–02–M

[332–202]

Potential Effects of Foreign Governments' Policies on Pricing Natural Resources

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)).

SUMMARY: Following receipt of a request from the Subcommittee on Trade of the House Committee on Ways and Means, the Commission has instituted on its own motion investigation No. 332–202 under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), for the purpose of gathering and presenting information on the potential effects of foreign governments' polices of pricing natural resource products to domestic industrial users in the country concerned at prices substantially below the export selling price or other market value of the product.

EFFECTIVE DATE: December 14, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Gersic, Chief, Energy and Chemicals Division, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202–523–0451). For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202–523–0487.

SUPPLEMENTARY INFORMATION: During the investigation the Commission has been specifically requested to:

(A) Describe certain foreign governments' pricing policies.

(B) Analyze the effects of such pricing policies on certain industries or groups of industries.

(C) Estimate the foreign production cost savings conferred by such pricing policies

(D) Analyze the competitive advantage of such production cost savings vis-a-vis United States producers.

(E) Analyze the effect of such foreign resource pricing policies on the resource allocation within the foreign country.

Natural resources to be included in the study are petroleum, natural gas, and metal ores.

Authority: This investigation is being instituted under authority of section 32(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)).

Written Submissions: In lieu of a public hearing, interested parties are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6 as amended by 49 FR 32571 of August 15, 1984). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statement should be received by the Commission at the earliest practical date, but not later than February 19, 1985. All submissions should be addressed to the Secretary at the Commission's Office in Washington, DC.

By Order of the Commission

Kenneth R. Mason,

Secretary

Issued December 19, 1984.

[FR Doc. 84-33657 Filed 12-26-84; 8:45 am]

BILLING CODE 7020-02-M

[332-203]

Investigation and Hearing; Possible Effects of and Recommendations Concerning the Proposed Tariff Reclassification of Catalytic Naphtha and Other Motor Fuel Blending Stocks

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) and scheduling of a public hearing.

SUMMARY: At the request of the House Committee on Ways and Means and the Senate Committee on Finance, the Commission has instituted investigation No. 332-203 under 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of gathering and presenting information on the tariff classification and treatment of those products potentially affected by a reclassification of catalytic naphtha and other motor fuel blending stocks. The Commission was also requested to hold a public hearing in connection with the investigation and to report to the Committees by April 15, 1985.

EFFECTIVE DATE: December 18, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Edmund Cappuccilli or Ms. Cynthia B. Foreso, Energy and Chemicals Division, U.S. International Trade Commission, Washington, DC 20436, telephone 202-523-0490/202-523-1230.

SUPPLEMENTARY INFORMATION: The Committees specifically requested that the Commission study address (1) the current tariff treatment of naphthas, motor fuel, and motor fuel blending stocks; (2) the desirability of modifying the current tariff classification treatment consistent with sound principles of product nomenclature; and (3) the effects that such changes would be likely to have on U.S. industries and competitive conditions between U.S. and foreign firms in the affected segments of the petrochemical and petroleum industries.

Public Hearing: A public hearing in connection with the investigation will be held in Washington, DC at 10:00 a.m. on March 7, 1985, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, DC 20436. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, DC 20436, not later than February 21, 1985.

Written Submission: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6 as amended in 49 F.R. 32571 of August 15, 1984.). All written submissions, except for confidential business information, will be made available for inspection by interested parties. To be ensured of consideration by the Commission, written statements should be received by the close of business on March 11, 1985. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

By order of the Commission.

Issued by: December 21, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-33648 Filed 12-26-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30575]

Rail Carriers; Willamette Valley Railroad Co. and Willamina & Grand Ronde Railroad Co.; Acquisition and Operation Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of (a) 49 U.S.C. 10901 the acquisition and operation by Willamette Valley Railroad Company of a 1.8-mile line of railroad extending from milepost 0.0 at or near Independence, to milepost 1.8, in Polk County, OR, owned by the Valley & Siletz Railroad Company; (b) 49 U.S.C. 11301 the issuance by Willamette Valley Railroad Company of 500 shares of $40 par value common stock to Willamina & Grand Ronde Railroad Company and (c) 49 U.S.C. 11343 control of Willamette Valley Railroad Company by the Willamina & Grand Ronde Railroad Company, subject to standard employee protective conditions.

DATES: This exemption will be effective on December 27, 1984. Petitions to reopen must be filed by January 18, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30575 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC. 20423

(2) Petitioners' representative: Fritz R. Kahn, Suite 1000, 1660 L Street, NW., Washington, DC 20036

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in

the Commission's decision. To purchase a copy of the full decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll-free (800) 424–5403.

Decided: December 13, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Strenio. Commissioner Lamboley, concurred with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84–33535 Filed 12–26–84; 8:45 am]

BILLING CODE 7035–01–M

LEGAL SERVICES CORPORATION

Announcement of Availability of Funds To Develop and Implement IOLTA Programs

SUMMARY: The Legal Services Corporation (LSC) announces the continued availability of grants to develop and implement Interest on Lawyers' Trust Account (IOLTA) Programs. All applications received before the date of this announcement will be considered. LSC has extended its previous deadline of November 30, 1984, for acceptance of applications. LSC has given prior informal notice to eligible parties.

DATE: All applications for grants must be received on or before February 28, 1985.

FOR FURTHER INFORMATION CONTACT: Heidi J. Ackerman, Esq., IOLTA Project Coordinator, Office of Field Services/Program Development Unit, Legal Services Corporation, 733 Fifteenth Street, NW., Washington, D.C. 20005, (202) 272–4356.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation's IOLTA grant project is designed to assist in the development and implementation of state-wide IOLTA programs. Developmental grants range from $1,000 to $2,500 and are for states in the process of planning IOLTA programs. Implementation grants range from $10,000 to $25,000 and are limited to states with IOLTA programs approved by either the State Supreme Court or State Legislature. A state that has received a Developmental Grant may be eligible for an Implementation Grant. Only one Developmental Grant and one Implementation Grant will be awarded to a state.

Under an IOLTA program attorneys holding client funds which are "nominal in amount" or being held for a "short period of time" pool these funds in trust Negotiable Order of Withdrawal (NOW) Accounts. Traditionally, such funds have been placed in non-interest bearing accounts. The interest generated by these NOW accounts is transferred to a not-for-profit corporation which disburses the funds to appropriate law-related public service projects. Applicants for a Legal Services Corporation IOLTA grant are required to make a commitment that best efforts will be used to develop and implement an IOLTA program which expends no less than two-thirds of the IOLTA proceeds, excluding administrative costs and a reserve, for the delivery of civil legal services to poor individuals.

LSC regards IOLTA programs as a source of private sector funding to supplement federal funding for civil legal services programs.

Donald P. Bogard,

President Legal Services Corporation.

[FR Doc. 84–33546 Filed 12–26–84; 8:45 am]

BILLING CODE 6820–35–M

Grants and Contracts; New Orleans; Legal Assistance Corp., New Orleans, LA

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Statute 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: New Orleans Legal Services Corporation in New Orleans, Louisiana, to serve St. Charles Parish.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to: Legal Services Corporation, Office of Field Services, 733 Fifteenth Street, NW., Washington, D.C. 20005, (202) 272–4080, Attention: Gail D. Francis.

Donald P. Bogard,

President, Legal Services Corporation.

[FR Doc. 84–33547 Filed 12–26–84; 8:45 am]

BILLING CODE 6820–35–M

Grant Conditions for National and State Support

AGENCY: Legal Services Corporation.

ACTION: Withdrawal of LSC Instruction 83–9.

SUMMARY: Instruction 83–9, concerning grant and contract conditions for national and state support center recipients, was published in the Federal Register on December 1, 1983, at pages 54305 and 54306. The Corporation hereby withdraws Instruction 83–9, effective immediately.

EFFECTIVE DATE: Instruction 83–9 is withdrawn effective December 27, 1984.

FOR FURTHER INFORMATION CONTACT: Gene M. Potack, Director, Office of Field Services, Legal Services Corporation, 733 15th Street, NW., Washington, D.C. 20005, (202) 272–4080.

Donald P. Bogard,

President, Legal Services Corporation.

[FR Doc. 84–33602 Filed 12–26–84; 8:45 am]

BILLING CODE 6820–35–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[84–95]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Agency Report Forms Under OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made the submission. The NASA Supplement to the Federal Acquisition Regulation has been previously cleared by OMB (2700–0043), subject to submission of clearance requests for specific reporting and recordkeeping requirements.

Copies of the proposed forms, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

DATE: Comments must be received in writing by January 7, 1985. If you

anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Clearance Officer of your intent as early as possible.

ADDRESS: Carl F. Steinmetz, NASA Agency Clearance Officer, Code NIM, NASA Headquarters, Washington, DC 20546; Kenneth Allen, Office of Information and Regulatory Affairs, OMB, Room 3235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Carl F. Steinmetz, NASA Agency Clearance Officer, (202) 453–2921.

Reports

Title: NASA FAR Supplement, Part 18–43, Contract Modification.

Type of Request: Existing regulation (no change proposed).

Frequency of Report: On occasion.

Type of Respondent: Small and Large Businesses, State and Local Governments and Non-Profit Institutions.

Annual Responses: 1440.

Annual Reporting Hours: 72,000.

Abstract-Needs/Users: Contractor must submit engineering change impact evaluation.

L. W. Vogel,

Director, Logistics Management and Information Programs Division.

[FR Doc. 84–33528 Filed 12–26–84; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Film/Video Production Prescreening Section) to the National Council on the Arts will be held on January 7–9, 1985, from 9:00 a.m. – 5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–33542 Filed 12–26–84; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Opera-Musical Theater Overview Section) to the National Council on the Arts will be held on January 10, 1985, from 9:00 a.m. — 5:00 p.m. in room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on January 8, from 3:00 — 5:30 p.m.; on January 9, 1985, from 9:00 a.m. — 5:30 p.m.; and on January 10, from 9:00 a.m. — 5:00 p.m. Topics for discussion will be guidelines, Five-Year Plan and Music Theater Study.

The remaining sessions of this meeting on January 8, 1985, from 9:00 a.m. — 3:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: December 14, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–33543 Filed 12–26–84; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Availability of Recommendation Responses

Responses From

Highway—*National Highway Traffic Safety Administration: Dec. 6: H–84–87:* Is reviewing State laws pertaining to license actions against juveniles who violate alcohol laws. *H–84–88:* Plans to fund a FY 1985 procurement to develop a Model Case Management Information System based on the Uniform Traffic Ticket, which will provide the capability to track an individual offender through each step in the enforcement, judicial, sanction, and treatment processes.

Arizona Governor's Office of Highway Safety: Nov. 27: H–84–77: Has adopted the three-part field sobriety test as recommended by the National Highway Traffic Safety Administration. Will train enforcement officers in the horizontal gaze nystagmus test. Use of preliminary breath-testing devices is precluded by State statute. *H–84–78:* Will consider recommendation to take action to facilitate the collection of DWI evidence based on the drawing of blood for BAC test purposes. *H–84–79:* Because of the vast area within the State, there are times when holding an alcohol offender until after his blood alcohol concentration has dropped is physically impossible. *H–84–80:* Pleading to a non-alcohol-related charge that has been reduced from an alcohol-related charge is prohibited by statute. *H–84–81:* Has included recurrent training on alcohol, problem drinking, and drunk driving case adjudication for all judges hearing DWI cases in the State's 408 plan (State Alcohol and Driving Organization). *H–84–82 and–83:* Existing statutes would have to be changed to develop a records system that preserve records of alcohol-related traffic offenses committed by a juvenile after the offender reaches adulthood. Prior convictions can only be considered if they occur within a 60-month period. *H–84–84:* Evaluations of the alcohol problem of persons charged with alcohol-related traffic offenses are being conducted in major metropolitan areas and the information is available to the judge upon request. *H–84–85:* Mandatory suspension and revocation occurs by State statute and may not be replaced by diversion or supervision program. Is studying DMV records to determine if they reflect participation in diversion/supervision programs. *H–84–86:* Appropriate alcohol treatment services designed specifically for juvenile alcohol abusers are available. A kindergarten through ninth grade

alcohol/drug abuse program is being initiated through the Department of Education.

State of California Business, Transportation, and Housing Agency, Office of Traffic Safety: Nov. 26: H–84–77 through –86: Has established an Interagency Advisory Council on Alcohol, Drugs, and Traffic Safety which is reviewing the DUI problem in California and is making recommendations to improve prevention, enforcement, adjudication, and rehabilitation. Use of horizontal gaze nystagmus, judicial education seminars, collection of diversion programs, and DUI judicial/drivers licensing tracking systems have already been implemented in California.

State of New Jersey: Dec. 5: H–83–52: Forwarded copies of some of the educational materials distributed by the State concerning child passenger safety in automobiles.

State of Tennessee: Nov. 21: H–84–77 through –86: Alcohol offenders are requested to submit to the blood-breath alcohol test under Tennessee's Implied Consent Law and are released in most cases to the custody of a nonintoxicated adult after making bond.

Wayne Corporation: Nov. 27: H–84–76: Is confident that, based on numerous tests, the attachment of seat cushions on school buses fully complies with the requirements of Federal Motor Vehicle Safety Standard 222 at the time of manufacture.

Mack Trucks, Inc.: Nov. 29: H–84–30: On Mack Drawing No. 2QK3371M, Spring-Front Taper Leaf Shackle, reference is made to General Engineering Specification 814GS12, a portion of which relates to decarburization.

Marine—*U.S. Coast Guard: Nov. 19: M–84–30:* Although it would be possible to set maximum draft and speed requirements for the portion of the Calcasieu Ship Channel within the boundaries of the U.S. navigable waters, the area has not experienced groundings by deep-draft vessels. Establishing a set of limitations might arbitrarily deny passage to deep-draft vessels which have demonstrated their ability to navigate this waterway safely.

Washington State Parks and Recreation Commission: Nov. 21: M–83–77 and –78: State's Boating Safety Program was approved in March 1984 and marked the beginning of State involvement in managing and coordinating the effort to maintain safe waterways in the State. Held a seminar on alcohol and its role in recreational boating. Will move forward on programs which target accident prevention and plan to begin by encouraging safety education through an effective set of boating laws and local ordinance which address accident causes.

Global Marine Drilling Company: Dec. 4: M–84–58 through –66: Will study the recommendations made as a result of the GLOMAR JAVA SEA accident.

Pipeline—*American Gas Association: Dec. 6: P–84–35:* Distributed Safety Board's recommendation asking the AGA to urge its members to include within their written procedures the sequence of steps to be taken for safely isolating segments of gas facilities from gas under pressure and for testing the adequacy of the isolation action before other work is performed on the isolated segment.

Railroad—*New York City Transit Authority: Dec. 4: R–84–17:* All present and future contracts contain a requirement that outside contractors performing track reconstruction work involving skeletonization of the track itself must submit a shop drawing for approval to the Engineering and Construction Department prior to commencing work. The drawing must conform to the Transit Authority's established standard for skeletonized track work. *R–84–18:* Has reviewed the established Track and Structures Department standards for skeletonized track work and has determined that these standards provide for the safe operation of passenger trains. New drawings have been developed for use as the detailed standard for skeletonized track work on Type I and Type II track. *R–84–19:* Has developed a number of training courses for the purpose of upgrading the level of expertise of track inspectors and track construction engineers and to provide an intensive training program for "new" track inspectors. Has developed several aids to assist track inspectors in the performance of their job.

Atlanta & Saint Andrews Bay Railway Company: Nov. 30: R–84–20: Does not have any chrome-vanadium alloy, high-strength, vacuum-treated rail. Instructions forbid torch cut rails or burned bolt holes in the main line.

Bessemer and Lake Erie Railroad Company: Nov: 30: R–84–20: Does not have any high-strenght alloy rail in service at this time.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company: Dec. 3: R–84–20: Does not use high-strength alloy rail.

Detroit and Mackinac Railway Company: Dec. 4: R–84–20: Does not use high-strength rail.

Elgin, Joliet and Eastern Railway Company: Dec. 6: R–84–20: Does not use high-strength alloy rails. Existing maintenance practices prohibit the torch cutting of rail on all main line and passing tracks except during an emergency.

Kansas City Terminal Railway Company: Dec. 5: R–84–20: Does not have any vanadium alloy rail. Cuts all rail with rail saws. Has chrome alloy rail, but has not experienced any difficulties with it.

Lake Superior & Ishpeming Railroad Company: Nov. 30: R–84–20: Main line track may be cut only with a rail saw. Chief Engineer issued instructions for use of chrome rail when it was first introduced on LS&I property, and has further written a letter to all foremen on the subject.

Norfolk and Portsmouth Belt Line Railroad Company: Dec. 5: R–84–20: Has no high-strength allow rails.

Norfolk Southern: Nov. 20: R–83–103: Has instructed division superintendents to discontinue use of a "general rain order." When severe rain, wind or electrical storms are announced in weather reports or observed and reported to railroad personnel, the Chief Dispatcher will require all trains traversing the affected area(s) to reduce speed to no more than one-half the maximum (line) speed by train order. When this order is issued, the Chief Dispatcher will call on Maintenance of Way to increase inspections of the line in the affected area(s). *R–83–104 and 105:* It has been, and will continue to be, the practice of Southern Railway periodically to examine its right of way for unstable slope conditions, and to eliminate those conditions to the extent possible. Will continue to be guided by the recommended practices of the American Railway Engineering Association with respect to the maintenance of earth and rock slopes.

Norfolk and Western Railway Company: Dec. 5: R–84–20: Does not use high-strength, chrome-vanadium alloy rails. Prohibits torch cutting of any rail in main tracks.

The Pittsburg & Shawmut Railroad Company: Dec. 3: R–84–20: Has issued instructions that when welded rail is replaced, rail saws must be used and speed is to be restricted to 10 mph.

Southern Pacific Transportation Company: Nov. 21: R–83–60 and –61: Its operating employees are recipients of first-rate, high-quality training with emphasis on safety and rules training. Continues to believe that supervisory use of alcohol and drug screens and/or testing by urinalysis where probable cause exists is a reasonable deterrent to abuse.

The Texas Mexican Railway Company: Dec. 3: R–84–20: Does not have any chrome-vanadium alloy, high-

strength vacuum-treated rail. Has instructions to cut rails with rail saw and drill bolt holes when installing rail on main track or in making repairs of all kinds.

Vermont Railway and Clarendon and Pittsford: Nov. 29: R–84–20: Does not have any high-strength alloy rails. Uses torch cuts only in emergency and restricts speed to 10 mph.

Note.—Single copies of these respoonse letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 14 cents per page ($1 minimum charge).

Dated: December 20, 1984.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 84–33530 Filed 12–26–84; 8:45 am]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Combined Subcommittees on Reactor Radiological Effects and Site Evaluation; Meeting

The ACRS Subcommittee on Reactor Radiological Effects and Site Evaluation will hold a combined meeting on January 3 and 4, 1985, in Room 1046, 1717 H Street, NW, Washington.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, January 3, 1985—8:30 a.m. until the conclusion of business

Friday, January 4, 1985—8:30 a.m. until the conclusion of business

The Subcommittees will review (1) Proposed Amendments to 10 CFR Part 50, Section 50.47 and Appendix E: Consideration of Earthquakes in the Context of Emergency Preparedness, and (2) Proposed Amendments to 10 CFR Parts 30, 40 and 70: Energency Preparedness for Fuel Cycle and Other Radioactive Material Licensees.

Oral statements may be presented by members of the public with the 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 Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittees will then hear presentations by and hold discussions with the NRC Staff and other invited experts on the above-named topics.

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 202/634–1413) 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 21, 1984.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR. Doc. 84–33667 Filed 12–26–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–440 OL & 50–441 OL]

Cleveland Electric Illuminating Co., et al. (Perry Nuclear Power Plant, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding. As reconstituted, the Appeal Board for this operating license proceeding will consist of the following members:

Alan S. Rosenthal, Chairman

Dr. W. Reed Johnson

Gary J. Edles

Dated: December 20, 1984.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 84–33639 Filed 12–26–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–155 OLA]

Consumers Power Co. (Big Rock Point Nuclear Plant); Reconstruction of Atomic Safety and Licensing Appeal Board; Spent Fuel Pool Expansion

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this spent fuel proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members:

Thomas S. Moore, Chairman

Dr. W. Reed Johnson

Dr. Reginald L. Gotchy

Dated: December 19, 1984.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 84–33640 Filed 12–26–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–73]

General Electric Co.; Finding of No Significant Environmental Impact Regarding Proposed Amendment to Facility Operating License No. R–33

The Nuclear Regulatory Commission (the Commission) is considering issuance of an Amendment to Facility Operating License No. R–33 for the General Electric--Nuclear Test Reactor (GENTR) located in Pleasanton, California.

The amendment will renew the Operating License until October 31, 1997, in accordance with the licensee's application dated June 13, 1979, as supplemented. Opportunity for hearing was afforded by the Notice of Proposed Renewal of Facility License published in the Federal Register on November 13, 1980 at 45 FR 75031. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Continued operation of the reactor will not require alteration of buildings or structures, will not lead to changes in effluents released from the facility to the environment, will not increase the probability or consequences of accidents, and will not involve any unresolved issues concerning alternative uses of available resources. Based on the foregoing and on the Environmental Assessment, dated November 9, 1984, the Commission concludes that renewal of the license will not result in any significant environmental impacts.

Finding of No Significant Impact

The Commission has prepared an Environmental Assessment of this action and has concluded that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined not to prepare an Environmental Impact Statement for the proposed action.

Summary of Environmental Impacts As Described in the Environmental Assessment

The proposed action would authorize the licensee to continue operating the reactor in the same manner that it has been operating. The environmental impacts associated with the continued operation of the facility are discussed in an Environmental Assessment associated with this action. The Assessment concluded that continued operation of the GENTR reactor for an additional 13 years will not result in any significant environmental impacts on air, water, land or biota in the area, and that an Environmental Impact Statement need not be prepared. These conclusions were based on the following:

(a) The excess reactivity available under the technical specifications is insufficient to support a reactor transient generating enough energy to cause overheating of the fuel or loss of integrity of the cladding;

(b) The expected consequences of a broad spectrum of postulated credible accidents have been considered, emphasizing those likely to cause loss of integrity of fuel-element cladding. The staff performed conservative analyses of the most serious credible accidents and determined that the calculated potential radiation doses in unrestricted areas are small fractions of 10 CFR Part 20 guidelines;

(c) The radiological effluent control systems ensure that releases of radioactive wastes from the facility are within the limits of 10 CFR Part 20 and are as low as is reasonably achievable (ALARA); and

(d) The license's technical specifications, which provide limiting conditions for the operation of the facility, are such that there is a high degree of assurance that the facility will be operated safely and reliably.

For further details with respect to this proposed action, see the application for license renewal dated June 13, 1979, as supplemented, the Environmental Assessment, and the Safety Evaluation Report prepared by the staff (NUREG–1069).

These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20555. Copies may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTENTION: Director, Division of Licensing.

Copies of NUREG–1069 may be purchased by calling (301) 492–9530 or 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 purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 20th day of December, 1984.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Assistant Director for Safety Assessment, Division of Licensing.

[FR Doc. 84–33641 Filed 12–26–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–382]

Louisiana Power & Light Co.; Waterford Steam Electric Station, Unit 3; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF–26, (the license) to Louisiana Power & Light Company (the licensee). This license authorizes operation of the Waterford Steam Electric Station, Unit 3 (the facility), by the licensee at reactor core power levels not in excess of 3,390 megawatts thermal in accordance with the provisions of the license, the technical specifications and the environmental protection plan. However, the license contains a condition limiting operation to five percent of full power (169 megawatts thermal) pending specific Commission approval to operate at greater than five percent power.

Waterford Steam Electric Station, Unit 3 is a pressurized water nuclear reactor located at the licensee's site in St. Charles Parrish, Louisiana approximately 24 miles west of the City of New Orleans. The license is effective as of the date of issuance and shall expire at midnight on December 18, 2024.

The application for the license, as amended, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. Issuance of this license has been authorized by the Atomic Safety and Licensing Board by its Partial Initial Decisions dated November 3, 1982 and May 26, 1983. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on January 2, 1979 (44 FR 125).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see: (1) Facility Operating License No. NPF–26, with technical specifications (NUREG–0973) and environmental protection plan; (2) the reports of the Advisory Committee on Reactor Safeguards dated August 11, 1981, and March 9, 1982; (3) the Commission's Safety Evaluation Report (NUREG–0787) dated July 1981; Supplement No. 1 dated October 1981; Supplement No. 2 dated January 1982; Supplement No. 3 dated April 1982; Supplement No. 4 dated October 1982; Supplement No. 5 dated June 1983; Supplement No. 6 dated June 1984; Supplement No. 7 dated September 1984, Supplement No. 8 dated December 1984; The Final Safety Analysis Report and amendments thereto; (5) the Environmental Report and amendments thereto; (6) the Final Environmental Statement dated September 1981; and (7) the Partial Initial Decisions issued by the Atomic Safety and Licensing Board dated November 3, 1982 and May 26, 1983.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana. A copy of Facility Operating License No. NPF–26 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements 1 through 9 (NUREG–0787) and the Technical Specifications (NUREG–0973) may be purchased by calling 301–492–9530 or by writing to the Publication Services Section, Division of Technical Information and Document

Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or may be purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, the 18th day of December 1984.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 84-33642 Filed 12-26-84; 8:45 am]

BILLING CODE 7590-01-M

Programmatic Environmental Impact Statement of the Cleanup of Three Mile Island Unit 2; Supplement 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Statement of policy.

SUMMARY: Following the issuance of the Nuclear Regulatory Commission staff's final Supplement 1 to the Programmatic Environmental Impact Statement (PEIS) related to cleanup of Three Mile Island Nuclear Station, Unit 2, the Nuclear Regulatory Commission (NRC) issues a policy statement. The purpose of the policy statement is to acknowledge the Supplement 1 to the PEIS as an integral part of the original PEIS issued in 1981. References to the PEIS made in the March 27, 1981 NRC policy statement now apply to the PEIS and its Supplement 1.

EFFECTIVE DATE: December 27, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Ronnie Lo, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-8335.

SUPPLEMENTARY INFORMATION

Background

In March 1981, the Nuclear Regulatory Commission staff issued the Programmatic Environmental Impact Statement (PEIS) on the decontamination and Disposal of radioactive wastes resulting from the March 28, 1979 accident at Three Mile Island, Unit 2. At the time the PEIS was prepared, the reactor building had only been entered 5 times. Since that time, cleanup workers have entered the reactor building over 400 times for about 10,000 man-hours to gather radiological data, assess damage, conduct decontamination and dose reduction activities and perform preparatory work for reactor defueling. Based on the considerable new information about conditions in the reactor building and the experience related to decontamination and dose reduction activities, the staff believes that the collective radiation dose likely to be incurred by the cleanup workers for the completion of the cleanup could exceed the range estimated in the PEIS. The possible higher levels of collective occupational radiation exposure along with the associated potential health effects on the cleanup workers could be construed as beyond the scope of environmental impacts discussed in the PEIS. Accordingly, in accordance with the National Environmental Policy Act (NEPA) and the Commission's regulations, the staff has issued a final Supplement 1 to the PEIS to revise the estimates of occupational radiation exposure and associated potential environmental impacts.

Copies of the supplement are being placed in NRC's Public Document Room, 1717 H Street, NW, Washington, DC, and in the NRC TMI Program Office, 100 Brown Street, Middletown, PA, for review by interested persons. Copies of the report may be purchased from the Sales Agent, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, for $6.00 each. Your check or money order should be made payable to Superintendent of Documents. GPO deposit account holders may charge orders by calling (301) 492-9530. Copies will also be available at the National Technical Information Service, Springfield, Virginia 22161.

Preparation of the final Supplement 1 has had the benefit of extensive comments from government agencies and the public. Comments on the draft supplement were also received from the Commission's Advisory Panel for the Decontamination of TMI-2 whch is a panel which the Commission established to provide for independent advice from local officials, scientists and individuals in the area. The Commission finds that the staff's final supplement is responsive to all the comments and concludes that the supplement satisfies our obligations under the National Environmental Policy Act.

Statement of NRC Policy

As a Supplement to the PEIS, Supplement 1 should be considered as an integral part of the PEIS. On April 27, 1981, the Commission issued a Statement of Policy related to the PEIS (46 FR 24764). References to the PEIS in that Statement of Policy now apply to the PEIS and its Supplement 1. In particular, as the licensee proposes specific plans for each major cleanup activity, the staff will determine whether these proposals and the associated impacts that are predicted to occur, fall within the scope of those already assessed in the PEIS and the supplement. If they do not, additional reviews will be undertaken in accordance with NEPA. Except for the limitation imposed in the April 27, 1981, Policy Statement regarding disposition of accident water, the staff may act on each major cleanup activity if the activity and associated environmental impacts fall within scope of those already assessed in the PEIS and its supplement. The staff will keep the Commission informed of the staff activities on each major cleanup activity prior to staff approval of the major activity. The Commission expects the licensee and the NRC staff to give priority attention to efforts that will ensure that occupational exposures associated with the cleanup are kept to levels that are as low as reasonably achievable.

Dated at Washington, DC, this 20th day of December 1984.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 48-33643 Filed 12-26-84; 8:45 am]

BILLING CODE 7590-01-M

PEACE CORPS

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: Peace Corps 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).

Title: Request for Information Card.

Type of Request: Extension.

Frequency of Collection: On Occasion.

Respondents: Citizens interested in receiving information about the Peace Corps.

Estimated Number of Responses: 50,000.

Estimated Burden Hours: 1,500.

Need and Uses: The card is a way for citizens to let Peace Corps know they wish to receive information on the Agency and its programs. The information provided allows Peace Corps to determine what to send to the requester.

Comments: Forward comments to Francine Picoult, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, Washington, D.C. 20503 by February 25, 1985.

To request a copy of the information collection, contact Noel McCaman, Office of Marketing, Recruitment, Placement and Staging, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526.

Telephone: (202) 254–7520.

Dated: December 21, 1984.

David Downes,

Acting Associate Director for Management.

[FR Doc. 84–33622 Filed 12–26–84; 8:45 am]

BILLING CODE 6051–01–M

PENSION BENEFIT GUARANTY CORPORATION

Withdrawal of Requests for Exemption From Bond/Escrow and Sale-Contract Requirements Relating to Sale of Assets by an Employer that Contributes to Multiemployer Plans; Lansfam, Inc. and Raleigh Stores Corp.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of withdrawal of requests.

SUMMARY: This notice advices interested persons of the withdrawal of requests for exemptions from the bond/escrow and sale-contract requirements of section 4204(a)(1)(B) and (C) of the Employee Retirement Income Security Act of 1974, as amended. A notice of the pendency of the requests was published on November 14, 1984 (49 FR 45087). The purpose of this notice is to advise interested persons that these requests have been withdrawn.

FOR FURTHER INFORMATION CONTACT: Steven Rothenberg, Attorney, Corporate Policy and Regulations Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; 202–254–4860 (202–254–8010 for TTY and TDD). [These are not toll-free numbers.]

Issued at Washington, D.C., this 20th of December, 1984.

David M. Walker,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84–33608 Filed 12–26–84; 8:45 am]

BILLING CODE 7708–01–M

POSTAL RATE COMMISSION

[Order No. 596; Docket No. A85–10]

West Townsend, Massachusetts (Joan E. Dorsey, Petitioner); Order accepting Appeal and Establishing Procedural Schedule

Issued December 21, 1984.

Before Commissioners: Janet D. Steiger, chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; James H. Duffy; Henrietta F. Guiton.

Docket Number: A85–10
Name of Affected Post Office: West Townsend, Massachusetts 01474
Name(s) of Petitioner(s): Joan E. Dorsey
Type of Determination: Closing
Date of Filing of Appeal Papers: December 18, 1984
Categories of Issues Apparently Raised:
1. Effect on the community [39 U.S.C. 404(b)(2)(A)].
2. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before January 2, 1985.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Charles L. Clapp,

Secretary.

Appendix

December 18, 1984
Filing of Petition
December —, 1984
Notice and Order of Filing of Appeal
January 14, 1985
Last day of filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
January 22, 1985
Petitioner's Participant Statement or Initial Brief [*see* 39 CFR 3001.115 (a) and (b)].
February 11, 1985
Postal Service Answering Brief [*see* 39 CFR 3001.115 (c)].
February 26, 1985
(1) Petitioners' Reply Brief should petitioners choose to file one [*see* 39 CFR 3001.115(d)].
March 7, 1985
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument [*see* 39 CFR 3001.116].
April 17, 1985
Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 84–33638 Filed 12–26–84; 8:45 am]

BILLING CODE 7715–01–M

POSTAL SERVICE

International Postal Rates and Fees

AGENCY: Postal Service.

ACTION: New International Rates and Fees.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service is changing the international postal rates and fees to the levels indicated below.

EFFECTIVE DATE: February 17, 1985.

FOR FURTHER INFORMATION CONTACT: Don S. Allen (202) 245–4418.

SUPPLEMENTARY INFORMATION: On October 1, 1984, the Postal Service published for comment in the **Federal Register** proposed changes in international postal rates and fees (49 FR 38762). Three comments were received concerning the October 1 notice. One comment concerned the increase in surface rates for publishers periodicals M-bags and the effect of this increase on scientific publications of nonprofit organizations and associations. Another comment was received from a mail consolidator concerning the effect of the International Surface Airlift Service minimum-per-piece rate on that Service's mail volume and recommending that the rate be eliminated. The other comment was received from an export company, pointing out the possible adverse effect increased parcel post rates may have on the export of American-made products.

The Postal Service recognizes that any increase in international postage rates involves some burden to publishers and other businesses which rely heavily upon the international mail service and may have other adverse effects as suggested in the comments noted above. Nevertheless, the Postal Service is generally required to set the postage rates for each class of mail at a level which covers the costs of providing service for that class of mail. The February 17, 1985 increase in rates is necessary in order to cover the increase in costs incurred by the Postal Service in providing international services. The International Surface Airlift Service's minimum-per-piece rate was established in order to maintain the financial integrity of that service.

There is one change in the proposed fees published in the October 1 notice which reduces the insured mail fee for "All Other Countries" at indemnity

values of $25.01 to $50.00. There is also a change in the limit of indemnity for Registered Mail to countries other than Canada due to a required change in the U.S. dollar value of the gold franc under Universal Postal Union regulations. Accordingly, the Postal Service hereby adopts the following rates and fees, which will be published in the Postal Service's International Mail Manual, incorporated by reference at 39 CFR 10.1.

(39 U.S.C. 401, 402, 404(2), 407, 410(a).)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

I. International Postal Rates and Fees

A. New Rates

1. Letters and letter packages (Surface)

Weight steps not over		Canada	Mexico
Lbs.	Ozs.		
0	1	$0.22	$0.22
0	2	.40	.40
0	3	.58	.58
0	4	.76	.76
0	5	.94	.94
0	6	1.12	1.12
0	7	1.30	1.30
0	8	1.48	1.48
0	9	1.66	1.66
0	10	1.84	1.84
0	11	2.02	2.02
0	12	2.20	2.20
1	0	2.84	2.84
1	8	3.38	3.38
2	0	3.92	3.92
2	8	4.46	4.46
3	0	5.00	5.00
3	8	5.54	5.54
4	0	6.08	6.08

2. Letters and letter packages (Surface)

Weight steps not over		All countries[1]
Lbs.	Ozs.	
0	1	$0.37
0	2	.57
0	3	.77
0	4	.97
0	5	1.17
0	6	1.37
0	7	1.57
0	8	1.77
1	0	3.40
1	8	4.66
2	0	5.92
2	8	6.84
3	0	7.76
3	8	8.68
4	0	9.60

[1] Other than Canada/Mexico.

3. Letters and Letter Packages (Air)

a. Canada and Mexico; Refer to rates listed under A.1. (Surface Rates). Mail paid at this rate receives First-Class service in the United States and air service in Canada and Mexico.

b. Colombia, Venezuela, Central America, The Carribbean Islands, Bahamas, Bermuda, St. Pierre & Miquelon (also, from American Samoa to Western Samoa, & from Guam to the Philippines): 39 cents per half ounce up to and including 2 ounces; 33 cents each additional half ounce up to and including 32 ounces; 33 cents per additional ounce over 32 ounces.

c. All other countries: 44 cents per half ounce up to and including 2 ounces; 39 cents each additional half ounce up to and including 32 ounces; 39 cents per additional ounce over 32 ounces.

4. Post and Postal Cards

a. Surface

(1) Canada: 14 cents each.

(2) Mexico: 14 cents each.

(3) All other countries: 25 cents each.

b. Air

(1) All countries (except Canada and Mexico): 33 cents each.

(2) Canada: 14 cents each.

(3) Mexico: 14 cents each.

5. Aerogrammes: 36 cents each.

6. Other Articles (AO)

a. Surface

(1). Regular Printed Matter

Weight steps not over	Canada and Mexico	All other countries
1 oz	$0.22	$0.29
2 oz	.39	.47
3oz	.56	.65
4oz	.73	.83
6oz	.91	1.02
8oz	1.09	1.21
10oz	1.27	1.40
12oz	1.45	1.59
14oz	1.63	1.78
16oz	1.81	1.97
18oz	1.99	2.16
20oz	2.17	2.35
22oz	2.35	2.54
24oz	2.53	2.73
26oz	2.71	2.92
28oz	2.89	3.11
30oz	3.07	3.30
32oz	3.25	3.49
3lbs	3.57	4.19
4lbs	3.89	4.89
Each additional 1 lb	.97	1.22
Direct sacks to one addressee (M-Bag): Minimum 15 lbs. Maximum 66 lbs.		
Per pound or Fraction	.87	1.10

(2). Publishers Periodicals

Weight steps not over	All countries
1 oz	$0.15
2 oz	.22
3 oz	.29
4 oz	.36
6 oz	.46
8 oz	.56
10 oz	.66
12 oz	.76
14 oz	.86
16 oz	.96
18 oz	1.06
20 oz	1.16
22 oz	1.26
24 oz	1.36
26 oz	1.46
28 oz	1.56
30 oz	1.66
32 oz	1.76
3 lbs	2.10
4 lbs	2.44
Each additional 1 lb	.61
Direct sacks to one addressee (M-Bag): Minimum 15 lbs. Maximum 66 lbs.	
Per pound or fraction	.55

(3). Books and Sheet Music

Weight steps not over	All countries
1 lb	$0.96
2 lb	1.76
3 lb	2.10
4 lb	2.44
5 lb	3.05
6 lb	3.66
7 lb	4.27
8 lb	4.88
9 lb	5.49
10 lb	6.10
11 lb	6.71
Each additional 1 lb	.61
Direct sacks to one addressee (M-Bag): Minimum 15 lbs. Maximum 66 lbs.	
Per pound or fraction	.55

(4) Small Packets

Weight steps not over	Canada	Mexico	All other countries
1	$0.22	$022	$0.29
2	.39	.39	.47
3	.56	.56	.65
4	.73	.73	.83
6	.91	.91	1.02
8	1.09	1.09	1.21
10	1.27	1.27	1.40
12	1.45	1.45	1.59
14	1.63	1.63	1.78
16	1.81	1.81	1.97
18		1.99	2.16
20		2.17	2.35
22		2.35	2.54
24		2.53	2.73
26		2.71	2.92
28		2.89	3.11
30		3.07	3.30
32		3.25	3.49

BILLING CODE 7710-12-M

b. Air (Encompasses all Printed Matter, Matter for the Blind and Small Packets)

WEIGHT STEPS Not Over Ounces	Canada and Mexico	Colombia, Venezuela, Central America, Caribbean Islands, Bahamas, Bermuda, & St. Pierre & Miquelon (Also, from American Samoa to Western Samoa, & from Guam to the Philippines	South America (except Colombia & Venezuela), Europe (except Estonia, Latvia, Lithuania, & U.S.S.R.), & North Africa (Algeria, Egypt, Libya, Morocco, & Tunisia)	Estonia, Latvia, Lithuania, U.S.S.R., Asia, Australia & New Zealand, Pacific Ocean Islands, Africa (other than North Africa) the Indian Ocean Islands & the Middle East
1	See Section c.	$0.58	$0.70	$0.82
2		0.89	1.12	1.35
3		1.20	1.54	1.88
4		1.51	1.96	2.41
6		1.82	2.50	3.18
8		2.13	3.04	3.95
10		2.44	3.58	4.72
12		2.75	4.12	5.49
14		3.06	4.66	6.26
16		3.37	5.20	7.03
18		3.68	5.74	7.80
20		3.99	6.28	8.57
22		4.30	6.82	9.34
24		4.61	7.36	10.11
26		4.92	7.90	10.88
28		5.23	8.44	11.65
30		5.54	8.98	12.42
32		5.85	9.52	13.19
2.5 pounds		7.07	11.68	16.29
3.0 pounds		8.29	13.84	19.39
3.5 pounds		9.51	16.00	22.49
4.0 pounds		10.73	18.16	25.59
Each additional 1/2 pound over 4 pounds		1.22	2.16	3.10
Direct Sacks to one addressee (M-Bag): Minimum 15 pounds Maximum 66 pounds				
Per Pound or fraction		2.20	3.89	5.58

BILLING CODE 7710-12-C

c. Air AO/Canada/Mexico (Encompasses all Printed Matter, Matter for the Blind and Small Packets)

	Rates
Weight up to ounces:	
1	$0.22
2	.40
3	.58
4	.76
5	.94
6	1.12
7	1.30
8	1.48
9	1.66
10	1.84
11	2.02
12	2.20
16	2.84
24	3.38
32	3.92
Pounds:	
2.5	4.46
3.0	5.00
3.5	5.54
4.0	6.08
4.5	6.62
5.0	7.16
6.0	8.24
7.0	9.32
8.0	10.40
9.0	11.48
10.0	12.56
11.0	13.64
12.0	14.72
13.0	15.80
14.0	16.88
15.0	17.96
16.0	19.04
17.0	20.12
18.0	21.20
19.0	22.28
20.0	23.36
21.0	24.44
22.0	25.52
23.0	26.60
24.0	27.68
25.0	28.76
26.0	29.84
27.0	30.92
28.0	32.00
29.0	33.08
30.0	34.16

NOTES:
Minimum 15 lbs Maximum 66 lbs per pound or fraction.
Direct sack to one addressee (M—Bag), .97.

7. Parcel Post.

a. Surface.

1. Canada: $3.35 for over 1 pound and up to 2 pounds; $1.05 for each additional pound up to and including 66 pounds.

2. Mexico, Central America, The Caribbean Islands, Bahamas, Bermuda, St. Pierre and Miquelon: $3.70 for the first 2 pounds and $1.20 for each additional pound or fraction.

3. All other countries: $3.90 for the first 2 pounds and $1.30 for each additional pound or fraction.

b. Air.

1. Canada.

AIR PARCEL POST RATES

Weight Steps Not Over		Rates
Pounds	Ounces	
1	8	$3.38
2	0	3.92
2	8	4.46
3	0	5.00
3	8	5.54
4	0	6.08
4	8	6.62

AIR PARCEL POST RATES—Continued

Weight Steps Not Over		Rates
Pounds	Ounces	
5	0	7.16
6	0	8.24
7	0	9.32
8	0	10.40
9	0	11.48
10	0	12.56
11	0	13.64
12	0	14.72
13	0	15.80
14	0	16.88
15	0	17.96
16	0	19.04
17	0	20.12
18	0	21.20
19	0	22.28
20	0	23.36
21	0	24.44
22	0	25.52
23	0	26.60
24	0	27.68
25	0	28.76
26	0	29.84
27	0	30.92
28	0	32.00
29	0	33.08
30	0	34.16
31	0	35.24
32	0	36.32
33	0	37.40
34	0	38.48
35	0	39.56
36	0	40.64
37	0	41.72
38	0	42.80
39	0	43.88
40	0	44.96
41	0	46.04
42	0	47.12
43	0	48.20
44	0	49.28
45	0	50.36
46	0	51.44
47	0	52.52
48	0	53.60
49	0	54.68
50	0	55.76
51	0	56.84
52	0	57.92
53	0	59.00
54	0	60.08
55	0	61.16
56	0	62.24
57	0	63.32
58	0	64.40
59	0	65.48
60	0	66.56
61	0	67.64
62	0	68.72
63	0	69.80
64	0	70.88
65	0	71.96
66	0	73.04

c. Air.

2. *All other countries.*

Weight steps	Country Groups				
	A	B	C	D	E
First 4 ounces	$3.90	$4.95	$6.00	$7.05	$8.10
Each additional 4 ounces or fraction up to 5 pounds	.65	.90	1.10	1.35	1.60
Each additional 8 ounces or fraction over 5 pounds	1.00	1.50	2.00	2.50	3.00

Air Parcel Post Rate Groups: See List.

AIR PARCEL POST RATE GROUPS

Country	Rate group	Maximum weight limits for air parcel post
Afghanistan	D	22
Albania	C	22
Algeria	D	44
Andorra	B	44
Angola	E	22
Antigua and Barbuda (Including Redonda).	A	22
Argentina	D	44
Ascension	No air service.	
Australia	D	44
Austria	B	44
Azores	C	22
Bahamas	A	22
Bahrain	D	22
Bangladesh	E	22
Barbados	B	22
Belgium	D	44
Belize	A	44
Benin	D	44
Bermuda	A	33
Bhutan	No parcel post service.	
Bolivia	B	44
Botswana	E	22
Brazil	D	44
Brunei	D	22
Bulgaria	D	22
Burkina (formerly Upper Volta)	C	44
Burma	D	22
Burundi	E	22
Cameroon	D	22
Canada	Separate rate group.	66
Cape Verde	D	22
Cayman Islands	A	22
Central African Rep	E	44
Chad	D	44
Chile	D	22
China (People's Republic of)	D	44
Colombia	B	44
Comoros	E	44
Congo	D	44
Corsica	E	44
Costa Rica	A	44
Cuba	No parcel post service.	
Cyprus	D	44
Czechoslovakia	C	44
Denmark	C	44
Djibouti	E	44
Dominica	A	22
Dominican Republic	A	44
East Timor	No parcel post service.	
Ecuador	B	44
Egypt	C	44
El Salvador	A	44
Equatorial Guinea	D	44
Estonia	E	22
Ethiopia	D	44
Falkland Island	D	22
Faroe Islands	C	44
Fiji	B	22
Finland	D	44
France (including Monaco	D	44
French Guiana	C	44
French Polynesia	D	44
Gabon	D	44
Gambia	B	22
German Democratic Republic (East Germany).	C	44
Germany, Federal Rep. of (West Germany).	C	44
Ghana	D	22
Gibraltar	D	22
Great Britain and Northern Ireland.	C	50
Greece	C	44
Greenland	D	44
Grenada	B	22
Guadeloupe	A	44
Guatemala	A	44
Guinea	B	44
Guinea-Bissau	B	22
Guyana	B	22
Haiti	A	44
Honduras	B	44
Hon Kong	C	22
Hungary	C	44

Country	Rate group	Maximum weight limits for air parcel post
Iceland	D	44
India	D	22
Indonesia	E	22
Iran	D	44
Iraq	D	44
Ireland (Eire)	C	22
Israel	C	33
Italy (including San Marino)	C	44
Ivory Coast	D	44
Jamaica	A	22
Japan	E	22
Jordan	C	22
Kampuchea	No parcel post service.	
Kenya	D	22
Kirabati (formerly Gilbert Islands).	B	44
Korea, (Democratic People's Republic of (North).	No parcel post service.	
Korea Republic of (South)	C	44
Kuwait	C	44
Lao	E	22
Latvia	E	22
Lebanon	C	11
Leeward Islands	A	22
Lesotho	E	22
Liberia	C	22
Libya	C	44
Lithuania	E	22
Luxembourg	B	44
Macao	C	22
Madagascar	E	44
Madeira Islands	B	22
Malawi	D	22
Malaysia	D	22
Maldives	E	22
Mali	C	44
Malta	C	22
Martinique	A	44
Mauritania	D	44
Mauritius	E	22
Mexico	A	44
Mongolia	No parcel post service.	
Morocco	C	44
Mozambique	E	22
Nauru	C	22
Nepal	D	11
Netherlands	C	44
Netherlands Antilles	A	44
New Caledonia	D	44
New Zealand	D	22
Nicaragua	B	44
Niger	D	44
Nigeria	C	22
Norway	D	44
Oman	D	22
Pakistan	D	22
Panama	A	44
Papua New Guinea	D	22
Paraguay	C	44
Peru	B	44
Philippines	D	44
Pitcairn Islands	B	22
Poland	C	44
Portugal	C	22
Qatar	C	
Reunion	E	
Romania	C	
Rwanda	D	
St. Christopher and Nevis	A	
St. Helena	C	
St. Lucia	A	
St. Pierre and Miquelon	A	
St. Vincent & The Grenadines	A	
Santa Cruz Islands	C	
Sao Tome and Principe	D	
Saudi Arabia	D	
Senegal	D	
Seychelles	E	
Sierra Leone	D	
Singapore	D	
Solomon Islands	C	
Somalia	D	
South Africa (including South-West Africa and Nambia.	D	
Spain	C	
Sri Lanka	D	
Sudan	D	
Suriname	B	
Swaziland	D	
Sweden	D	
Switzerland (including Leichtenstein).	B	
Syria	C	
Taiwan	C	
Tanzania	E	
Thailand	D	
Togo	D	
Tonga	B	
Trinidad and Tobago	B	
Tristan da Cunha	E	
Tunisia	C	
Turkey	C	
Turks and Cicos Islands	A	
Tuvalu (Ellice Islands)	B	
Uganda	D	
Union of Soviet Socialist Republic.	E	
United Arab Emirates	D	
Upper Volta (See Burkina)		
Uruaguay	B	44
Vanuatu (formerly New Hebrides).	B	44
Vatican City State	C	44
Venezuela	B	44
Vietnam	No parcel post service.	
Western Samoa	B	22
Yemen Arab Republic (Sanaa)	D	44
Yemen, Peoples Democratic Rep. of (Aden).	D	44
Yugoslavia	C	44
Zaire	D	44
Zambia	E	22
Zimbabwe (formerly Rhodesia)	E	22

8. Express Mail International Service. For countries by rate group, see list.

a. Custom designed service.[1] [2]

(1) Group 1:

Pounds (up to and including)	Rates
1	$31.00
2	32.60
3	34.20
4	35.80
5	37.40
6	39.00
7	40.60
8	42.20
9	43.80
10	45.40
11	47.00
12	48.60
13	50.20
14	51.80
15	53.40
16	55.00
17	56.60
18	58.20
19	59.80
20	61.40
21	63.00
22	64.60
23	66.20
24	67.90
25	69.40
26	71.00
27	72.60
28	74.20
29	75.80
30	77.40
31	79.00
32	80.60
33	82.20
34	83.80
35	85.40
36	87.00
37	88.60
38	90.20
39	91.80
40	93.40
41	95.00
42	96.60
43	98.20
44	99.80

[1] Rates in these tables are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

(2) Group 2:

Pounds (up to and including)	Rates
1	$31.00
2	34.80
3	38.60
4	42.40
5	46.20
6	50.00
7	53.80
8	57.60
9	61.40
10	65.20
11	69.00
12	72.80
13	76.60
14	80.40
15	84.20
16	88.00
17	91.80
18	95.60
19	99.40
20	103.20
21	107.00
22	110.80
23	114.60
24	118.40
25	122.20
26	126.00
27	129.80
28	133.60
29	137.40
30	141.20
31	145.00
32	148.80
33	152.60
34	156.40
35	160.20
36	164.00
37	167.80
38	171.60
39	175.40
40	179.20
41	183.00
42	186.80
43	190.60
44	194.40

(3) Group 3:

Pounds (up to and including)	Rates
1	$31.00
2	35.90
3	40.80
4	45.70
5	50.60
6	55.50
7	60.40
8	65.30
9	70.20
10	75.10
11	80.00
12	84.90
13	89.80
14	94.70
15	99.60
16	104.50

Pounds (up to and including)	Rates
17	109.40
18	114.30
19	119.20
20	124.10
21	129.00
22	133.90
23	138.80
24	143.70
25	148.60
26	153.50
27	158.40
28	163.30
29	168.20
30	173.10
31	178.00
32	182.90
33	187.80
34	192.70
35	197.60
36	202.50
37	207.40
38	212.30
39	217.20
40	222.10
41	227.00
42	231.90
43	236.80
44	241.70

(4) Group 4:

Pounds (up to and including)	Rates
1	$31.00
2	36.90
3	42.80
4	48.70
5	54.60
6	60.50
7	66.40
8	72.30
9	78.20
10	84.10
11	90.00
12	95.90
13	101.80
14	107.70
15	113.60
16	119.50
17	125.40
18	131.30
19	137.20
20	143.10
21	149.00
22	154.90
23	160.80
24	166.70
25	172.60
26	178.50
27	184.40
28	190.30
29	196.20
30	202.10
31	208.00
32	213.90
33	219.80
34	225.70
35	231.60
36	237.50
37	243.40
38	249.30
39	255.20
40	261.10
41	267.00
42	272.90
43	278.80
44	284.70
45	290.60
46	296.50
47	302.40
48	308.30
49	314.20
50	320.10

b. ON DEMAND SERVICE.[2]

(1) Group 1:

Pounds (up to and including)	Rates
1	$23.00
2	24.60
3	26.20
4	27.80
5	29.40
6	31.00
7	32.60
8	34.20
9	35.80
10	37.40
11	39.00
12	40.60
13	42.20
14	43.80
15	45.40
16	47.00
17	48.60
18	50.20
19	51.80
20	53.40
21	55.00
22	56.60
23	58.20
24	59.80
25	61.40
26	63.00
27	64.60
28	66.20
29	67.80
30	69.40
31	71.00
32	72.60
33	74.20
34	75.80
35	77.40
36	79.00
37	80.60
38	82.20
39	83.80
40	85.40
41	87.00
42	88.60
43	90.20
44	91.80

(2) Group 2:

Pounds (up to and including)	Rates
1	$23.00
2	26.80
3	30.60
4	34.40
5	38.20
6	42.00
7	45.80
8	49.60
9	53.40
10	57.20
11	61.00
12	64.80
13	68.60
14	72.40
15	76.20
16	80.00
17	83.80
18	87.60
19	91.40
20	95.20
21	99.00
22	102.80
23	106.60
24	110.40
25	114.20
26	118.00
27	121.80
28	125.60
29	129.40
30	133.20
31	137.00
32	140.80
33	144.60
34	148.40
35	152.20
36	156.00
37	159.80
38	163.60
39	167.40
40	171.20
41	175.00
42	178.80
43	182.60
44	186.40

(3) Group 3:

Pounds (up to and including)	Rates
1	$23.00
2	27.90
3	32.80
4	37.70
5	42.60
6	47.50
7	52.40
8	57.30
9	62.20
10	67.10
11	72.00
12	76.90
13	81.80
14	86.70
15	91.60
16	96.50
17	101.40
18	106.30
19	111.20
20	116.10
21	121.00
22	125.90
23	130.80
24	135.70
25	140.60
26	145.50
27	150.40
28	155.30
29	160.20
30	165.10
31	170.00
32	174.90
33	179.80
34	184.70
35	189.60
36	194.50
37	199.40
38	204.30
39	209.20
40	214.10
41	219.00
42	223.90
43	228.80
44	233.70

(4) Group 4:

Pounds (up to and including)	Rates
1	$23.00
2	28.90
3	34.80
4	40.70
5	46.60
6	52.50
7	58.40
8	64.30
9	70.20
10	76.10
11	82.00
12	87.90
13	93.80
14	99.70
15	105.60
16	111.50
17	117.40
18	123.30
19	129.20
20	135.10
21	141.00
22	146.90
23	152.80
24	158.70
25	164.60
26	170.50
27	176.40
28	182.30
29	188.20
30	194.10
31	200.00
32	205.90
33	211.80

Pounds (up to and including)	Rates
34	217.70
35	223.60
36	229.50
37	235.40
38	241.30
39	247.20
40	253.10
41	259.00
42	264.90
43	270.80
44	276.70
45	282.60
46	288.50
47	294.40
48	300.30
49	306.20
50	312.10

International Express Mail—Rate Groups and Maximum Weight Limits

Country	Rate group	Maximum weight (pounds)
Argentina	3	33
Australia	4	44
Bahrain	3	22
Barbados	2	44
Belgium	3	44
Bermuda	1	33
Brazil	4	50
Canada	1	44
China, Peoples Republic	4	33
Colombia	2	44
Egypt	3	22
Finland	3	44
France	3	44
Federal Republic of Germany	2	44
Great Britain/Northern Ireland	2	44
Hong Kong	3	33
Ireland	2	44
Israel	3	33
Italy	3	44
Japan [1]	4	22
Korea, Republic of	3	44
Kuwait	3	33
Luxembourg	2	44
Macao	3	44
Malaysia	4	22
Netherlands	3	44
New Zealand	4	22
Norway	3	44
Qatar	3	44
Saudi Arabia	3	22
Singapore	4	33
South Africa	4	44
Spain	2	44
Sweden	3	44
Switzerland	3	33
Taiwan	3	33
Thailand	4	22
Tunisia	3	44
Uruguay	3	44
Venezuela	2	44

[1] Custom Designed service only

9. International Surface Airlift Service Rates.

Origin Groups	Rate Group A	Rate Group B	Rate Group C	Rate Group D	Rate Group E
a. Regular Service Pound Rates Destination Groups [1] [2]					
East	$1.95	$2.22	$2.55	$2.66	$3.40
Central	1.70	2.47	NA	2.57	3.22
West	1.99	2.53	2.99	2.33	3.13
b. Regular Service M—Bag Pound Rates [2]					
East	1.76	2.00	2.30	2.39	3.06
Central	1.53	2.22	NA	2.31	2.90
West	1.79	2.28	2.69	2.10	2.82
c. Transit Service Regular Pound Rates [1] [2]					
East	NA	2.41	NA	NA	3.60
Central	NA	2.64	NA	NA	3.42
West	NA	2.82	NA	NA	3.30
d. Transit Service M—Bag Pound Rates [2]					
East	NA	2.17	NA	NA	3.24
Central	NA	2.38	NA	NA	3.08
West	NA	2.54	NA	NA	2.97

[1] Minimum Rate Postage. The total postage paid on any bulk mailing may not be lower than the amount determined by multiplying the minimum rate per piece of 17¢ by the total of number pieces in the mailing. If the total postage computed at pound rates is less than the minimum postage charge, postage must be computed at the minimum rate per piece.

[2] Sack charge: $1.00.

NOTE: International Surface Airlift Service Rate Groups See list.

International Surface Air Lift Service Rate Groups

[Origin AMF's]

East	Central	West
Boston	Chicago	Los Angeles
New York City	Dallas	San Francisco
Philadelphia	Houston	
Washington, D.C.		

Destination Countries for Regular and/or Transit Service

[Rate groups]

A	B	C	D	E
Mexico	Albania	Argentina	India	Australia.
Venezuela	Austria	Brazil	Japan	Fiji Islands.
	Belgium			New Guinea.
	Bulgaria			New Zealand.
	Czechoslovakia			Philippines.
	Denmark			Singapore.
	East Germany			South Africa.
	Finland			
	France			
	Great Britain			
	Greece			
	Hungary			
	Iceland			
	Ireland			
	Italy			
	Luxembourg			
	Netherlands			
	Norway			
	Poland			
	Portugal			
	Rumania			
	Spain			
	Sweden			
	Switzerland			
	Yugoslavia			
	West Germany			

Note.—All AMF's do not service all destinating countries.

B. New Special Mail Services Fees.

1. Nonstandard Surcharge.

a. Letters (weighing one ounce or less): 10 cents.

b. Regular Printed Matter (weighing one ounce or less): 10 cents.

2. Customs Clearance and Delivery Fee: $2.70.

3. Inquiry Fee: $4.50.

4. Return receipt requested at time of mailing: 70 cents.

5. Registered Mail.

Limit of Indemnity [1]—Not over	Fees	
	Canada	All other countries
$25	$0.50	$1.10
$50	1.10	1.40
$100	1.40	2.10
$150	1.80	3.00
$200	2.10	3.00
$300	3.00	3.70
$400	3.70	4.40
$500	4.40	5.20
$600		5.50
$700		5.80
$800		6.10
$900		6.40
$1,000		6.70
$1,100		7.00
$1,200		7.30

[1] Limits vary by country.

Limit of Indemnity	Fee
1. Canada:	
$00.00 to $100	$3.60
$100.01 to $200	$3.90
2. All other countries: $20.40	$3.60

6. Insured Mail.

7. Money Orders.

a. Orders Issued on Domestic Form.

Amount of Money Order	Fee
$0.01 to $ 25	$0.75
$25.01 to $700 [1]	1.00

[1] Limits vary by country.

b. Orders Issued on International Form.

Amount of Money Order	Fee
$0.01 to $700.00 [1]	$2.00

[1] Limits vary by country.

8. Special Handling.

Weight	Fee
Not more than 10 pounds	$1.10
More than 10 pounds	1.60

9. Special Delivery.

Class of mail	Not more than 2 pounds	Over 2 pounds
Letters, letter packages, post and postal cards	$2.95	$3.15
Other articles	3.10	3.60

10. Restricted Delivery: $1.25.

11. Certificates of Mailing.

	Fee
Individual listed pieces:	
Original or Copy of original Certificate of mailing or receipt for registered or insured mail (Form 3817)	$0.45
Firm mailing books (Form 3977)	0.15
Bulk pieces:	
Up to 1,000 pieces	1.60
For each additional 1,000 pieces, or fraction	0.20
Duplicate copy	0.45

[FR Doc. 84-33646 Filed 12-26-84; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review By Office of Management and Budget

Agency Clearnace Officer: Kenneth A. Fogash (202) 272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 5th Street, NW., Washington, D.C. 20549.

Extension

6e-2 [17 CFR 270.6e-2]

File No. 270-177

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval for Rule 6e-2, a rule exempting insurnace company separate accounts from various sections of the Investment Company Act in order to permit them to offer scheduled premium life insurance contracts.

Comments should be submitted to OMB Desk Officer: Ms. Katie Lewin, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503.

John Wheeler,

Secretary.

December 19, 1984.

[FR Doc. 84-33631, Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14288; 812-5988]

Home Investors Fund, Inc.; Application for Order Exempting Applicant

December 21, 1984.

Notice is hereby given that Home Investors Fund, Inc. ("Applicant" or the "Fund"), P.O. Box 876, Morris Drive, Valley Forge, Pennsylvania 19482, registered under the Investment Company Act of 1940 (the "Act"), as an open-end, diversified management investment company, filed an application on November 16, 1984, for a Commission order, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rule 22c-1 thereunder to permit Applicant to assess a contingent deferred sales charge on redemptions of its shares, and to permit Applicant to waive the charge in certain cases. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions cited in the application.

According to the application, the Fund is sponsored by the National Association of Realtors ("NAR") and the National Association of Home Builders ("NAHB"). Wellington Management Company ("Wellington") serves as the Fund's investment advisor. Subject to shareholder approval, the directors of the Fund have approved the adoption of new agreements for investment management and administration, advisory and distribution services. Under the proposed agreements, (i) Integrated Resources, Inc. ("Integrated") would become a co-sponsor of the Fund, (ii) Integrated Asset Management, Inc. ("IAM"), a subsidiary of Integrated, would become the Fund's investment manager and administrator, (iii) Integrated Capital Services, Inc. ("ICS"), another Integrated subsidiary, would serve as distributor for the Fund, and (iv) Wellington would continue to provide investment advisory services to the Fund under a new investment advisory agreement entered into with the Fund and IAM.

Applicant states that it currently sells its shares without a sales load. Applicant submits that this practice has resulted in low sales rates for Applicant's shares. Applicant further submits that its relatively low level of net assets has impeded efforts to achieve operational efficiency and portfolio diversification. Accordingly, Applicants propose to impose a contingent deferred sales charge on certain redemptions of its shares. Applicants state that this charge would be applied to expenses properly chargeable to sales and promotional activity. Applicant represents that the continigent deferred sales charge will not exceed 5% of an investor's aggregate purchase payments and that the charge would not apply to shares purchased on or before the date Applicant declares the charge effective.

Applicant states that the contingent deferred sales charge will be imposed if an investor redeems an amount causing the value of the investor's account to fall below the total dollar amount of purchase payments made by the investor during the preceding five years. No contingent deferred sales charge would be imposed on redemptions of shares derived from (1) increases in the value of the account above the total dollar amount of purchase payments during the past five years either through growth in Applicant's net asset value or through reinvestment of dividends and capital gains distributions or (2) purchase payments made more than five years prior to the redemption; or prior to implementation of Applicant's 12b-1 plan.

Applicant states that, where a contingent deferred sales charge is imposed, the amount of the charge will be 5% for redemptions during the first account year after the applicable purchase payments were made, and will decline by 1% each account year thereafter.

Applicant states that the amount of the continent deferred sales charge (if any) is calculated by (1) determining the date on which the purchase payment comprising the source of the redemption was made, and (2) applying the appropriate percentage to any portion of the redemption subject to the charge.

Applicant expects to implement a practice by which, at its option, Applicant can redeem any shareholder account with a net asset value of less than $500, provided there has been no purchase of shares for that account during a continuous period of at least twelve months. Applicant states that three months advance notice to the shareholder is required prior to an involuntary redemption. Applicant states further that, prior to redemption,

shareholder would be given an opportunity to purchase the required value of additional shares at net asset value to increase the account value to $500. Applicant states that involuntary redemptions will be subject to the contingent deferred sales charge.

Applicant will allow a shareholder who has made a partial or complete redemption to reinvest all or part of the redemptioin proceeds and receive a pro rata credit for and contingent deferred sales charge paid, provided such reinstatement is effected within 30 days after the redemption. For purposes of determining the amount of contingent deferred sales charges payable on any subsequent redemptions, the purchase payment made through exercise of the reinvestment privilege will be deemed to have been made at the time of the initial purchase (rather than at the time the reinvestment was effected).

According to the application, Applicant intends to waive the contingent deferred sales load in the following cases: (1) redemptions following the death or disability, as defined in the Internal Revenue Code (the "Code"), of a shareholder, (2) any partial or complete redemption in connection with a distribution following retirement under a tax-deferred retirement plan or attaining 59½ in the case of an Individual Retirement Account ("IRA"), Keogh Plan or a custodial account pursuant to section 403(b) of the Code, or any redemption resulting from the tax-free return of an excess contribution to an IRA, and (3) all shares purchased by officers, directors, partners and full-time employees of NAR, NAHB, Integrated and Wellington as well as their subsidiaries and affiliates, and registered representatives serving as independent contractors to Integrated Resources Equity Corporation ("IREC"), a subsidiary of Integrated.

Applicant asserts that the proposed charge enables shareholders to have more shares purchased on their behalf immediately upon their investment in Applicant. Applicant further asserts that the proposed sales charge would fairly assess distribution costs among shareholders. Applicant states that, pursuant to Rule 12b–1 under the Act, it has adopted a plan of distribution (the "Plan") permitting Applicant to pay certain expenses (not to exceed 45% of Applicant's daily net assets) incurred by its distributor in connection with the distribution of Applicant's shares. Subject to shareholder approval, the Plan has been amended to permit direct payments to Applicant's distributor, on an annual basis, equal to .95% of Applicant's average daily net assets. Applicant states that shareholders who maintain their investment in Applicant's shares for relatively brief periods will not likely incur their fair share of distribution costs.

Applicant asserts that the proposed contingent deferred sales charge in no way restricts a shareholder from receiving his proportionate share of current net assets, but merely defers the deduction of the sales charge and makes it contingent upon an event that may never occur. Accordingly, Applicant requests an exemption from the provisions of section 2(a)(32) of the Act to permit implementation of the proposed charge.

Applicant asserts that, when Applicant's shares are redeemed, the price on redemption will be based on current net asset value. It is stated that the contingent deferred sales charge will merely be deducted at the time of redemption in arriving at the shareholder's proportionate redemption proceeds. Accordingly, Applicant requests exemption from the provisions of section 22(c) of the Act and Rule 22c–1 thereunder to permit implementation of the charge.

Applicant asserts that the proposed charge is consistent with the intent of the definition of "sales load" contained in the Act. Applicant states that the contingent deferred sales charge will be paid to Applicant's distributor to reimburse it solely for expenses related to sales of its shares. It is asserted that the deferral of the sales charge, and its contingency upon the occurrence of an event that might occur, does not change the basic nature of the charge, which is in every other respect a sales charge. Accordingly, Applicant requests exemption from the provisions of section 2(a)(35) of the Act to permit implementation of the proposed charge.

Applicant requests exemption from section 22(d) of the Act to permit waiver of the contingent deferred sales charge in the above described cases. Applicant asserts that waiver of the contingent deferred sales charge in the extraordinary circumstance of death or total disability of the investor is justified by considerations of basic fairness. Applicant further asserts that waiving the charge on certain distributions from a tax-qualified retirement plan is fully consistent with the policies reflected in (1) the Code provisions granting favored tax treatments to accumulations under such plans and imposing additional taxes on early distributions from IRAs and other plans and (2) Rules 22d–1(a)(3) and (b)(3) under the Act, which permit variations in the sales load for qualified and non-qualified employee benefit plans (which need not be based on realization of economies where the plans are qualified under Section 401 of the Code).

Applicant asserts that, with respect to shares purchased by the officers, directors, partners and full time employees of NAR, NAHB, Integrated and Wellington and their subsidiaries and affiliates, and registered representatives serving as independent contractors to IREC, no marketing or selling expenses are incurred because these persons are closely related to Applicant, have knowledge of or have ready access to relevant information pertaining to Applicant and need not be solicited by Applicant. Applicant asserts that no logical reason exists impelling imposition of sales charges on these persons. Applicant believes that its remaining shareholders will not be adversely affected by waiving the sales load in relation to the above-indicated persons.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 14, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 84–33635 Filed 12–26–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 14287; 812–5945]

ML Venture Partners I, L.P., et al; Notice of Application for Order Exempting Proposed Transaction

December 21, 1984

Notice is hereby given that ML Venture Parters I, L.P. (the "Partnership"), a business development company registered under the Investment Company act of 1940 (the "Act"), and Merrill Lynch Pierce, Fenner

& Smigh Incorporated ("MLPF&S") ("Applicants"), 165 Broadway, New York, New York 10080, a broker-dealer registered under the Securities Exchange Act of 1934, filed an application on September 25, 1984, for a Commission order, pursuant to section 57(c) of the Act, conditionally exempting from the provisions of section 57(a) of the Act MLPF&S' proposed purchase, on a principal basis, of certain of the Partnership's portfolio securities in market maker transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the relevant statutory provisions.

Applicants state that the Partnership is a limited partnership organized under the laws of Delaware and that the investment objective of the Partnership is to seek long-term capital appreciation by making venture capital investments. At June 30, 1984, the Partnership had net assets of approximately $70 million. Applicants state that the managing general partner for the Partnership, Merril Lynch Venture Capital Co., L.P. (the "Managing General Partner"), is responsible for identification and management of the Partnership's venture capital investments. The general partner of the Managing General Partner is Merril Lynch Venture Capital Inc. (The "Management Company"), which is also the management company for the Partnership. The Management Company is an indirect subsidiary of Merrill Lynch & Co.. ("ML&Co.") a holding company which, through its subsidiaries, provides investment, financing, real estate, insurance an related services. Applicants state that MLPF&S is a wholly-owned subsidiary of ML&Co. and that MLPF&S is the largest broker-dealer in the United States. Applicants concede that MLPF&S may be related to the Partnership in the manner described in section 57(b) of the Act.

Applicants state that the Partnership owns 800,000 shares of Vaid Logic Systems Incorporated ("Valid") common stock, which represents approximately 6% of Valid's outstanding stock. Becasue the Partnership acquired its Valid common stock in a private sale on October 15, 1982, these securities may only be sold in offerings registered under the Securities Act of 1933 (the "1933 Act") or in transactions exempt from registration made pursuant to private sales or pursuant to Rule 144 under the 1933 Act (the "Rule"). Applicants represent that on October 15, 1984, the Partnership will satisfy the two-year holding period requirement contained in the Rule and its position in Valid common will be eligible for sale pursuant to the Rule. Accordingly, the Partnership intends to consider disposing of its Valid common stock in tranactions that will be effected after October 15, 1984.

Applicants state that, as a result of volume limitations contained in paragraph (e) of the Rule, it is expected that the disposition of the Partnership's Valid common stock will be made over several quarters. They represent that the Partnership has reviewed the alternative methods by which it may dispose of its positon in Valid common stock and believes it necessary to have the ability to sell the stock to MLPF&S in market maker transactions to achieve best price and execution in the sale of such securities. Applicants assert that, while sales may be made in brokers' transactions pursuant to paragraph (g) of the Rule, there are substantial limitations. The Partnership has determined that it must have the ability to sell its Valid common stock to market makers as provided in paragraph (f) of the Rule.

Applicants state that Valid's common stock is traded in the over-the-counter market and is listed on the NASDAQ National Market List. They represent the MLPF&S has been the most significant market maker in Valid common stock since the stock commenced public trading in October, 1983, and that, although there are nine registered NASDAQ market makers for Valid common stock, MLPF&S' trading has represented over 50% of the trading in the stock since it started trading. Applicants state that MLPF&S has been the most significant market maker in trades of the size contemplated by the Partnership. Applicants further state that the trading market for securities of high technology companies recently commencing public trading is frequently thin, with on or a small number of market makers effecting a substantial percentage of trading. In these instances, the depth of the market may be such that one market maker is used in an extremely high percentage of large trades because of its familiarity with institutional and other investors indicating an interest in acquiring substantial positions in a particular company. Applicants state that, in this situation, while there may be a number of registered market makers in a particular security, only one or two market makers may have the necessary capital and ability to position a block of the securities.

The Partnership believes that trading in Valid's common stock is typical of that in common stock of high technology companies that have recently commenced public trading. They further state that the average weekly trading volume of Valid common stock for the period from October 7, 1983, through August 31, 1984, was approximately 263,000 shares. The Partnership's holdings of 800,000 shares are thus in excess of three times the average weekly trading volume.

Applicants assert that a further factor in effecting block trades in securities in which there is relatively small trading volume is the importance of using one market maker for a particular transaction. Before committing to purchase a substantial amount of such securities, market makers will often contact potential buyers. Applicants assert that, contacting several market makers respecting a proposed transaction may depress the market price of the security since the market may perceive that more stock is on the market than is actually the case. Therefore, the inability to sell Valid common to MLPF&S might operate to the Partnership's detriment in effecting transactions with other securities dealers. Applicants state that, since these dealers would likely be aware of the restrictions on transactions between the Partnership and MLPF&S, the Partnership could be placed at a disadvantage compared to other holders of Valid common stock seeking to sell shares to these dealers.

As a condition to the requested order, the following requirements must be satisfied before any sales of the Partnership's Valid common stock to MLPF&S are effected:

1. The Managing General Partner will furnish information to the Independent General Partners of the Partnership ("Independent General Partners") concerning the market for Valid shares, the number of market makers and their relative percentage of transactions in the security, and such other information as may be requested by the Independent General Partners.

2. After receipt of such information as may be requested by the Independent General Partners, the Independent General Partners must authorize the Managing General Partner to effect sales of Valid common stock to MLPF&S prior to the time the first sale is made.

3. The Managing General Partner will not effect any sales of Valid common stock to MLPF&S on a principal basis unless, for the previous three-month period, the percentage of transactions effected by MLPF&S in Valid common stock exceeded 33⅓% of the trading volume

4. The Managing General Partner will not effect such a transaction unless, at the time of sale, it believes, in its business judgment, that the Partnership is obtaining a price and execution by making such sale to MLPF&S at least as favorable as that which would be available from other market makers.

5. The Managing General Partner will maintain records of the information it obtained which provided the basis for it to make the determination referred to in paragraph (4) above.

6. The Managing General Partner will report to the Individual General Partners on a quarterly basis all sales made pursuant to the requested order. Included in such report will be a description of the basis for the determination referred to in paragraph (4) above.

7. The Independent General Partners have the authority at any time to terminate the authority of the Managing General Partner to conduct transactions pursuant to the requested order.

8. Documents relating to the information reported to the Independent General Partners, as set forth in paragraphs (1) and (6) above, and the information maintained by the Managing General Partner, as set forth in paragraph (5) above, will be maintained and preserved by the Partnership for a period of at least six years. Such documents shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as if they were records required to be maintained pursuant to rules under Section 31(b) of the Act.

As a condition to the issuance of the requested order, MLPF&S represents that its purchases of Valid common stock from the Partnership will be effected on a basis no less favorable than that which would be offered to non-affiliated entities for comparable transactions.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 14, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 84-33634 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23542; 70-7063]

Middle South Utilities, Inc.; Proposal To Issue and Sell Common Stock

December 20, 1984.

Middle South Utilities, Inc. ("MSU"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, proposes a transaction subject to sections 6(a) and 7 of the public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

MSU proposes to issue and sell, in one or more sales through December 31, 1985, not more than 10 million authorized but unissued shares of its Common Stock, $5 par value ("Additional Common Stock"). The net proceeds will be used to reduce then outstanding bank loans made to MSU, to purchase common stock from its subsidiaries and for other corporate purposes.

MSU proposes that not more than 8 million shares of the Additional Common Stock will be sold on a delayed basis ("Delayed Offering Stock"), after the receipt, on one or more occasions, of alternate proposals therefor. MSU further proposes to issue and sell, as described below, not more than 4 million shares of the Additional Common Stock ("Continuous Offering Stock") through a continuous offering shelf registration program in accordance with Rule 415 under the Securities Act of 1933. In no event would the total aggregate number of shares of both the Delayed Offering Stock and the Continuous Offering Stock exceed the 10 million shares of Additional Common Stock.

MSU proposes to enter into one or more Sales Agency Agreements ("Agreement") with First Boston and possibly other investment bankers ("Agent") under which the Agent will act as MSU's exclusive agent for the purposes of offering and selling the Continuous Offering Stock (1) in ordinary broker's regular-way transactions in the auction market on the floor of the New York Stock Exchange, or any regional exchange on which MSU's Common Stock may be listed or admitted to trading; (2) in block transactions (which may involve crosses) on such exchanges or in the over-the-counter market, in which the Agent may act as a principal for its own account; and (3) in "fixed-price offerings" off the floors of such exchanges, or "special offerings" and "exchange distributions" in accordance with the rules of such exchanges

Sales will be made at market prices prevailing at the time of sale in the case of transactiosn on exchanges and at prices negotiated by the Agent and related to the prevailing market prices in the case of the over-the-counter transactions. The terms of any offering pursuant to (3) above will be subject to the prior approval of MSU. The fee charged by the Agent will not exceed 7 cents per share.

MSU will comply with the requirement of Rule 50, in connection with the sales pursuant to the methods outlined in (1) and (2) above, and either will so comply or by further amendment herein will request an exception from such requirements in connnection with sales pursuant to (3) above.

The proposal and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or requerst a hearing should submit theri views in writting by January 14, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the proposal, as filed or as it may be amended, may be authorized.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 84-33632, Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14283; 812-5982]

Mutual Benefit Fund, et al.; Application for Order Exempting Applicants

December 18, 1984.

Notice is hereby given that Mutual Benefit Fund (the "Fund"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), and Mutual Benefit Financial

Service Company ("FISCO") ("Applicants"), 520 Broad Street, Newark, New Jersey 07101, a broker-dealer registered under the Securities Exchange Act of 1934, filed an application on November 13, 1984, for a Commission order, pursuant to section 6(c) of the Act, exempting Applicants from the provisions of section 22(d) of the Act and Rule 22d–1 thereunder to permit sales of the Fund's shares to certain persons at net asset value without a sales load. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions cited in the application.

Applicants state that the Fund's principal underwriter is FISCO and its investment adviser is Markston International, Inc. ("Markston"), an investment adviser registered under the Investment Advisers Act of 1940. Applicants state that FISCO is a wholly-owned subsidiary of 520 Broad Holding Corporation, a majority-owned subsidiary of MBL Holding Corporation, a wholly-owned subsidiary of the Mutual Benefit Life Insurance Company ("Mutual Benefit Life"). Applicants state that Markston is a majority-owned subsidiary of MBL Holding Corporation.

Applicants state that shares of the Fund are offered at a maximum sales load of 8.5% of the shares' offering price, which percentage declines for purchases of a greater value. Reductions in the sales load are available to purchasers entitled to rights of accumulation or combination and by letters of intent, pursuant to Rules 22d–1 (a) and (b) under the Act. In addition, shares may be purchased at net asset value, without a sales load, by full-time sales and supervisory representatives of FISCO and by full-time employees of Markston, pursuant to Rule 22d–1(i) under the Act.

Applicants propose to sell Fund shares to certain additional persons at net asset value without a sales load. Such persons include (a) any officer, director or employee of FISCO, of Markston or of any parent, subsidiary or other affiliate of Markston (including Mutual Benefit Life) and (b) any disinterested director of the Fund ("Associated Persons"). The terms "officer", "director", and "employee" include any person serving in such capacity at the time the requested order would be granted and therafter, any such person who subsequently retires or becomes disabled (excluding termination of services) and any such person's spouse and minor children. The term "disinterested director" includes any person serving in such capacity at the time the requested order would be granted and thereafter, any such person who subsequently discontinues his position and any such person's spouse and minor children. Applicants concede that sales of Fund shares without a sales load to Associated Persons may be deemed to contravene section 22(d) of the Act and Rule 22d–1 thereunder.

Applicants assert that granting the requested exemption would not result in the abuses addressed by section 22(d) of the Act. Applicants submit that the adoption of Rule 22c–1 under the Act has negated the possibility of riskless insider trading. Applicants assert that no-load sales to Associated Persons of the Fund will to result in disrupting the orderly distribution of Fund shares or in unjust discrimination among investors. Applicants assert that the requested exemption applies only to highly limited categories of persons and would not create a widespread opportunity for investors to purchase Fund shares at no load. Applicants further contend that the requested exemption would not likely lead to the creation of a disruptive secondary market in Fund shares. Applicants state that, even if Associated Persons sold fund shares to dealers, Section 22(d) of the Act would require resales by dealers to be for a price no less than the public offering price described in the Fund's prospectus.

Applicants assert that sales of Fund shares to Associated Persons would require less sales effort. Applicants submit that Associated Persons have, or are in a position to have, a basic understanding of the nature of an investment in an investment company as well as general familiarity with the Fund. Applicants assert that, as a result, FISCO would not incur all of the customary expenses normally required to distribute Fund shares. To assure that distribution expenses are minimized in sales to Associated Persons, Applicants intend to implement the following procedures:

1. No individual or in-person group sales, solicitations or presentations concerning the Fund will be made directly to Associated Persons other than in response to persons who have requested information or who seek answers to specific questions.

2. Associated Persons who are employed by FISCO, Markston, or any parent, subsidiary or other affiliate of Markston will be furnished appropriate notice of their right to purchase Fund shares. Any expenses associated with furnishing such notice will be assumed by the Associated Person's employer or by Mutual Benefit Life.

3. Each Associated Person will be furnished a copy of the Fund's then-current prospectus prior to his or her initial investment in the Fund.

4. The Fund's registration statement will be amended, as required by Form N–1A, to include appropriate disclosure regarding the ability of Associated Persons to invest in Fund shares at net asset value without a sales charge.

5. The right to purchase Fund shares at net asset value without a sales load will not be available unless the Associated Person gives notification, when each purchase occurs, that the purchase qualifies for such right.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 14, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exhange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 84–33630 Filed 12–26–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 23533; 70–7049]

National Fuel Gas Company; Proposed Charter Amendments and Stock Plan; Order Authorizing Solicitation of Proxies

December 17, 1984.

National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, has filed a proposal with this Commission pursuant to Sections 6(a), 7, and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 23, 24, 50(a)(5), 62 and 65 thereunder.

The Board of Directors of National has adopted resolutions amending its Certificate of Incorporation ("Charter") and will submit the proposals for a vote

of its common shareholders at the annual meeting to be held on February 21, 1985. The amendments will: (1) Add provisions concerning "Business Combinations" and related matters; (2) eliminate cumulative voting rights of holders of common stock; (3) provide for a Board of Directors divided into three classes, with each class serving a staggered three-year term; (4) renumber certain Articles as appropriate; (5) prescribe limits upon the size of the Board of Directors with a minimum set at 7 and a maximum set at 11 with a requirement that the approval of at least three-fourths of the Directors is necessary to effect any further amendments or limit the number of directors; and (6) eliminate preemptive rights.

Additionally, the Board of Directors proposes a 1984 Stock Plan ("1984 Plan") which authorizes two executive compensation devices: non-qualified stock options ("NSO's"), which may be accompanied by stock appreciation rights ("SAR's"), and bonus shares of National's common stock, subject to restrictions on disposition ("Restricted Stock"). NSO's and SAR's may be awarded to Senior Officers (i.e., officers of National and its subsidiaries at or above the level of senior vice president) and to other key employees; Restricted Stock may be awarded only to Senior Officers. The Compensation Committee ("Committee") of National's Board of Directors, is charged with the responsibility of administering the 1984 Plan, and may grant NSO's and SAR's in such amounts to eligible employees as it deems appropriate. However, the awards of Restricted Stock are not to exceed annually more than 10% of the common stock available under the 1984 Plan. No Senior Officer may receive an award of Restricted Stock in any one year that exceeds the value of 30% of that Officer's annual salary, except in 1984 when 44,000 of the shares of common stock under the 1984 Plan will be awarded to Senior Officers at varying percentages of the value of their salaries, due to to special circumstances. To the extent that such awards exceed the 30% value of an officer's base annual salary in 1984, Restricted Stock available in 1985 and succeeding years will be correspondingly reduced for that officer.

NSO's shall be granted at the fair market value at date of grant of National's common stock, no par value, and must be exercised within one year to 10 years and one day. Restrictions on 25% of the shares of a Restricted Stock award shall lapse on the third anniversary of the date of the award, and an additional 25% each subsequent anniversary until the sixth, at which time all restrictions will have lapsed. The Committee has discretionary authority to relax or remove the restrictions at any time. NSO's and SAR's may be exercised within one year of termination of employment; Restricted Stock is forfeited on termination of employment to the extent of the restrictions then in effect, except in the case of death.

These proposals are subject to shareholder approval. National also proposes to solicit proxies in this regard for voting at the 1985 Annual Meeting. National has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

The proposal and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 9, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the proposal, as filed or as it may be amended, may be authorized.

It appearing to the Commission that National's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 84-33625 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21581; File No. SR-Amex-84-35]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Filing of Proposed Rule Change

December 18, 1984.

The American Stock Exchange ("Amex"), 86 Trinity Place, New York, NY 10006, submitted on November 26, 1984 copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend the Amex *Company Guide* to add new Section 118 governing listing requirements for certain unit investment trusts which permit investors to separate their securities holdings into distinct trading components representing discrete interests in the income and capital appreciation potential of the securities deposited in the trust. On December 11, 1984, the Amex submitted Amendment No. 1 to the proposed rule change to modify several provisions of the original filing.[1]

According to the Amex, the only such investment trusts it is contemplating listing at this time are the thirty trust series for which registration statements have been filed with Commission by the Americus Shareowner Service Corporation ("Americus Trust" or "Trust"). The Amex has indicated that, should the opportunity arise, the Exchange may list similarly structured investment trusts other than Americus Trust.

Under the proposed rule change, each issuer of a security held by the trust must have total assets exceeding $100 million and a net worth greater than $10 million. A listed trust must have a minimum public distribution of one million units held by at least 800 round-lot holders, and a stated term of at least three years. A listed trust would have only one termination date and the individual trading components of the trust units would have only one termination claim.[2] The proposed rule change provides that the Amex will not list a Trust whenever 10% or more of the securities held by the trust are already listed and trading on the Amex. In

[1] The text of the proposed rule change, as amended, is attached as Exhibit A.

[2] As noted above, it is contemplated that trusts coming under the proposed rule would have two discrete trading components. One component would have the right to receive dividends on the underlying stock, and participate in capital appreciation but only up to a specified "termination claim" level. The other component would receive no dividend income, but would be entitled to participate only in capital appreciation above the termination claim. See text at notes 2 and 3, *infra*.

addition, the proposed rule prohibits more than 5% of the issuer's securities from being held by one or more trusts. Further, the trust must pass through any right to vote conferred by a security held by the trust to the beneficial holders of the trust's units and furnish such holders with copies of any shareholder communications received from the issuer, but only to the extent the trust is reimbursed by the issuer.

According to the Amex, the proposed rule change is consistent with section 6(b) of the Act, and furthers the objectives of section 6(b)(5) in particular, in being designed to remove impediments to and perfect the mechanism of a free and open market by providing fair and orderly markets for the investment trust securities covered by the rule change. In addition, the Amex states that its proposal will tend to enhance competition by providing additional trading and investment opportunities for investors.

Americus currently has pending with the Commission filings to register under the Securities Act of 1933 units to be issued by thirty series of a unit investment trust registered under the Investment Company Act of 1940. The registration statements were filed in January 1984. The registration statements indicate that each investment trust series would offer to exchange its units on a one-for-one basis for shares of common stock of a single major industrial issuer.[3] Units of each Trust series may be divided by their holder into two components. The PRIME carries the dividend and voting rights in the underlying common stock. The SCORE component carries the right to capital appreciation over a specified price ("termination claim").[4]

After Americus submitted its filings in January 1984, several corporations and individuals wrote to the Commission raising various questions about the Americus Trust concept.[5] A number of commentators viewed the SCORE component as functionally similar to an option and questioned whether SCOREs and options require similar regulatory treatment. Commentators also questioned whether proliferation of the Americus concept would lead to market and investor confusion and disrupt the primary trading market for the issuers' equity securities. Other commentators stated that, by dividing shareownership rights between SCOREs and PRIMEs, the Trust would create conflicting interests among component holders that might adversely impact how corporations are governed. For example, they noted that SCORE holders would favor measures tending to promote capital appreciation while PRIME holders would support proposals to maximize current income distribution.

On June 1, 1984, the Commission issued a release soliciting public comment on a number of issues relating to the Americus filings, including those raised by issuer and congressional commentators.[6] The release presented the Commission's view that amendments to New York Stock Exchange ("NYSE") listing criteria were necessary to accommodate the novel functional properties of Americus securities, and requested comment on appropriate self-regulatory organization listing standards.[7] The Commission also sent a letter to the NYSE requesting that the Exchange develop listing standards for Americus securities and recommending guidelines that NYSE might follow in establishing such criteria.[8] Further, the Commission decided to defer consideration at that time on whether to declare the thirty Americus registration statements effective. The release elicited a number of comment letters from issuers, the securities industry, Congress, and the public, raising a number of concerns with respect to the proposed Trust.[9]

On May 2, 1984, the Internal Revenue Service ("IRS") published a Notice of Proposed Rulemaking under section 7805(b) of the Internal Revenue Code of 1954, the effect of which would be to tax Americus as a partnership or association rather than as a trust.[10] Under the IRS proposal, Americus Trust would pay federal income tax on dividends and income paid to the Trust by the issuer on stock held by the Trust, instead of passing income through fully to investors. On April 27, 1984, concurrent with the IRS issuance of the Final Draft of Proposed Rulemaking, the IRS revoked an IRS private letter ruling of September 4, 1980 in which Americus was informed that it would be treated as grantor trust for federal tax purposes.[11]

[3] On November 14, 1984, Americus filed with the Commission Amendment No. 1 to its registration statement filed on Form S-6 for Americus Trust, Exxon Series A, Registration No. 2-88874, the only amended statement received to date from Americus. The statement amends the Exxon filing of January 1984 to reflect the private letter ruling, discussed *infra*, recently issued to Americus by the Internal Revenue Service, as well as to amend the original Exxon statement in a number of other respects. The amended statement does not alter the basic operating terms of the Trust nor the properties of the Trust securities.

[4] The PRIME component also carries the right to receive, upon termination of the Trust, a distribution of stock and cash (for fractional interests) having a value of the lesser of the termination claim or the Net Asset Value Per Unit. SCORE holders would receive, at termination of the trust, a distribution of stock and cash equal to the value of the excess of the Net Asset Value per Unit over the termination claim.

[5] The Commission received comment letters from the following issuers in connection with Americus' proposed formation of thirty Trust series: International Business Machines Corp., Procter & Gamble Company, Xerox Corp., Standard Oil Company (Indiana), Texaco Inc., GTE Corp., and Royal Dutch Petroleum. In addition, Congressman John D. Dingell, Chairman of the House Subcommittee on Oversight and Investigations, has expressed various concerns relating to Americus Trust in a letter to Chairman John S.R. Shad, dated March 15, 1984.

[6] *See* Securities Exchange Act Release No. 21009 (June 1, 1984), 49 FR 23653, June 7, 1984, also published as Commission Release No. 33-6537 and IC 13979 (File No. S7-32-84) ("Americus Release").

[7] Prior to Americus' January 1984 filing of thirty Trust series with the Commission, the NYSE, in October 1983, had listed the units, PRIMEs and SCOREs of an Americus Trust for AT&T common shares. The Trust for AT&T was filed with the Commission and declared effective October 25, 1983. The NYSE had indicated to the Commission that it planned to list the 30 additional Trust series as they became effective. The AT&T PRIMEs and SCOREs were listed under existing NYSE listing standards for preferred stock and warrants. While the Commission staff did not object to the Exchange's listing the Americus AT&T Trust securities in the absence of new listing standards, the staff indicated to the NYSE that amendments to the Exchange's listing standards, filed with the Commission under section 19(b)(2) of the Act, might be required before the NYSE could list additional Trust series. *See* Americus Release, note 26.

[8] *See* letter from George A. Fitzsimmons, Secretary, SEC, to John J. Phelan, Jr., Chairman, NYSE, dated June 1, 1984.

[9] The Commission received comment letters from a number of issuers that had commented previously on the Americus Trust concept, including IBM, Texaco, Inc., Procter & Gamble Company, Xerox Corp., Royal Dutch Petroleum, Standard Oil (Indiana), and GTE Corp. Additional commentators included Ford Motor Company, E.I. Du Pont de Nemours & Company, W.R. Grace & Co., American Society of Corporate Secretaries, Union Carbide Corp., The DOW Chemical Company, Financial Executives Institute, the National Association of Investors Corp., 3M Corp., Richard H. Troy, and Dennis McConnell of the University of Maine. In addition, a letter dated July 11, 1984 was received from Congrssman Dingell to SEC Chairman Shad reiterating his belief that significant public policy questions are raised by the Americus offerings. Americus also responded to the release and attempted to answer some of the concerns raised by industrial issuers. In addition, a comment letter was received from the CBOE which recommended requiring (1) similar margin treatment for SCOREs and options; (2) that the option disclosure requirements for options under SEC Rule 9b-1 be applied to SCOREs; (3) investor suitability criteria for SCOREs as well as options and (4) adequate SRO surveillance and recordkeeping rules for SCOREs. *See* letter from Anne Taylor, Associate General Counsel and Secretary, CBOE, to Shirley E. Hollis, Acting Secretary, SEC, dated September 10, 1984.

[10] Proposed Amendment to Treasury Regulation § 301.7701-4(c), 49 FR 18741, May 2, 1984.

[11] In a letter responding to the IRS Notice, Americus stated its opposition to the proposal and argued that, should the proposal be adopted, the Trust series already filed with the Commission

Continued

As a result of the uncertain federal tax status of Americus Trust and of concerns raised by several NYSE issuers, the NYSE sent a letter to the Commission dated July 11, 1984 informing the Commission that it had established a moratorium on listing additional Americus Trust series.[12] In addition, the NYSE indicated that it had commenced a review of the issues related to Americus and had enlisted the help of the Listed Company Advisory Committee to the NYSE Board of Directors.

Pending further action by the NYSE on Americus, the Commission wrote to Joseph Debe, President of Americus, informing him of the letter to the Commission from the NYSE and requesting that he inform the Commission of whether he intended to continue to pursue registration of Americus Trust series in light of the NYSE moratorium.[13] In that letter, the Commission also requested that Americus work with the NYSE in developing such standards.

On November 14, 1984, Americus submitted to the Commission Amendment No. 1 to its registration statement ("Amended Exxon Statement") which stated that, once the registration statement was declared effective, application would be made to trade the Americus securities on the Amex. The Amended Exxon Statement stated further that on November 5, 1984, the IRS had issued a supplemental ruling to Americus permitting Americus to rely on the ruling of September 4, 1980 and exempting the Trust from application of the proposed Treasury Regulation. The Amex then submitted to the Commission on November 26, 1984 the proposed rule change including listing standards for investment trusts meeting the description of the thirty Americus Trust series for which the IRS had granted "grandfather" status under its proposed rulemaking.

Consistent with the Commission's request to the NYSE, the Amex has developed listing standards specifically designed to accommodate the listing of Americus units, PRIMEs and SCOREs. According to the Amex, the proposed standards were intended to address concerns that the Commission expressed regarding listing standards for Americus trading instruments in its June 1, 1984 letter to the NYSE.

The Amex proposal would require that a trust have a minimum issuance of at least one million shares and a term to expiration of at least three years. This is consistent with the Commission's previous recommendation to the NYSE.

Comment is requested on whether the proposed Amex criteria governing size, distribution and continuity of the trust are appropriate for Americus securities.[14] Specifically, comment is requested on whether the proposed distribution standards assure that an active market in PRIMEs and SCOREs can be sustained, and whether the proposed continuity requirement is appropriate for Americus Trust securities. In addition, commentators are encouraged to address whether the Amex proposed 5% ceiling for shares of an issuer that may be tendered into a trust or trusts would or would not significantly affect the trading market for any of the 30 NYSE-traded subject securities.[15]

Commentators have suggested that SCOREs are, like options, leveraged investment vehicles, that they carry the same risks and advantages as options, and therefore should be regulated similarly.[16] In particular, commentators were concerned that the historical restriction against permitting options to trade side-by-side on the same exchange floor at the same specialist post were not proposed by the NYSE to be applied to Americus Trust SCOREs. Such concerns would appear to be reduced by having Americus Trust securities trade on Amex, rather than NYSE, because the targeted issues are listed on the NYSE. As a more general matter, the Amex has stated that subsection (d) of the proposed rule is intended to minimize such concerns by prohibitions more than 10% of securities held by the Trust being Amex-listed.[17]

Commentators have stated that the creation of multiple trusts having different termination claims could create investor confusion and invite comparisons to standardized options trading. In this regard, the Commission notes that the establishment of more than one trust on a single issue would be permissibile under the Amex proposal, but that listed trusts would be limited to one termination date and one termination claim price.

Commentators also noted that disclosures with respect to SCOREs differed from disclosures currently provided regarding exchange trade options in two respects. First, under Rule 9b–1 under the Act, investors received detailed disclosure booklets with respect to exchange-traded options describing their risks, uses, the mechanics of trading and other matters. While there is some disccussion of the risks and uses of SCOREs in the Americus registration statement, it is not as complete as the exchange disclosure booklets. Second, exchange rules require that all investors receive the relevant options disclosure booklets at the time their accounts are approved for options trading. By contrast, the dissemination of the Americus prospectus will be made in the same manner as any other primary offering, and following the initial distribution period new purchases of SCOREs will not receive any prospectus disclosure. The Commission requests that commentators address whether there is a need for comparable regulatory treatment for SCOREs and options with respect to disclosure and the other matters noted above, and, if so, whether the Amex proposal adequately addresses the regulatory concerns raised by SCOREs.

According to the Amex, proposed subsection (g) governing reporting requirements would require a trust to pay the mailing costs for distribution of issuer communications only if reimbursed by the issuer.[18] The

should be granted "grandfather" status under the rule. Americus stated that the Trust had been developed in reliance on a ruling received from the IRS on September 4, 1980. Letter to Commissioner of Internal Revenue, IRS, from Ciro A. Gamboni, Cahill, Gordon & Reindel (counsel to Americus), dated June 26, 1984.

[12] *See* letter from John J. Phelan, Chairman, NYSE, to George A. Fitzsimmons, Secretary, SEC, dated July 11, 1984.

[13] *See* letter from Shirley E. Hollis, Acting Secretary, SEC, to A. Joseph Debe, President, Americus, dated October 17, 1984.

[14] In addition to the specific issues raised in this release relating to the Amex's proposed rule change, commentators are invited to address additional issues raised by the Commission in its June 1, 1984 Americus Release.

[15] According to the Amex, the 5% requirement would apply even if there is more than one trust established on a underlying security by the same issuer. The Amended Exxon Statement provides that the "assets of the Trust will consist solely of less than 5% of all outstanding shares of the issuer."

[16] In its Americus Release, the Commission stated that SCOREs would appear to resemble warrants more closely than options. SCOREs, like warrants, are long terms (3 to 10 years) investment vehicles with one exercise price whereas stock options are shorter term investments with a maximum duration of 9 months and are issued at a variety of exercise prices. In addition, warrants, like SCOREs, generally equal only a modest percentage of the public float of the underlying stock whereas there is no limitation on the number of stock options outstanding.

[17] According to the Amex, subsection (d) is intended to accommodate single trusts which may be established on multiple issuers, one or more of which companies may be Amex-listed, while nevertheless minimizing the potential for side-by-side trading. This ceiling is similar to the limitation on Amex-traded securities that can be included in indices of 50 or less securities that underlie Amex-traded index options contracts.

[18] One commentator previously suggested that, should the Trust undertake to pay for the transmittal of shareholder communications to the beneficial owners of units and PRIMEs, the Trust corpus could be significantly reduced.

Commission notes that Americus' Amended Exxon Statement provides that Americus would have discretion not to forward issuer communications to unit or PRIME holders if the issuer did not agree to reimburse the Trust. The Commission invites comment on whether the provisions of proposed subsection (g) would require adequate disclosure to the beneficial holders of units and PRIMEs. Comments might also address whether disclosure should be extended as to SCORE holder.[19]

Publication of the submission is expected to be made in the **Federal Register** during the week of December 17, 1984. In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–Amex–84–35.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW. Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

[19] In its letter to the NYSER, the Commission suggested that the exchange might limit issuers of Americus-type securities to no more than one termination claim level for each expiration date and not permit issuers to have units outstanding that expire more than once annually.

Exhibit A

American Stock Exchange, Inc.

Proposed Rule

The Exchange proposes to amend the American Stock Exchange Company Guide by adding the following new Sections.

Section 118 Investment trusts—A unit investment trust or similar entity (the "Trust"), which permits investors to separate their securities holdings into district trading components representing discrete interests in the income and capital appreciation potential of the securities deposited in the Trust, is eligible for listing on the Exchange subject to the following:

(a) *Size*—The issuer(s) of the security (or securities) held by the Trust must have total assets in excess of $100 million and a net worth in excess of $10 million.

(b) *Distribution*—Minimum distribution of 1 million units held by 800 round lot holders.

Note.—(i) Compliance with this guideline will be based on the public distribution of the Trust's units, regardless of whether the units have been (or will be) divided into separate trading components.

(ii) The Exchange will not list an investment Trust which when combined with other similarly structured investment Trusts listed and traded on the Exchange holds in excess of 5% of the outstanding equity securities of any particular issuer.

(c) *Continuity of the Trust*—The stated term of the Trust may not be less then three years, and units issued by the Trust may not be subject to either mandatory or optional redemption at the election of the trustee or trustees, for any reason, prior to the end of such stated term.

Note.—A listed Trust may have only one termination date and the individual trading components of the Trust units may have only one termination claim.

(d) *Listing Status of Security Held by Trust*—The Exchange will not list an investment Trust whenever 10% or more of the securities held by the Trust are already listed and trading on the Exchange.

(e) *Trustee*—The requirements of paragraphs (a), (c) and (d) of Section 811 of the Guide apply.

(f) *Voting*—Any right to vote which is conferred by the security (or securities) held by the Trust must be "passed-through" to beneficial holders of the units.

Note.—Since the Trust's units are divisible into separate trading components, the certificate for each component must clearly designate whether it allows the beneficial holder to vote the security deposited in the Trust.

(g) *Shareholder Communications*—The Trust shall forward to unit and component holders who possess "passed-through" voting rights all shareholder communications received from the issuer of the securities held by the Trust, to the extent the Trust receives reimbursement of reasonable expenses by the issuer.

Within 90 days of the end of each calendar year, the Trust will be obligated to send to all unit holders (or holders of each separate trading component thereof) an annual audited financial statement which shows the total value of all Trust assets, the total number of Trust units as of the end of the reporting period and total income, expenses and cash dividends distributed.

(h) *Listing Agreement*— In addition to the above, an investment Trust applying for listing under this section of the Guide shall sign a listing agreement with the Exchange which, among other things, requires compliance with the following Exchange Rules and Regulations regarding:

(i) Additional Listing—(see Part 3 of the Guide);

(ii) Dividends, Stock Splits and Distributions (see § 501–507 and 509 of the Guide);

(iii) Transfer Facilities, Certificates—(see § 801–841 of the Guide);

(iv) Notification—comply with existing notification requirements of the Exchange.

Listing Fees

Section 145. Fees for Investment Trusts (or other similar entities.) The original, additional, and annual fees of a Trust with units divisible into separate trading components will be based on the total number of units being listed without regard to the separate trading components which will also be listed and traded on the Exchange.

(a) *Original Listing*—See § 140 of the Guide.

(b) *Additional Fees*— See § 142 of the Guide.

(c) *Annual Fees*— See § 141 of the Guide.

Suspension and Delisting Policies

Section 1005—*Investment Trusts*—the suspension and delisting policies set

forth in §§ 1001–1003 of the Guide shall also apply to unit investment trusts.

With respect to the Exchange's financial guidelines for continued listing, the Trust's eligibility will be based on the ability of the issuer(s) of the security (or securities) held by the Trust, to maintain total assets of at least $25 million and a net worth of at least $4 million.

The Exchange's distribution guidelines for continued listing eligibility of Trusts with units divisible into separate trading components, will be based on the number of publicly traded units outstanding, regardless of whether the units have been divided into separate trading components.

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Self Regulatory Organization; Chicago Board Options Exchange, Inc., et al.; Order Approving Proposed Rule Change

In the Matter of the Chicago Board Opptions Exchange, Incorporated, LaSalle at Van Buren, Chicago, IL 60605 and American Stock Exchange, Inc., 86 Trinity Place, New York, NY 10006; SR–CBOE–84–25; SR–Amex–84–38; Release No. 21580; Order approving proposed rule change and notice of filing and other granting accelerated approval of proposed rule change.

December 18, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b–4 thereunder, the Chicago Board Options Exchange, Incorporated ("CBOE") and the American Stock Exchange, Inc. ("Amex") submitted on August 13, 1984 and December 11, 1984, respectively, copies of proposed rule changes as described herein. The Commission is publishing this notice to solicit comments on Amex's proposed rule change from interested persons.

The CBOE's proposed rule change would allow opening rotations for index options to be held at or as soon as practicable after 9:00 a.m., Chicago time. The Amex's proposed rule change[1] would permit opening rotations for options on its Major Market Index ("XMI") to begin at or as soon as practicable after 10:00 a.m., New York time. Under existing CBOE and Amex rules, opening rotations for index options can only be held after 50% of the aggregate market value of all the securities underlying the index have opened on the principal exchanges where they are traded. Amex also has proposed to codify its long standing policy that opening rotations in the Amex Market Value Index option ("XAM") shall not commence until at least 50% of the aggregate market value of its component securities have opened for trading on Amex [Amex is the principal exchange for the securities underlying the XAM). In its rule filing, Amex states that opening rotations for the XAM have been conducted in accordance with this policy from the inception of options trading of the index. Accordingly, this portion of Amex's proposed rule change would not change the current procedures for commencing opening rotations for options on the XAM.

Notice of CBOE's proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 21452, November 2, 1984) and by publication in the **Federal Register** (49 FR 44841, November 9, 1984).

Interested persons are invited to submit written data, views and arguments concerning the Amex submission within 21 days from the date of publication in the **Federal Register.** Person desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–Amex–84–38.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of Amex.

The Commission received two comments on the CBOE proposal. One of these comments was submitted by the CBOE in support of its proposed rule change.[2] The other commentator also supported the proposal.[3]

The Raymond James letter indicated that under the existing rule the public is penalized and cannot take advantage of early movements in the market. This commentator also noted that futures trading in the XMI opens fifteen minutes prior to the opening of the primary market for the underlying securities while index options must open later under existing rules and believes that this is inequitable and unfair to customers.

In its comments, the CBOE stated that the proposed 9:00 a.m. opening for index options is critical because of the effect of delay on the ability to move quickly through opening rotations and smoothly into open trading.[4] First, CBOE noted that commencing opening rotations at 9:00 a.m. would mean open trading commences sooner.[5] CBOE believes that this would be particularly beneficial because the order build-up that occurs from 8:55—the time when orders booked for the opening rotation must be submitted to the order book official ("OBO")—until the conclusion of the opening rotation, will be decreased.[6] Second, CBOE states that the proposed rule change would provide a degree of certainty to the public as to trading conditions and believes that delaying the opening until 50% of the underlying value of the index option has opened can only serve to confuse public customers and increase complaints as to late or no executions. Finally, and

[1] Pending Commission action on the proposed rule change, CBOE requested, informally, permission to hold opening rotations for index options, before 50% of the aggregate value of all the securities underlying the index have opened on the principal exchanges where they are traded, whenever a floor offical determines that an early opening of an index option is warranted by market conditions involving extraordinary volume in the underlying securities. The staff of the Commission granted CBOE's request.

[2] *See* letter, dated October 10, 1984 from Frederick M. Krieger, Assistant General Counsel, to Richard Chase, Associate Director, Division of Market Regulation.

[3] *See* letter, dated October 30, 1984 from John W. Platt, V.P. Options, Raymond James and Associates, Inc. to John S.R. Shad, Chairman, Securities and Exchange Commission ("Raymond James letter").

[4] In its comment letter, CBOE noted that although the rule change would apply to all index option contracts traded on the exchange, the rule change was motivated by the volume of trading in the S&P 100 index option ("OEX").

[5] To support this conclusion, CBOE submitted data concerning the time 50% of the OEX opened on the New York Stock Exchange, Inc. ("NYSE") along with the length of time it took to complete the opening rotation.

[6] In particular, CBOE notes that under the current rules, the delay in commencing opening rotations until 50% of the underlying securities have opened permits greater order build-up making it more difficult to move into open trading and increasing the likelihood that orders will be lost and ignored. In addition, CBOE believes that delay impairs public confidence because a greater gap exists between the time a public customer submits an order to his broker and the time the order is actually executed.

perhaps most importantly, CBOE addressed questions raised with respect to whether the rule change will result in deficient markets due to inadequate pricing information. CBOE examined the factors which it believes establishes an opening price for each OEX series and concluded that the fair pricing of the OEX for the opening rotation ". . . does not require taking into account the value of the index after stocks constituting 50 percent of its aggregate value are opened for trading." [7] CBOE cited several critical factors that establish an opening price for each OEX series which included, among other things, supply and demand of orders, the price of the index at the prior night's close and the price of futures contracts, including futures on the XMI which open for trading on the Chicago Board of Trade at 8:45 a.m., Chicago time. CBOE also noted that actual last sales and current market quotation reports in the OEX are key pricing factors after the opening rotation rather than the index value alone. In addition, CBOE indicated that since public customer orders for the opening rotation must be received by the OBO prior to 9:00, the current index value cannot play a role in a pre-opening investment decision.

In its filing, Amex noted that to be executed at the opening of the XMI public customer orders are generally entered prior to the opening of the underlying securities on the New York Stock Exchange, Inc. Accordingly, Amex also concluded that the pricing of the underlying index value could not be the factor governing the entering of index option orders at the opening and thus, it is not necessary to require a specified number of stocks to open before an index option may open.

The Commission is unable to conclude that waiting until a certain percentage of the stocks in the index are opened for trading will result in deficient markets due to inadequate pricing information. In addition, the Commission recognizes that CBOE's proposal to commence trading at 9:00 a.m., Chicago time, and Amex's proposal to commence trading at 10:00 a.m., New York time, can result in less delays in executing customer orders, especially during market conditions involving extraordinary volume in the underlying securities. The Commission finds good cause for approving the portion of Amex's proposed rule change that permits opening rotations for the XMI to commence at 10:00 a.m., New York time, prior to the thirtieth day after the date of publication of the notice of filing thereof in that publication of the notice of filing of the identical portions of CBOE's proposed rule change was given over thirty days ago.

The Commission also notes that Amex's proposal to permit opening rotations in the XAM to commence only after 50 percent of the aggregate market value of its component securities have opened on Amex is simply codifying the existing and accepted procedures applicable to this index option. The Commission finds good cause for approving this portion of Amex's proposed rule change concerning opening rotations for the XAM on an accelerated basis because this proposal merely codifies existing policy and does not result in any substantive changes in commencing opening rotations for this index option.

For the reasons discussed above, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

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BILLING CODE 8010-01-M

[7] CBOE submitted data showing a comparison of OEX value movement from the previous day's close of the index and the index value when securities constituting 50% of the OEX are opened the next morning. CBOE concluded the difference in value was minor.

[Release No. 34-21588; File No. SR-MCC-84-10]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corporation; Relating to Delivery Services for Municipal Bonds

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 1, 1984, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A is the text of the proposed new rule "Municipal Securities Settlement Services" to be added to MCC Article V, "Other Settlement Services."

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change will expedite the physical settlement of municipal securities transactions compared in MCC's Municipal Bond Comparison System (MBCS), previously approved by the Commission (*See* SR-MCC-84-4). MCC presently offers several receipt and delivery services for settling securities transactions. The proposed rule change addresses settlement services available for Participants who select MCC as their clearing agent for municipal securities transactions.

Since MCC will peform certain distinct services for MBCS Participants who select it as clearing agent, such as verifying deliveries and re-delivering them per Participants' instructions, a new rule clarifying MCC's and its Participants' respective duties and liabilities it proposed.

In accord with the rule change, a Participant may instruct MCC to act as its clearing agent for MBCS transactions by so indicating on the Participants' MBCS registration form. As clearing agent, MCC may perform any of its usual securities settlement services for the Participant comparing and settling municipal securities through MBCS. The services include: (1) Envelope Settlement Service (ESS)—a Participant may group physical securities destined for a receiving Participant into a single envelope which will be delivered against payments; (2) Special Securities

Movements (SSM)—MCC will verify good delivery of physical securities and deliver them against payment; (3) Correspondent Delivery and Collection Service (CDCS)— a Participant may instruct MCC to deliver securities to a non-Participant against payment; and (4) Correspondent Receipt and Payment Service (CRPS)— a Participant may instruct MCC to receive securities delivered from a non-Participant and make payment for them.

As clearing agent for municipal securities transactions, MCC may be asked by a Participant to perform several functions, such as verifying good delivery, redelivering the securities, or collecting payment. The proposed rule change delineates MCC's role in providing settlement services on behalf of MBCS Participants.

The rule requires Participants to deliver municipal securities through an envelope, as presently required for securities delivered by ESS. Unlike ESS, however, a receiving Participant using MCC as its clearing agent for municipal securities transactions may instruct MCC to verify the contents of an ESS envelope delivered through MCC. The receiving Participant may also request MCC to redeliver the contents of the envelope per its instructions. This option will avoid inefficiencies in securities settlements: a Participant may order an ESS envelope redelivered while it is at MCC, rather than wait for delivery at the Participant's office and later redelivery to another party. MCC will charge the Participant for each settlement service used (*e.g.*, an ESS charge, plus a CDCS charge if the envelope is redelivered to a non-Participant).

In providing this service for physical delivery of municipal bonds, MCC is assuming an added obligation on behalf of those Participants who designate MCC as their clearing agent. Consequently, MCC is limiting its responsibility to a best efforts basis for the performance of this service.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules thereunder in that it provides for the prompt and accurate settlement of securities transactions. The proposed changes will allow MCC Participants to more efficiently settle municipal securities transactions. This will assist the establishment of a national system for securities clearance and settlement.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 17, 1985.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 19, 1984.

John Wheeler,

Secretary.

[FR Doc. 84-33629 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21582; File No. SR-NYSE-84-40]

Self-Regulatory Organization; Proposed Rule Change by New York Stock Exchange, Inc.; Relating to the Extension of the Experiment Testing the Operation of the Registered Representative Rapid Response Service ("R4" or the "Service") to November 7, 1985

Pursuant to section 19(b)(1) of the Security Exchange Act of 1934, 15 U.S.C. 78s(b)(1) notice is hereby given that on October 31, 1984, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would extend the effectiveness of R4 from November 7, 1984 to November 7, 1985.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

(1) Purpose

The purpose of the proposed rule change is to extend the operation of R4 to November 7, 1985, in order that the Exchange may add additional stocks to the R4 program, up to a program maximum of 200, increase order size eligibility to a maximum of 599 shares, and add additional member organizations as participants to the program, as authorized by the Commission in Release No. 34-20350, so that the Exchange may thereby consider

the impact of R4 trading under conditions reflecting greater R4 market activity.

The R4 program was begun on pilot-basis in September 1982 with two member organizations participating. In its initial phase, the R4 program included 30 stocks, the majority of which were the Dow Jones Industrial stocks. Eligible order size was a maximum of 299 shares. The basic R4 procedures are described in detail in SR-NYSE-82-14 and Amendment No. 1 thereof.

In March 1983, the Exchange requested that the R4 program be extended for an additional year, and that the program be expanded to (i) include additional member organizations; (ii) add eligible stocks, in stages, up to approximately 200 stocks; and (iii) increase the size of eligible orders up to 599 shares. The Exchange's 1983 request for an extension and expansion of the R4 program is described in detail in SR-NYSE-83-8 and Amendment No. 1 thereof.

In the Commission's view, the Exchange's proposed expansion of the R4 program raised "important questions" as to market quality and structure, and thus the Commission instituted a review proceeding to consider whether or not to approve the Exchange's request. After evaluating the comments it received, the Commission determined, on November 4, 1983, to approve the extension and expansion of the R4 program. The R4 program is currently scheduled to expire on November 7, 1984.

To date, the Exchange has not fully expanded the R4 program to the extent authorized by the Commission in November 1983. In June 1984, the R4 program was expanded to 68 stocks, but maximum order size is still 299 shares. R4 trading, as measured by both number of executions and share volume, more than doubled in the June-August 1984 period, but still remains very low as compared to overall trading volume on the Exchange. This low overall volume continues to make it difficult for the Exchange to evaluate comprehensively the impact of R4 trading on the quality of the NYSE market. The Exchange notes, however, that the two member organizations participating in the R4 program have indicated that the program meets their customers' needs, and both plan to increase their use of R4. In addition, other member organizations have expressed interest in using R4.

The Exchange believes that an extension of the R4 program for one year to allow the program to be expanded as previously authorized by the Commission should provide the basis, as contemplated by both the Commission and the Exchange, for a more comprehensive determination as to the effect of R4 trading market quality and structure. Accordingly, the Exchange requests that the Commission approve the extension of the R4 program (as authorized to be expanded in Release No. 34-20350) to November 7, 1985.

(2) Statutory Basis

The extension of the R4 experiment and its expansion as proposed herein have the same statutory basis as stated in SR-NYSE-82-14. Specifically, the R4 experiment consistent with Sections 11A(a)(1) and 17A(a)(1) of the Securities Exchange Act of 1934 (the "Act") which encourage the use of new data processing and communications techniques and more efficient market operations. It also advances the prompt and accurate clearance and statement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The R4 experiment provides an opportunity for the Exchange to compete more effectively for small order flow with other exchanges which utilize automatic execution systems. Thus, the Exchange does not believe the R4 experiment imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 17, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 18, 1984.

John Wheeler,

Secretary.

[FR Doc. 84-33628 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organization; Midwest Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

In the Matter of Applications of the Midwest Stock Exchange for Unlisted Trading Privileges in Certain Securities, Securities Exchange Act of 1934.

December 21, 1984.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

River Oaks Industries, Inc. Common Stock, $.01 Par Value, File No. 7-8195

Strategic Mortgage Investments, Inc. Common Stock, $.01 Par Value, File No. 7-8196

Federal Realty Investment Trust Common Shares of Beneficial Interest, No Par Value, File No. 7-8197

Summit Energy, Inc. Common Stock, $.50 Par Value, File No. 7-8198

Lynch Communication Systems, Inc. Common Stock, $1.00 Par Value, File No. 7-8199

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 15, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 84-33633 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14284; 812-5931]

Merrill Lynch/Great Western Mortgage Securities, Inc.; Filing of an Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From All Provisions of the Act

December 19, 1984.

Notice is hereby given that Merrill Lynch/Great Western Mortgage Securities Inc. ("Applicant") One Liberty Plaza, 165 Broadway, 35th Floor, New York, New York 10080, filed an application on September 6, 1984, and an amendment thereto on November 14, 1984, for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act for the complete text of the provisions referred to herein and in the application.

According to the application, Applicant was incorporated for the limited purpose of acquiring, owning, holding and pledging mortgages and/or mortgage-backed securities ("Mortgage Collateral"), including GNMA Certificates (described below), issuing and selling series of bonds ("Bonds") secured by GNMA Certificates ("GNMA Secured Bonds"), and by GNMA Certificates and/or other Mortgage Collateral ("Other Bonds"), and engaging in activities incidental thereto. Applicant will not engage in any unrelated business or investment activity. Each series of GNMA Secured Bonds will be separately secured by collateral consisting of mortgage pass-through certificates fully guaranteed as to principal and interest by the Government National Mortgage Association ("GNMA Certificates") which may or may not represent the entire beneficial interest in the related mortgage pools. Applicant states that the Mortgage Collateral securing the Other Bonds it proposes to issue will consist of mortgages and/or mortgage-backed securities which represent "interests in real estate" within the meaning of section 3(c)(5)(C) of the Act (whole-pool collateral) in such aggregate principal amount as required to otherwise except Applicant from the definition of an investment company by reason of the provisions of that section.

Applicant represents that until a series of GNMA Secured Bonds are paid, it will not be permitted to sell, trade or otherwise dispose of the GNMA Certificates pledged as collateral for that series. Each series of Bonds, including GNMA Secured Bonds, will be issued pursuant to an indenture between Applicant and an independent trustee (the "Trustee") as supplemented by a supplemental indenture for each such series (the "Indenture"). It is presently contemplated that each series of Bonds will be registered under the Securities Act of 1933, unless an appropriate exemption from registration is available. Applicant states that the GNMA Certificates collateralizing each series of GNMA Secured Bonds will be pledged, assigned to and held by the Trustee and the Trustee will have a first lien perfected security interest in all such GNMA Certificates. Pursuant to the Indenture, the proceeds of the GNMA Certificates held by the Trustee pending distribution to bondholders may only be invested in United States obligations and cash equivalents meeting requirements of rating agencies rating the GNMA Secured Bonds of such series. Each such series of GNMA Secured Bonds will be structured so that the cash flow from the GNMA Certificates and other collateral will be sufficient to provide for full and timely payment of principal and interest when due to bondholders and so that it will receive the highest rating from one or more nationally recognized rating agencies. A series of Bonds may provide for mandatory redemptions to the extent that principal payments on the Mortgage Collateral cannot be invested at a rate which will provide sufficient income to pay interest on the Bonds. The terms of each offering may provide for redemptions at the option of bondholders to the extent that payments received on the Mortgage Collateral are available for such redemptions. Under no circumstances will bondholders be entitled to compel the liquidation of the Mortgage Collateral in order to redeem Bonds prior to maturity.

Applicant submits that (1) its activities are not the types of activities intended to be regulated by the Act; (2) the safeguards afforded to purchasers of the GNMA Secured Bonds fully protect investors in a manner comparable to those protections provided to purchasers of the GNMA-collateralized bonds issued in reliance upon no-action letters under section 3(c)(5)(C) of the Act or exemptions granted under section 6(c) of the Act; and (3) its activities will promote the public interest by expanding the market for mortgage securities, thereby increasing the capacity of mortgage lenders to meet the housing finance needs of the nation. Applicant represents that to the extent practicable, it will attempt to purchase newly-issued GNMA Certificates as collateral for each series of GNMA Secured Bonds. However, Applicant believes it must retain the flexibility to purchase GNMA Certificates in the secondary market to the extent that such instruments are required to collateralize series of GNMA Secured Bonds. Applicant states that it expects that the GNMA Certificates securing its GNMA Secured Bonds will be backed by mortagages sold by entities such as mortgage bankers and thrift institutions that have traditionally devoted, and are expected to continue to devote, a substantial portion of their assets to mortgage origination. In the case of thrift institutions, this commitment is reinforced by existing federal tax laws, which require thrifts to have not less than 82% (or 72%, depending on the type of thrift) of their assets invested in qualified real estate assets or government securities in order to take full advantage of certain beneficial tax deductions. As a result, Applicant, expects, based on past practice, that most of the proceeds from the sale of its GNMA Secured Bonds will be directly or indirectly reinvested in housing or housing-related assets. Applicant believes that this should be the case regardless of whether such GNMA Certificates are acquired directly from a mortgage originator or indirectly through a market intermediary, because, in the latter case, the resulting increase in demand in the secondary market should

have a corresponding effect on demand for GNMA Certificates in the primary market. Applicant submits that no public policy is served by restricting its access to the GNMA trading markets and that the relief requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, within the meaning of section 6(c) therof.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 14, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact of law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 84-33581 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-13310]

Valley Cable TV, a Limited Partnership; Application and Opportunity for Hearing

December 18, 1984.

Notice is hereby given that Valley Cable TV, a Limited Partnership (the "Applicant") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of The First National Bank of Atlanta (the "Bank") under:

(i) an Indenture, dated as of December 1, 1983, between the Applicant and the Bank, as Trustee (the "Existing Debenture Indenture") under which 14¼% Subordinated Debenture due July 1, 1996 (the "Existing Debentures") were issued by the Applicant, and

(ii) a proposed Indenture, to be entered into between the Applicant and the Bank, as Trustee (the "New Debenture Indenture"), under which 15¼% Subordinated Debentures due July 1, 1996 (the "New Debentures") are to be issued by the Applicant, and which is to be qualified under the Act pursuant to an Application of Form T-3,

is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the Existing Debenture Indenture of the New Debenture Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety (90) days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities or certificates of interest or participat;ion in any other securities of the same issuer, are outstanding.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act, seeks to exclude the Existing Debenture Indenture and the New Debenture Indenture from the operation of section 310(b)(1) of the Act.

The effect of the proviso contained in clause ii) of section 310(b)(1) of the Act on the matter of the present application is that the Existing Debenture Indenture and the New Debenture Indenture may be excluded from the operation of section 310(b)(1) of the Act if the Applicant shall have sustained the burden of proving by its application to the Commission and after opportunity for hearing thereon that the trusteeship of the Bank under the Existing Debenture Indenture and the New Debenture Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under both of these indentures.

The Applicant alleges that:

(1) The applicant proposes to issue $390.90 in cash and $390.90 principal amount of New Debentures for each $1,000 principal amount of Existing Debenture tendered for exchange, as more fully described in the offering circular (the "Offering Circular") filed as Exhibit T3E(1) to its Application on Form T-3 to qualify the New Debenture Indenture under the Act. In connection with the exchange offer, certain provisions of the Existing Debenture Indenture are propoed to be amended, as more fully described in the Offering Circular.

(2) The terms of the New Debenture Indenture will be sustantially identical to those of the Existing Debenture Indenture, as proposed to be amended, except for interest rates and optional redemption provisions and recourse against property and assets (if any) of the Applicant's general partner. Both indentures will contain matching default and remedies provisions.

(3) The Existing Debentures and the New Debentures will rank *pari passu* and will each be secured by a junior lien on substantially all of the assets of the Applicant.

(4) The rights of each of the two classes of debenture holders in collateral securing the debentures will be coextensive and will be divided in such a way as to avoid any possible conflict in their application. The Existing Debenture Indenture (as proposed to be amended), the New Debenture Indenture, and the security agreements relating to them, will each contain provisions expressly defining the relative rights in the collateral of the holders of each class of the Applicant's debentures. The indentures will provide that, as between the two classes of debenture holders, the collateral will be divided in proportion to the aggregate principal amounts of debenture outstanding for each class. (Once either class has realized amounts sufficient to satisfy its claims in full, any remaining collateral is to be applied toward the claims of the other class.) These provisions will eliminate any possible "overlap" in the claims of the two classes of debenture holders, thereby guaranteeing that no conflict can exist, as between the two classes, in claims against the collateral securing the debentures. These allocation provisions will create the functional equivalent of mutually exclusive security interests for each class of debentures and will leave the trustee with no discretion in the application of collateral or proceeds to the claims asserted for each class of debentures.

(5) Since the two indentures are nearly identical and since only a small number (if any) of the Existing Debentures are expected to remain outstanding after consummation of the exchange offer, considerations of economy argue strongly in favor of appointing a single trustee for both indentures.

(6) The Applicant is not in default under, and there exists no event which with notice or lapse or time or both would constitute a default under, the Existing Debenture Indenture, either in its present form or as proposed to be amended.

The Applicant has waived notice of hearing, any right to a hearing on the issues raised by the application, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at the Public Reference Room, 450 Fifth Street, NW. Room 1024, Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after January 15, 1985, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than January 14, 1985 at 5:30 P.M., in writing, submit to the Commission, his or her views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such comments or requests should be addressed to: Secretary, Securities and Exchange Commission, 450 Fifth Street, Room 6184, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John P. Wheeler III,

Secretary.

[FR Doc. 84-33582 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21587; File X10. SR-MSRB-84-15]

Self-Regulatory Organization; Order Approving a Proposed Rule Change by the Municipal Securities Rulemaking Board

December 19, 1984.

The Municipal Securities Rulemaking Board ("MSRB") on October 1, 1984, submitted a proposed rule change to the Commission pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1). Notice of the proposal was published in Securities Exchange Act Release No. 21438 (October 31, 1984), 49 FR 44347 (November 6, 1984). One letter of comment was received.[1]

The proposed rule change would amend MSRB Rule G-12(h), which prescribes procedures for municipal securities dealers seeking to close-out incomplete transactions. The current rule provides that a selling dealer, who has received an initial close-out notice and who has not retransmitted that notice to another party from whom securities are due, may extend for ten business days the period after which the purchasing dealer may effect the close-out under Rule G-12(h)(i)(D) if the securities demanded are already in transfer (the "in-transfer extension"). The Rule currently provides that this remedy is available to the selling dealer only if the initial notice of close-out is given before January 1, 1985. The proposal would change this "sunset" date to January 1, 1986.

In December 1982, the MSRB adopted the current Rule as a result of the registration requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA").[2] The MSRB adopted the Rule because transfer agent performance for registered municipal issues during the initial implementation of TEFRA might be relatively inefficient. Consequently, trade settlement might be delayed. The MSRB believed that transfer agent performance would improve as transfer agents gained more experience with transferring record ownership of municipal securities. Accordingly, the MSRB adopted the in-transfer extension until January 1, 1985. The MSRB recently surveyed municipal securities transfer practices and discovered that, although many of the larger, more sophisticated transfer agents have adapted successfully to the TEFRA requirements, some smaller exclusive municipal securities transfer agents have not yet achieved timely and efficient processing of transfer requests. Accordingly, the MSRB believes that it would be appropriate to continue the in-transfer extension until January 1, 1986.

The MSRB believes that the proposed rule change is consistent with the requirements of section 15B(2)(c) of the Act in that it will promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in municipal securities transactions, and remove impediments to and perfect the mechanism of the municipal securities market. The MSRB also believes that the proposal is consistent with section 17A of the Act in that the proposal will facilitate the clearance and settlement of municipal securities transactions by providing for the equitable and efficient use of the close-out procedures for an appropriate period of time to complete transfer processes.

For the following reasons, the Commission believes that the proposal is consistent with sections 15B and 17A of the Act and the rules and regulations thereunder and, therefore, should be approved. The Commission agrees with the MSRB that some transfer agents, typically smaller exclusive agents, continue to experience problems in adjusting to the TEFRA requirements.[3] Those transfer agents have not yet achieved the desired levels of efficiency in processing transfer requests, and, as a result, delays in municipal trade settlement continue to occur. Thus, the Commission believes that it is appropriate to delay the "sunset" date for the in-transfer extension for one more year.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary

[FR Doc. 84-33577 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

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[1] Letter dated November 26, 1984, from John W. Mockoviak, Senior Vice President of Maryland National Bank, supporting the proposed rule change.

[2] TEFRA amended section 103 of the Internal Revenue Code to provide that most municipal securities issued after June 30, 1983, would have to be issued solely in registered form for interest paid on those securities to be exempt from federal income taxes.

[3] Transfer agents that perform transfer agent functions only for municipal securities issues are not required to be registered under section 17A(c) of the Act. Thus, they are not subject to the Commission's minimum transfer turnaround standard in Rule 17Ad-2 (17 CFR 240 17Ad-2). Nevertheless, in May 1983, the Commission, MSRB and the Municipal Finance Officers Association issued a joint statement recommending that these transfer agents follow several standard practices, including compliance with the Rule 17Ad-2 standard. 3 MSRB Reports at 3. The Commission intends to continue to monitor municipal securities transfer performance and encourages the municipal securities industry and its regulators to continue efforts to bring about timely and efficient processing of municipal securities transfer requests.

[Release No. 21565; SR-NASO-84-27]

Self-Regulatory Organization; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

December 19, 1984.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, NW., Washington, D.C. 20006, submitted on November 5, 1984, a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder to modify the present filing requirements of the Interpretation of the Board of Governors—Review of Corporate Financing by eliminating the exemption for straight debt rated "B" or better. Instead, the proposal exempts from filing requirements all debt and equity offerings of securities offered by a corporate, foreign government, or foreign government agency issuer which has senior non-convertible debt or preferred securities rated by a nationally recognized statistical rating organization in one of its four highest generic rating categories.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 21480, November 14, 1984) and by publication in the **Federal Register** (49 FR 45994, November 21, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

John Wheeler,

Secretary.

[FR Doc. 84–33578 Filed 12–26–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21569; File No. SR-NASD-84-29]

Self-Regulatory Organization; Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc.

December 17, 1984.

AGENCY: Pursuant to section 19(b)(1) of the Securities Exchange Act of 1984 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 5, 1984, the National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, NW., Washington, D.C. 20006, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the amendment to the proposed rule change from interested persons.

The NSAD is proposing to amend Schedule C under Article III of its By-Laws by adding a new section, section 11, that will authorize the NASD to impose and collect compensatory charges to cover the cost of data and NASD publications provided, upon request, to members of the public. The NASD states that charging fees for materials such as membership kits, NASD Manuals, and research services performed in connection with the NASD's operation of the Central Registration Depository, will place the cost on the party requesting the information.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–NASD–84–29.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the NASD.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

John Wheeler,

Secretary.

[FR Doc. 84–33579 Filed 12–26–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21578; SR-PSE-84-18]

Self-Regulatory Organization; Pacific Stock Exchange, Inc.; Proposed Rule Change

December 18, 1984.

The Pacific Stock Exchange, Inc. ("PSE") 618 South Spring Street, Los Angeles, CA 90014, submitted on October 3, 1984, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act" and Rule 19b–4 thereunder, to amend certain provisions of its pilot program for the appointment and evaluation of specialists and the creation of new specialist posts ("pilot program") in connection with its proposed specialist post expansion program. The proposed amendments would modify existing rules and procedures on a temporary basis and only with respect to the application for the approval of nine additional specialist posts which the PSE intends to add during the first quarter of 1985. The PSE's Special Committee on Specialists ("the Specialist Committee") and the Board of Governors ("the Board") will reexamine the provisions of the pilot program before the second phase of the post expansion program, which is scheduled to begin no earlier than July 1985.[1]

[1] The PSE has indicated in its filing that applications from all interested parties, including non-PSE members, would be considered and that all applications received on or before November 12, 1984 would be considered by the Exchange. PSE members were initially notified by the PSE of the proposed procedures for specialist post expansion in a PSE Notice to Members, dated August 20, 1984; notice to the public was provided by issuance of a Commission release on October 24, 1984 (Securities Exchange Act Release No. 21248), and by publication in the **Federal Register** on November 6, 1984 (49 FR 44343). The PSE has indicated to the Commission staff that applications received after November 12, 1984 would be accepted from non-PSE members to the extent feasible. The PSE plans to increase the amount of space available on each of

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Under the PSE's current pilot program, when a new specialist is approved by the Exchange, the specialist may select fifteen stocks from a list of stocks submitted by each existing specialist on the equity trading floor on which the new specialist post is to be located. Each existing specialist is permitted to exclude from the list all local issues, and all dually-traded issues in which the specialist has negotiated a specific order flow arrangement, and a percentage of the post's remaining dually-traded issues equal to the average percentage rating received by the specialist under the pilot program during the four most recent quarterly evaluations (not to exceed 90%).[2] Specialists falling into the highest and lowest 10% of all specialists on each trading floor are permitted to exclude 90% and 10% respectively.

As a result of indications of renewed interest in specialist post expansion, the Board appointed the Specialist Committee to make recommendations concerning the PSE's ability to absorb new specialist posts in new and expanded trading facilities on each of its equity trading floors. Specifically, after notice and comment from membership, the Board determined that the existing pilot program should be modified in a number of respects to accommodate the post expansion program. The Board proposed to permit specialists rated below 75 to freeze 11 dually traded issues. Those specialists rated 75 or above, but below 80, would be permitted to freeze 12 dually traded issues; specialists rated 80 or above, but below 85, could freeze 13; those rated 85 or above but below 90, 14; and 90 or above, 15. Although all specialists would still be permitted to freeze local issues, special order flow arrangements would no longer be considered as a basis on which to exclude dually traded issues from the selection process. Where both dually traded common stocks and preferred stocks and/or warrants of the same issuer are traded at one post, a selection of the common stock would include a selection of any preferred stock or warrant of the same issuer traded at the same specialist post.

Each expansion post will be permitted to select up to fifteen common stocks in the expansion process, but no more than one stock may be selected by each expansion post from any existing specialist post. These expansion posts would be exempt from the selection process in subsequent expansions for a period of one year from commencement of operation of the post. The PSE is also amending on a permanent basis an existing policy which provided that each specialist post must trade a minimum of 20 stocks. Instead, the minimum number of stocks to be traded on any specialist post will be reduced to 10 and will apply both to expansion and existing posts.

In determining to amend the pilot, the Specialist Committee considered (1) whether a substantial post expansion program would have an adverse impact on existing specialist posts, and (2) the effect which existing provisions might have on prospective specialist applicants. For example, depending upon the number of dually traded stocks which each specialist could freeze, some of the stocks the specialist might lose could be among his more active and desirable stocks. The Committee was aware that the proposed expansion could potentially have a detrimental effect on certain existing specialist posts unless an acceptable minimum number of stocks could be frozen by each specialist, regardless of his individual performance rating.[3] The existing provisions were viewed by the Committee as operating to the advantage of the larger specialist posts, regardless of the individual specialist's evaluation scores.[4]

On the other hand, the Committee recognized that if current pilot procedures were strictly adhered to, other specialists with higher ratings would be permitted to exclude substantial numbers of dually traded stocks, thereby severely restricting the number of desirable stocks from which prospective applicants might choose and potentially undermining the specialist expansion effort itself. On the basis of these concerns, the Specialist Committee concluded that, because a large post expansion program was not considered at the time the pilot program was developed in 1981, current pilot procedures could result in various inequities to both applicants and existing specialists, unless modified on a temporary basis.

The PSE's Board received eight written comments from PSE specialist members and member firms, which were generally unfavorable to the PSE's initial proposal and suggested alternative ways of structuring the expansion procedures.[5] As the expansion program was originally proposed in a Notice to Members dated August 20, 1984, the Committee recommended that each specialist be permitted to freeze eleven dually traded stocks, regardless of his specialist evaluation scores. A number of commentators objected to the proposed expansion procedures, stating that any system of freezing stocks unrelated to the performance of the specialist is unfair to the individual member and not in the best interest of the Exchange, insofar as a central purpose of the specialist rating system is to enable a specialist with good performance to protect more of his stocks from reallocation to new posts as a reward for superior performance. Several commentators questioned the wisdom of implementing a measurement system to protect and strengthen good specialist performance only to abandon it during the largest reallocation of stocks in the history of the Exchange. Several of the commentators questioned the need for any post expansion and expressed concern that an increased number of specialist posts would dilute economic incentives for existing specialists.

In addition, some comentators questioned whether the PSE had adequately taken into consideration the disparity in the number of stocks traded at different posts in formulating its recommendations to the Board. Some members believed that an approach permitting an absolute number of stocks to be frozen, as opposed to a percentage

its equity trading floors over the next twelve to eighteen months. The PSE will make five of the additional posts in San Francisco available to begin operation in early January 1985 and four additional posts will be constructed on the floor in Los Angeles, to begin operation at the same time. The Specialist Committee has recommended that an additional five posts in San Francisco be made available no earlier than July 1, 1985 and that the six additional posts in Los Angeles be activated as additional space becomes available. The exact date upon which the second phase of the post expansion program will begin will depend upon the Exchange's experience with the first phase of expansion and the availability of adequate physical space in each city.

[2] Under the pilot program, PSE specialists are rated on three separate measures of performance on a quarterly basis: (1) The specialist evaluation questionaire; (3) National Market System Quote Performance; and (3) SCOREX performance. The Commission approved the adoption of the pilot program (SR–PSE–81–5) on May 27, 1981 (Securities Exchange Act Release No. 17818, May 27, 1981; 46 FR 30016, June 4, 1981). The program was subsequently extended several times by the Commission. The Commission most recently approved an extension of the pilot program until December 31, 1984 in SR–PSE–84–10 (Securities Exchange Act Release No. 21076, June 21, 1984; 49 FR 26331, June 27, 1984).

[3] The Committee determined that a specialist falling within the lower 10% on each equity trading floor could lose a substantial number of his most active stocks, thereby adversely affecting his profitability.

[4] For example, under the current procedures for specialist expansion, a specialist with 50 stocks and an average score of 80% could freeze 40 issues, while a specialist with 20 stocks and the same average score could freeze 16 issues. A specialist in the bottom 10% of specialists on his trading could freeze 5 stocks from a 50 stock post, but only 2 stocks from a 20 stock post.

[5] In order to solicit comments on its proposal and to give members an opportunity to discuss the proposal in an open forum, the Committee held general membership meetings in San Francisco and Los Angeles. Although some Exchange members expressed their comments at the general membership meetings, the Exchange did not receive any written comments from these members. The PSE has noted in its filing that it believes the written comments received from members accurately reflect all points of view offered and discussed at the general membership meetings.

of all stocks, has a discriminatory impact on a few large specialist posts. For example, one commentator suggested the impact on larger specialists would have been minimal if the post was able to protect the greater of a certain number of stocks or a certain percentage of stocks, both adjusted to reflect the specialist's performance ratings.

After reviewing member comments as well as recommendations of the PSE's Joint Allocation Committee, the Committee recommended, and the Board agreed, that Exchange specialists should be protected from losing a disproportionate number of desirable stocks, thereby assuring their continued economic viability, but also should be rewarded for achieving higher performance ratings.[6] Therefore, the PSE proposed to modify its original proposal to allow a specialist to exclude from the selection process a certain number of stocks based in part on his overall performance ratings, with each specialist permitted to freeze at least eleven dually traded issues. In this regard, the Specialist Committee recommended that an additional four stocks be added to the minimum number of stocks that could be frozen by those specialists who had received an overall rating of 90% or above, while those with overall ratings above 75% but below 90% would be able to freeze from one to three additional stocks over the 11 stock minimum based upon their ratings. The PSE concluded that this sliding scale approach would minimize the impact on the larger specialist posts.

Several commentators voiced strong disagreement with the exclusion from the selection process of all dually traded issues in which the specialist has negotiated a specific order flow arrangement. They argued that, in the past, the Exchange has encouraged specialists to develop order flow by negotiating with broker/dealers with substantial public business, and noted that specialists had expended the effort to get special order flow based on their belief that these stocks would be frozen under the specialist expansion. The commentators believed that reallocation of these stocks may cause substantial revenue loss to the individual specialist and the Exchange.

In considering this criticism, the Specialist Committee emphasized the difficulty in assessing whether true order flow arrangements exist and that several variables must be taken into consideration to determine whether a specialist should be entitled to claim the right to exclude such stocks from the selection process, including the particular stock, its trading history, the frequency of receiving orders as well as general marketplace conditions. Accordingly, the PSE concluded that specialists should not be permitted to exclude such stocks from the selection process. [7]

Other questions were raised by commentators regarding the minimum and maximum number or stocks to be traded at each post, including a possible substantial increase of inexperienced specialists resulting from the creation of a large number of new specialist posts, and the need to reexamine specialist capital requirements. The PSE has noted in its filing that some experience with the expansion process is necessary to allow the Exchange the time to assess these questions and to incorporate any changes in policy and/or procedures which are deemed necessary based upon the Exchange's experience during the first phase. However, the PSE noted that it believes the majority of its members agree on the minimum number of stocks which should be traded at each specialist post and, accordingly, does not believe that setting a maximum number of stocks is necessary at this time. With regard to capital requirements, the Exchange has noted that it believes its capital requirements are as stringent as those of the other regional exchanges. In addition, with reference to the establishment of a maximum number of stocks which may be taken away from an existing specialist unit, the Exchange had noted that, under the amended procedures, no one specialist could lose more than five stocks during the first phase of the expansion, nor more than ten stocks if all twenty new specialist posts are created.

The PSE believes that expansion of the number of specialist posts is in the best interests of the Exchange, its members, and member firms. The Exchange has stated that, as finally adopted, the proposal represents a balancing of competing concerns, that of insuring the economic growth and viability of the Exchange, while attempting to preserve the interests of existing Exchange specialists and their backers. In its filing, the Exchange has noted that allocation of new listings, including stocks listed pursuant to unlisted trading privileges, will mitigate the potential loss of stocks by some specialists. The Exchange has stated that it will be monitoring the impact of these procedures on existing specialists and will be responsive to any potential inequities.[8]

The Commission believes that, for purposes of application of the PSE's specialist evaluation and reallocation pilot, it is appropriate for the PSE to distinguishe the first phase of its proposed major expansion from other routine applications for new specialist posts. The Commission views the proposed amendments as representing a reasonable response to those specialist members, particularly those rated in the bottom 10% of all specialists, who may experience disproportionate economic impact from the proposed post expansion, while, at the same time, allowing higher rated specialists to protect more stocks from reallocation to new posts.

Nevertheless, throughout the development of the Exchange's pilot program, the Commission has emphasized the importance of the development of criteria that would meaningfully test the performance of each specialist, and has stressed that the allocation process should, in part, be based on such performance related criteria. The Commission emphasizes that the PSE's procedures for evaluating specialist performance and reallocating securities must continue to provide incentives for improving specialist

[6] The Board received revised recommendations from the Specialist Committee and separate recommendations from the Joint Allocation Committee. After reviewing all of the suggestions, the Board determined to adopt the recommendation of the Specialist Committee concerning the number of stocks to be frozen.

[7] The PSE noted in its filing that the conclusion was based on "the high degree of subjectivity involved in any determination concerning order flow, coupled with the recognition that specialists would tend to freeze stocks for which they thought an order flow arrangement existed."

[8] In the PSE's September 28, 1984 Notice to Members, the Board requested all applicants for new specialist posts to complete a supplemental form in addition to the Exchange's existing application form in order to assist the Board in determine which applicants should be awarded specialist posts. Pursuant to discussions with the Commission staff, the PSEagreed to revise this supplemental application. PSE argued to delete (or, if a firm had already completed an application, to disregard responses to) Question 6 ("So you plan to apply for a specialist post(s) on other stock exchange(s)?") and Question 11 ("Would your firm, if allocated a post, send order flow to the Pacific Stock Exchange in stocks in which you are not the specialist?"). In addition, PSE agreed to advise all applicants that an affirmative response to Question 10 of the supplemental application ("Would your firm, if allocated a post, send order flow to the specialist post?") is not a prerequisite to receiving approval of an application and that the Board would consider all information provided by the applicant in reaching its decision. The Commission would view with concern any determination by an exchange to base its decision to grant applications for new specialist posts on a firm's indication that it would agree not to apply for a specialist post on other exchanges, or on an assurance that the applicant's firm would forward order flow to the exchange if the application is granted. Such considerations are potentially anti-competitive.

performance, including the consideration of specialist performance in allocating new listings and in the reallocation of stocks to new specialists posts. The Commission notes that the PSE has indicated that it will re-examine the temporary modifications to its pilot program proposed here in connection with its further post expansion scheduled for no earlier than July 1985. The Commission will monitor the PSE's experience with its proposed post expansion program in view of the concerns expressed above.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and the regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulations pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 84-33580 Filed 12-26-84; 8:45 am]

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[Release No. 34-21564; File No. SR-MSTC-84-9]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Co. Relating to MSTC's Right to Reverse Credits

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 13, 1984, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Article III, Rule 1, Section 3 of the Rules and the Midwest Securities Trust Company is hereby amended as follows:

Additions italicized.

ARTICLE III—DEPOSITORY SERVICES

Rule 1—Payment.

Right to Reverse Credits

Sec. 3. If the failure to receive certificates representing a stock dividend is the result of a default or insolvency of the issuer or paying agent or in the event an issuer or paying agent defaults on a cash dividend, interest payment or other distribution, and Participants' accounts have been credited to reflect such certificates or payment, the Corporation reserves the right to reverse such credits *for Registered Securities* if done within 10 business days from payable date *and for Bearer Securities if done within 45 calendar days from payable date.* If such reversal results in creating a negative balance in a Participant's account, the Participant shall immediately eliminate such negative balance by delivering to the Corporation a sufficient quantity of Securities of the same class. If the Participant fails to deliver such Securities, the Corporation may cause such Securities to be bought in for the account of such Participant.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries set forth in Sections (A), (B) and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose on, and Statutory Basis for, the Proposed Rule Change

Article III, Rule 1, Section 3 was originally conceived and implemented with registered securities in mind. As MSTC's bearer system continues to grow, it has become evident that the collection and payment procedures for that segment of the industry are significantly slower and less dependable than the registered environment. Coupon clipping, packaging, shipping and presentation are normally performed by MSTC's custodians well in advance of payable date. Paying agents are faced with the task of validating, cancelling and making payment on these coupons. Payment procedures at paying agents vary as does their quality, timeliness and responsiveness.

MSTC has established procedures to research and attempt to substantiate reasons for late payments. However, due to delays at the paying agent, issuers and custodians in physically handling coupons, MSTC may not be aware of a serious problem until after the 10 business day period currently in the rule has lapsed. For this reason, MSTC proposes to exclude interest payments and other distributions for bearer securities from the 10 business day provision. MSTC's right of reversal for such credits for bearer securities will be extended to 45 calendar days.

The proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934 in that it is designed to promote accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that the proposed rule change will impose any burdens on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to

the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 17, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 13, 1984.

John Wheeler,

Secretary.

[FR Doc. 84-33583 Filed 12-26-84; 8:45 am]

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[Release No. 34-21567; File No. SR-NASD-84-32]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Rules and Fees Applicable to Small Order Execution System for Transactions in Over-The-Counter Securities

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 11, 1984, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

The proposed rule change consists of a request for approval of the Rules of Practice and Procedures for the Small Order Execution System (SOES) and attendant fee for a period of sixty (60) days to permit all necessary regulatory and operational requirements to become effective upon commencement of SOES, now scheduled for December 14, 1984, and to permit the Commission additional time within which to consider the Association's proposals contained in File No. SR-NASD-84-28 and any comments received in connection therewith.

The following is the full text of the proposed rules, procedures and fees which were adopted pursuant to the provisions of Article IV, Section 2(e) of the Association's By-Laws applicable to the operation of SOES by NASD Market Services, Inc.

Rules of Practice and Procedures for the Small Order Execution System

a) Definitions.

1. The term "Small Order Execution System" or "SOES" shall mean the automated system owned and operated by NASD Market Services Inc. which enables SOES Participants to execute transactions of limited size in active SOES authorized securities; to have reports of the transactions automatically forwarded to the National Market Trade Reporting System, if required, for dissemination to the public and the industry, and to "lock in" these trades by sending both sides to the applicable clearing corporation(s) designated by the SOES Participant(s) for clearance and settlement; and to provide SOES Participants with sufficient monitoring and updating capability to participate in an automated execution environment.

2. The term "SOES Participant" shall mean either a SOES Market Maker or SOES Order Entry Firm registered as such with the Association for participation in SOES.

3. The term "SOES eligible securities" shall mean all NASDAQ and NASDAO/NMS securities; however, during the initial implementation of SOES, the number of SOES eligible securities available for actual inclusion in the System will be added in phases, starting with certain of the NASDAQ/NMS securities, consistent with System operational considerations.

4. The term "active SOES securities" shall mean those SOES eligible securities in which at least one SOES Market Maker is currently active in SOES.

5. The term "SOES Market Maker" shall mean a member of the Association that is registered as a NASDAQ Market Maker and as a Market Maker for purposes of participation in SOES with respect to one or more SOES eligible securities, and is currently active in SOES and obligated to execute orders for the purchase or sale of an active SOES security at the NASDAQ inside bid and/or ask price.

6. The term "SOES Order Entry Firm" shall mean a member of the Association who is registered as an Order Entry Firm for purposes of participation in SOES which permits the firm to enter orders of limited size for execution against SOES Market Makers.

7. The term "limited size" as it pertains to the maximum size of individual orders which may be entered into or executed through SOES shall mean the amount established from time to time for application to the System, which shall initially be 500 shares or less of an active SOES security.

8. The term "agency order" shall mean public customer orders which are executed by the SOES Order Entry Firm on an agency basis. It shall also include, for purposes of these rules, an order entered into SOES on a principal basis by a SOES Order Entry Firm that is not a Market Maker in the SOES security, in SOES or otherwise, where the SOES Order Entry Firm has contemporaneously received an order from a customer and executes the transaction on a riskless principal basis.

(b) SOES participant registration.

(1) Participation in SOES as a SOES Market Maker requires current registration as such with the Association. Such registration shall be conditioned upon the SOES Market Maker's initial and continuing compliance with the following requirements:

A. Execution of a SOES Participant application agreement with the Association;

B. Membership in, or access arrangement with, a clearing agency registered with the Securities and Exchange Commission which maintains facilities through which SOES compared trades may be settled;

C. Registration as a Market Maker in the NASDAQ System pursuant to Schedule D and compliance with all applicable rules and operating procedures of the Association and the Securities and Exchange Commission;

D. Maintenance of the physical security of the equipment located on the premises of the SOES Market Maker to prevent the unauthorized entry of information into SOES; and,

E. Acceptance and settlement of each SOES trade that SOES identifies as having been effected by such SOES Market Maker, or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified SOES trade by the clearing member on the regularly scheduled settlement date.

(2) Participation in SOES as a SOES Order Entry Firm requires current registration as such with the Association. Such registration shall be conditioned upon the SOES Order Entry Firm's initial and continuing compliance with the following requirements:

A. Execution of a SOES Participant application agreement with the Association;

B. Membership in, or access arrangement with, a clearing agency registered with the Securities and Exchange Commission which maintains facilities through which SOES compared trades may be settled;

C. Compliance with all applicable rules and operating procedures of the Association and the Securities and Exchange Commission;

D. Maintenance of the physical security of the equipment located on the premises of the SOES Order Entry Firm to prevent the unauthorized entry of information into SOES; and,

E. Acceptance and settlement of each SOES trade that SOES identifies as having been effected by such SOES Order Entry Firm or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified SOES trade by the clearing member on the regularly scheduled settlement date.

3) The registration required hereunder will apply solely to the qualification of a SOES Participant to participate in SOES. Such registration shall not be conditioned upon registration in any particular eligible or active SOES securities.

4) Each SOES Participant shall be under a continuing obligation to inform the Association of noncompliance with any of the registration requirements set forth above.

c) Participation obligation in SOES.

1) Upon the effectiveness of registration as a SOES Market Maker or SOES Order Entry Firm, the SOES Participant may commence activity within SOES for exposure to orders or entry of orders, as applicable. The operating hours of SOES are currently 10:00 A.M. to 4:00 P.M. Eastern Time, but may be modified as appropriate by the Association. A SOES Market Maker may withdraw from and reenter SOES at any time, and without limitations, during the operating hours of SOES. The extent of participation in the System by a SOES Order Entry Firm shall be determined solely by the firm in the exercise of its ability to enter orders into the Systems.

A. SOES Market Makers

A SOES Market Maker shall commence participation in SOES by initially contacting the SOES Operation Center to obtain authorization for the trading of a particular SOES security and identifying those terminals on which the SOES information is to be displayed and thereafter by an appropriate keyboard entry which obligates him to execute transactions of limited size, as herein defined, so long as the SOES Market Maker remains active in SOES. All entries in SOES shall be made in accordance with the requirements set forth in the SOES User Guide. The SOES Market Maker may terminate his obligation by keyboard withdrawal from SOES at any time. However, the SOES Market Maker has the specific obligation to monitor his status in SOES to assure that a withdrawal has in fact occurred. Any transaction occurring prior to the effectiveness of the withdrawal shall remain the responsibility of the SOES Market Maker.

In the event that a malfunction in the SOES Market Maker's equipment occurs, rendering on-line communications with SOES inoperable, the SOES Market Maker is obligated to immediately contact the SOES Operations Center by telephone to request withdrawal from SOES . SOES operational personnel will in turn enter the withdrawal notification into SOES from a supervisory terminal. Such manual interevention, however, will take a certain period of time for completion and the SOES Market Maker will continue to be obligated for any transaction executed prior to the effectiveness of his withdrawal.

B. SOES Order Entry Firms

Only agency orders of limited size, as defined herein, received from public customers my be entered by a SOES Order Entry Firm into SOES for execution against SOES Market Maker. Agency orders in excess of the limited size may not be divided into smaller parts for purposes of meeting the size requirements for orders entered into SOES. SOES will accept both market and limit orders for execution; however, limit orders not immediately executed due to price will be returned to the SOES Order Entry Firm. Orders my be preferenced to a specific SOES Market Maker or may be unpreferenced, thereby resulting in execution in rotation against all SOES Market Makers; however, a SOES Market Maker in a particular SOES security that is also registered as a SOES Order Entry Firm is prohibited from entering an order in that security preferenced to himself. Orders may be entered in SOES by SOES Order Entry Firm through either its NASDAQ terminal or computer interface, and will receive an immediate execution report on the terminal screen and printer, if requested, or through the computer interface, as applicable. All entries in SOES shall be made in accordance with the procedures and requirements set forth in the SOES User Guide.

(d) Obligation to honor system trades.

If a SOES Participant, or clearing member acting on his behalf, is reported by SOES to clearing at the close of any trading day, or shown by the activity reports generated by SOES as constituting a side of a System trade, such SOES Participant, or clearing member acting on his behalf, shall honor such trade on the scheduled settlement data.

(e) Compliance with rules and registration requirements.

Failure by a SOES Participant to comply with any of the rules or registration requirements applicable to SOES identified herein shall subject such SOES Participant to censure, fine, suspension or revocation of its registration as a SOES Market Maker and/or Order Entry Firm or any other fitting penalty under the Rules of Fair Practice of the Association.

Fees Applicable to SOES

A fee of $.005 per share shall be assessable to SOES Market Makers for all transactions executed through SOES.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The proposed rules and fee which are the subject of this filing constitute the obligations assumed by SOES Participants upon qualification for and participation in the system as either SOES Market Makers or SOES Order Entry Firms or both.

The rules provide a series of definitional sections, requirements for registration of SOES Participants in the capacity of either SOES Market Makers or SOES Order Entry Firms, participation obligations for SOES Market Makers and SOES Order Entry Firms, obligations with respect to the honoring of system trades, criteria for the disqualification of the SOES

Participants from the system, and the applicability of disciplinary procedures.

The first section of the rules contains definitional sections which are self-explanatory.

The second section of the rules deals with registration requirements. In order to participate in SOES as a SOES Market Maker, the Maket Maker must make application to the Association to become registered as a SOES Participant. Such registration is conditioned upon the SOES Market Maker's current membership in or access arrangement with a clearing agency registered with the Securities and Exchange Commission which maintains facilities through which SOES compared trades may be settled; current registration as a Market Maker in the NASDAQ system pursuant to Schedule D of the Association's By-Laws and compliance with all applicable rules and operating procedures of the Association or the Securities and Exchange Commission, maintenance of the physical security of the equipment located at the premises of the SOES Market Maker to prevent the unauthorized entry of information into SOES, and acceptance and settlement of each SOES trade that SOES identifies as having been effected by such SOES Market Maker, or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified SOES trade by the clearing member on the regularly scheduled settlement date. These same registration requirements apply to the SOES Order Entry Firm except for the requirement dealing with registration as a Market Maker in the NASDAQ system pursuant to Schedule D. It should be noted that the SOES registration requirement applies to the individual SOES Participant without reference to any particular SOES eligible security. Such registration requirement is simpler than that embodied in Schedule D of the Association's By-Law which provides for registration of individual Market Makers on a security-by-security basis. Finally, SOES Participants are obligated as a condition of continuing registration to inform the Association of any non-compliance with any of the requirements set forth above.

The third section of the rules provide for commencement of participation in SOES by either a SOES Market Maker or SOES Order Entry Firm upon the effectiveness of the firm's registration. Such participation is permitted during the hours of 10:00 A.M. to 4:00 P.M. Eastern Time, but may be modified as appropriate by the Association in the future. The rules specify that the SOES Market Maker is free to enter or withdraw from SOES at any time without limitation. The SOES Order Entry Firm is free to participate in the system at any time through the voluntary entry of an individual limited size agency order into the system.

The SOES Market Maker may commence participation in SOES by contacting the SOES Operations Center to obtain authorization for the trading of a particular SOES security and identifying the terminals on which the SOES information is to be displayed. Subsequent to initial inclusion, the SOES Market Maker may enter and withdraw from SOES with respect to the securities so authorized by appropriate keyboard entries into his terminals. All such keyboard entries are governed by the requirements set forth in the SOES User Guide. The SOES Market Maker is obliged under the rules to carefully monitor his status in SOES to assure that a withdrawal entered through the keyboard has in fact terminated his active status in SOES. So long as the SOES Market Maker remains active in the system, any transactions occurring shall remain the responsibility of the SOES Market Maker. In the event of technical malfunction in any SOES related equipment, the SOES Market Maker is obligated to verbally communicate with the SOES Operations Center to effect the change from his active status.

With respect to the entry of orders, the rules make clear that only agency orders of limited size which are received from public customers may be entered by the SOES Order Entity Firm into SOES for execution against a SOES Market Maker. Orders may not be divided into smaller parts for purposes of meeting the size requirements for orders entered into SOES. Market orders and limit orders will be accepted by SOES for execution, but limit orders not immediately executed due to price will be returned to the SOES Order Entry Firm. The SOES Order Entry Firm may either preference an order or submit an order into the system which is unpreferred, thereby resulting in execution in rotation against all SOES Market Makers. However, a SOES Order Entry Firm is prohibited from entering an order in a security in which he is also an active SOES Market Maker where it is preferenced to himself. Orders may be entered in SOES either through a NASDAQ terminal or a computer-to-computer interface in accordance with the procedures and requirements set forth in the SOES User Guide.

The fourth section of the rules provide that, if a SOES Participant, or clearing member acting on his behalf, is reported by SOES to a clearing corporation at the end of any trading day, or shown by the activity reports generated by SOES, as constituting a side of a system trade, the SOES Participant, or clearing member acting on his behalf, shall honor the trade on the scheduled settlement date.

The fifth section of the rules provides that any failure by the SOES Participant to comply with any of the rules or registration requirements applicable to SOES identified in these rules shall subject such SOES Participants to censure, fine, suspension or revocation of its registration as a SOES Market Maker and/or Order Entry Firm or any other fitting penalty under the Rules of Fair Practice of the Association.

Finally, the rule filing provides for the application of a fee of $.005 per share assessable to SOES Market Makers for all transactions executed through the system. This fee was determined on the basis of an anticipated revenue requirement for SOES to write-off development costs and cover operating costs of approximately $1 million per year and the allocation of that requirement over a reasonable target level for SOES volume estimated to reach an average of 4,500 trades per day with an average size of 200 shares, providing SOES share volume of approximately 900,000 shares per day or 225 million shares per year. At the rate of $.005 per share, this is expected to produce an annual revenue of approximately $1,125,000. Actual volume could be higher or lower based on usage and/or overall NASDAQ market conditions. However, an annual review of the results will provide a basis for raising or lowering the rates based on experience.

The statutory basis for the proposed rules of practice and procedures for SOES, as well as the fees applicable thereto, is found in section 11A(a)(1) (B) and (C)(i), 15A(b) (5) and (6), and 17A(a)(1) (B) and (C) of the Securities Exchange Act of 1934 ("Act"). Section 11A(a)(1) (B) and (C)(i) sets forth the Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transactions through new data processing and communications techniques. Section 15A(b)(5) requires that the rules of the Association "provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the Association operates or controls." Section 15A(b)(6) "requires

that the rules of the Association be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market . . ." Section 17A(1) (b) and (c) sets forth the Congressional goal of reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The Association believes that the approval of the proposed Rules of Practice and Procedures for SOES, as well as the fees applicable thereto will further these ends by providing an enhanced mechanism for the efficient and economic execution and clearance of transactions in over-the-counter securities.

B. Self Regulatory Organization's Statement on Burden on Competition

Compliance with the SOES Rules of Practice and Procedures are necessary prerequisites to the effective regulation and operation of an automated system for the execution of transactions in over-the-counter securities. SOES is a service to which participants subscribe on a voluntary basis and, as such, the Association believes that it imposes no burden on competition. To the extent that any burden on competition may be found to exist, it is believed that the benefit of the increased efficiency of SOES will outweigh any potential burden upon competition and materially advanced the purposes to be served under the previously referenced sections of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received in connection with the proposed Rules of Practice and Procedures or the fee applicable to SOES.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective immediately pursuant to a request for accelerated effectiveness as provided for under section 19(b)(2) of the Securities Exchange Act 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization located at 1735 K Street, NW, Washington, D.C. 20006. All submissions should refer to the file number in the caption above and should be submitted by January 17, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 14, 1984.

John Wheeler,

Secretary.

[FR Doc. 84-33584 Filed 12-26-84; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; Proposed Revision of System of Records

AGENCY: Selective Service System.

ACTION: Proposed Revision of System of Records.

SUMMARY: The Selective Service System proposes to revise its system of records SSS-8.

Comment date: Comments are due on or before January 28, 1985.

Address for submission of comments: Selective Service System, ATTN: Associate Director, Management Services, Washington, D.C. 20435.

EFFECTIVE DATE: The routine uses of this system will become effective as herein proposed, without further notice, on January 28, 1985, unless the Selective Service System receives comments before that date which would result in substantial change to the system or its uses.

FOR FURTHER INFORMATION CONTACT: David A. Cox, Associate Director, Management Services, Selective Service System, Washington, D.C. 20435. Phone (202) 724-0872.

SUPPLEMENTARY INFORMATION: The system of records, SSS-8, that will be revised appears at 47 14819, April 6, 1982.

Thomas K. Turnage,

Director of Selective Service.

December 21, 1984.

SSS-8

SYSTEM NAME:

Suspected Violator Inventory System (SVIS)—SSS.

The statement of Routine Uses is revised to read:

* * * * *

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

The names of individuals identified as alleged violators of the Military Selective Service Act will be checked against the SSS-10 registrant file. If the individual has registered, the incoming communication will be destroyed and no further action will be taken. If the individual is not listed in the registrant file or cannot be identified therein, the incoming communication will be forwarded to the Department of Justice for investigation and, if applicable, prosecution. When computer matches of Selective Service files result in production of a list of possible non-registrants, that list may be provided to the Department of Defense and the Department of Transportation to eliminate from the list individuals not required to register. *The names, date of birth, Social Security Account Numbers, and home addresses of possible non-registrants who also have been identified as members of the Reserve components of the U.S. military services, including the U.S. Coast Guard, may be provided to the Department of Defense, including the military services, and the U.S. Coast Guard, Department of Transportation, to obtain current address.* The list may also be provided to the Internal Revenue Service to obtain current addresses of suspected non-registrants. After processing, the information pertaining to suspected non-registrants will be forwarded to the Department of Justice for investigation and, if applicable, prosecution. (New material in italics.)

* * * * *

[FR Doc. 33598 Filed 12-26-84; 8:45 am]

BILLING CODE 8015-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Dept. Circ. No. 39-84]

Notes; Series AC-1986

The Secretary announced on December 19, 1984, that the interest rate on the notes designated Series AC-1986, described in Department Circular—Public Debt Series—No. 39-84 dated December 13, 1984, will be 9⅞ percent. Interest on the notes will be payable at the rate of 9⅞ percent per annum.

Carole Jones Dineen,
Fiscal Assistant Secretary.
December 20, 1984.

[FR Doc. 84-33617 Filed 12-26-84; 8:45 am]
BILLING CODE 4810-40-M

Fiscal Service

Renegotiation Board Interest Rate Prompt Payment Interest Rate

The Renegotiation Board previously published the rate of interest determined by the Secretary of the Treasury pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended. Since the Renegotiation Board is no longer in existence, the Department of the Treasury is publishing the current rate of interest. Also, pursuant to section 2(b)(1) of Public Law 97-177, dated May 21, 1982, the Secretary of the Treasury is responsible for computing and publishing the interest rate to be used in cases under the Prompt Payment Act.

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest applicable for the purpose of said sections, for the period beginning January 1, 1985 and ending on June 30, 1985, is 12⅛ per centum per annum.

Dated: December 19, 1984.

Carole Jones Dineen,
Fiscal Assistant Secretary.
[FR Doc. 84-33610 Filed 12-26-84; 8:45 am]
BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 250
Thursday, December 27, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:15 p.m. on Thursday, December 20, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A) Consider a personnel matter;

(B) consider a recommendation with respect to an administrative enforcement action against a certain individual in connection with an insured bank (name of individual and name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)));

(C) (1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Farmers State Bank, Selden, Kansas, which was closed by the Kansas State Bank Commissioner on Thursday, December 20, 1984; (2) accept the bid for the transaction submitted by Selden State Bank, Selden, Kansas, a newly-chartered State nonmember bank; (3) approve the applications of Selden State Bank, Selden, Kansas, for Federal deposit insurance and for consent to purchase certain assets of and assume the liability to pay deposits made in The Farmers State Bank, Selden, Kansas; 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 facilitate the purchase and assumption transaction;

(D) (1) adopt a resolution (a) making funds available for the payment of insured deposits and fully secured or preferred deposits in Uehling State Bank, Uehling, Nebraska, which had been closed by the Director of Banking and Finance for the State of Nebraska on Tuesday, December 18, 1984, (b) accepting the bid of Uehling State Bank, Uehling, Nebraska, newly-chartered State nonmember bank, for the transfer of the insured deposits of the closed bank, and (c) designating Uehling State Bank as the agent for the Corporation for the payment of insured deposits and fully secured or preferred deposits of the closed bank; and (2) approve the applications of Uehling State Bank, Uehling, Nebraska, for Federal deposit insurance and for consent to purchase certain assets of and assume the liability to pay certain deposits in Uehling State Bank (the failed bank); and

(E) consider the application of Washington Mutual Savings Bank, Seattle, Washington, an insured stock savings bank, for consent to merge, under its charter and title, with Lincoln Mutual Savings Bank, Spokane, Washington, and to establish fourteen of the offices of Lincoln Mutual Savings Bank as branches of the resultant bank.

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. David L. Chew, 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)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 21, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-33707 Filed 12-24-84; 8:45 am]

BILLING CODE 6714-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, January 9, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Reconsideration of conditions limiting operational links between nonbank banks and their parent holding companies and affiliates.

2. Any items carried forward from a previously announced meeting.

NOTE: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: December 21, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-33670 Filed 12-21-84; 5:06 pm]

BILLING CODE 6210-01

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Wednesday, January 2, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Study of federal margin regulations (Public Docket No. R-0427).

2. Federal Reserve Bank and branch director appointments.

3. Issues relating to Federal Reserve notes. (This item was originally announced for a closed meeting on December 14, 1984.)

4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

5. Any item carries 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 21, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-33669 Filed 12-21-84; 5:06 pm]

BILLING CODE 6210-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: WEEK OF DECEMBER 24, 31, 1984, JANUARY 7, AND 14, 1985

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 24

Friday, December 28

11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of December 31

Tentative

Thursday, January 3

2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of January 7

Tentative

Tuesday, January 8

10:00 a.m.
Continuation of 12/18 Briefing and Discussion on the Hearing Process (Public Meeting)
2:00 p.m.
Periodic Briefing on NTOLs (Open/Portion may be Closed)

Thursday, January 10

2:00 p.m.
Discussion/Possible Vote on Proposed Amendments to 10 CFR Part 2 (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of January 14

Tentative

Monday, January 14

9:00 a.m.
Discussion of Adjudication Matters Related to Byron-1 (Closed—Ex. 10)
10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Byron-1 (Public Meeting)
2:00 p.m.
Proposed Legislative Package on Regulatory Reform (Public Meeting)

Tuesday, January 15

10:00 a.m.
Discussion of Adjudication Matters Related to Catawba-1 (Closed—Ex. 10)
2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Catawba-1 (Public Meeting)

Wednesday, January 16

10:00 a.m.
Discussion of 1985 Policy and Planning Guidance (Public Meeting)

Thursday, January 17

2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION:

Commission Consideration of Whether Issuance of a Low-Power License Should be a Commission Decision (Closed—Ex. 5 & 7) was held on December 14. Briefing and Discussion on the Hearing Process scheduled for December 14, *postponed.*

Discussion of 1985 Policy and Planning Guidance scheduled for December 18, *Postponed.*

Discussion on Budget (Public Meeting) was held on December 19.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410

George T. Mazuzan,

Office of the Secretary.

December 21, 1984.

[FR Doc. 84-33661 Filed 12-21-84; 4:48 pm]

BILLING CODE 7590-01-M

5

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of December 31, 1984, at 450 Fifth Street, NW., Washington, D.C.

An open meeting will be held on Thursday, January 3, 1985, at 2:30 p.m., in Room 1C30, to consider the following item.

The subject matter of the open meeting scheduled for Thursday, January 3, 1985, at 2:30 p.m., will be.

Consideration of whether to adopt Form N-SAR, a new semi-annual reporting form for registered investment companies, withdrawal of Forms N-1R, N-5R, N-30A-2, N-30A-3 and 2-MD, the annual reporting forms now used by most registered investment companies, and a temporary suspension of the quarterly filing obligations of investment companies. Consideration will also be given to whether to propose for public comment amendments to Forms N-1A and N-2 that would conform the method required to calculate a registrant's portfolio turnover rate in those registration statements to the method required by Form N-SAR. For further information, please contact Elizabeth K. Norsworthy at (202) 272-2048 or Gene A. Gohlke at (202) 272-2024.

AT TIMES CHANGES IN COMMISSION PRIORITIES REQUIRE ALTERATIONS IN THE SCHEDULING OF MEETING ITEMS. FOR FURTHER INFORMATION AND TO ASCERTAIN WHAT, IF ANY, MATTERS HAVE BEEN ADDED, DELETED OR POSTPONED, PLEASE CONTACT: Bruce Kohn at (202) 272-3195.

December 21, 1984.

John Wheeler,

Secretary.

[FR Doc. 84-33716 Filed 12-24-84; 11:46 am]

BILLING CODE 8010-01-M

6

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (49 FR 48409 12/12/84).

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, December 7, 1984.

CHANGE IN THE MEETING: Additional meeting.

The following items were considered at a closed meeting scheduled for Thursday, December 20, 1984, at 10:00 a.m.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Formal order of investigation.

Institution of injunctive action.

Chairman Shad and Commissioners Treadway, Cox and Marinaccio determined that Commission business required the above changes and that no earlier notice thereof was possible.

AT TIMES CHANGES IN COMMISSION PRIORITIES REQUIRE ALTERATIONS IN THE SCHEDULING OF MEETING ITEMS. FOR FURTHER INFORMATION AND TO ASCERTAIN WHAT, IF ANY, MATTERS HAVE BEEN ADDED, DELETED OR POSTPONED, PLEASE CONTACT: Marianne Keler at (202) 272-2648.

December 21, 1984.

John Wheeler,

Secretary.

[FR Doc 84-33717 Filed 12-24-84; 11:46 am]

BILLING CODE 8010-01-M

federal register

Thursday
December 27, 1984

Part II

Environmental Protection Agency

40 CFR Part 271

Oklahoma: Decision on Final Authorization of State Hazardous Waste Management Program; Final Determination

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[HW-6-FRL-2744-8]

Oklahoma: Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination on Oklahoma's application for Final Authorization.

SUMMARY: Oklahoma has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Oklahoma's application and has reached a final determination that Oklahoma's Hazardous Waste Program satisfies all of the requirements necessary for Final Authorization. Thus EPA is granting Final Authorization to the State to operate its program in lieu of the Federal program in Oklahoma.

EFFECTIVE DATE: Final Authorization for Oklahoma for purposes of judicial review shall be effective January 10, 1985.

FOR FURTHER INFORMATION CONTACT: H.J. Parr, State Programs Section (6AW-HP), Hazardous Materials Branch, U.S. Environmental Protection Agency, Region VI, 1201 Elm St., Dallas, Texas 75270, (214) 767-2645.

SUPPLEMENTARY INFORMATION: Section 3006 of RCRA allows the EPA to authorize State hazardous waste management programs to operate in the State in lieu of the Federal program. To qualify for Final Authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other authorized State programs, and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On June 22, 1984, Oklahoma submitted a complete application to obtain Final Authorization to administer a RCRA program. On September 24, 1984, EPA published a tentative decision announcing its intent to grant Oklahoma Final Authorization. Further background on the tentative decision appears at 49 FR 37432, September 24, 1984.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment and the date of a public hearing on the application and EPA's tentative determination. The public hearing was held on October 24, 1984, at 7:00 p.m. in Oklahoma City, Oklahoma.

The State of Oklahoma received Phase I, Interim Authorization on January 14, 1981; Phase II, Components A and B Interim Authorization on December 13, 1982, and Component C of Phase II, Interim Authorization on June 24, 1983. Therefore, there will be no change in the status of permits or permitting authority on the effective date of this final determination.

During the review of the State's program, EPA noted that Oklahoma's Controlled Industrial Waste Disposal Act (CIWDA) § 1-2009 provides "after a controlled industrial waste facility has been closed, its owner or operator shall properly maintain and monitor the controlled industrial waste facility for a period of *not more than thirty (30) years* as determined by the Department at the time of issuance of the permit and shall make such repairs or improvements as deemed necessary by the Department to ensure that no migration of controlled industrial waste material will occur from the controlled industrial waste facility." (Emphasis added).

EPA has found that this provision of the State's statute conflicts with 40 CFR 264.117(a)(2)(ii) of the federal regulations which states: "Prior to the time that the post-closure care period is due to expire, the Regional Administrator may extend the post-closure care period if he finds that the extended period is necessary to protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of waste at levels which may be harmful to human health and the environment)."

Ordinarily such a gap would preclude the authorization of the State. Oklahoma, however, has made the argument, and EPA agrees, that the State's program is equivalent to EPA's with the exception of extending the 30 year post-closure care period and that the authority to require the extension of a post-closure care period would not be needed until the last few years of the 30 year period.

The State of Oklahoma has agreed in the Memorandum of Agreement to seek a change in § 1-2009 of CIWDA which would authorize regulations by which the State could require extension of the post-closure care period beyond the 30 years.

EPA agrees to this approach for two reasons:

(1) There will be a significant amount of time before the State would be required to exercise the authority to extend a post-closure care period; and

(2) The State has agreed to seek this authority from the Oklahoma Legislature within a reasonable amount of time (within 2 years of authorization).

EPA is concerned that this authority be available to the State at the earliest possible time. Therefore, if the State has not obtained the authority to extend the post-closure care period beyond 30 years for cause and implemented this authority through appropriate regulations within two (2) years of the effective date of the State's Final Authorization, EPA will commence proceedings under 40 CFR 271.23(b) to withdraw approval of the State's program. Criteria for withdrawing approval of State programs is found in 40 CFR 271.22.

Oklahoma is not authorized by the Federal government to operate the RCRA program on Indian Lands and this authority will remain with EPA.

Responsiveness Summary

In addition to the **Federal Register** notice of tentative determination cited above, EPA publicized the notice of determination, the availability of the State's application for review and comment, and the public hearing by providing for publication of the notice in enough newspapers of general circulation to ensure State wide coverage and by mailing notices to persons on the State and EPA mailing lists. Approximately one (1) week prior to the hearing EPA mailed a follow-up notice to the major media outlets in the State.

EPA received comments from four (4) persons on the Tentative Decision to grant Final Authorization to Oklahoma.

Comments are summarized and responded to below. The comments are grouped, to the extent possible, according to common areas for ease of response.

This grouping is not meant to indicate any special significance or lack of significance of any comment. All comments have been carefully considered in reaching the decision to grant Final Authorization to the State of Oklahoma.

1. *Comment:* Two commenters support authorization of the Oklahoma program.

Response: EPA appreciates these comments and has certainly taken them into consideration in reaching a decision. The primary standard against which EPA measures the Oklahoma program are those set out in Section 3006(b) of RCRA.

2. *Comment:* One commenter wrote neither supporting nor opposing authorization but with complaints regarding a specific facility. The commenter did state that it appeared that rules and regulations are not

enforced, that there appears to be a problem with the interpretation of the State's rules and regulations, and that several departments have been operating independently in regard to the matter and each is unaware of what the others are doing.

Response: EPA appreciates and solicits comments concerning the administration of a State's program either as relating to an individual facility or as to its effectiveness throughout the State. EPA considers these comments both in reaching the decision to grant authorization and in the continuing process of overviewing the authorized State's implementation of its program. Specific complaints regarding an individual facility are investigated and responses provided directly to the complainant. EPA feels that the authorization process is not the proper forum for responding to complaints regarding individual facilities except as the complaints would reflect on the State's implementation of the authorized program.

Regarding the facility the commenter complains about, EPA has found that, while the State has been taking appropriate action, further action may be warranted. EPA is assessing the findings of a recent investigation of the facility and will assure that any necessary actions are taken after assessment of those findings.

3. *Comment:* One commenter supports authorization of the State's program but points out that the State's requirements for disposal plans create situations where the generator may not be able to ship materials because a transporter or treatment, storage or disposal facility does not have State approval. The commenter requests that the State consider revision of the waste disposal plan. Specific recommendations are made by the commenter.

Response: Section 3009 of RCRA allows States to impose requirements which are more stringent than the federal requirements. The Oklahoma requirements for waste disposal plans have been reviewed by EPA and have been found to be in keeping with both the provisions of Section 3009 of RCRA and the requirements of 40 CFR 271.4 which prohibits any aspect of a State's program which unreasonably restricts, impedes, or operates as a ban on the free movement across the State border of hazardous wastes from or to other States for treatment, storage or disposal at facilities authorized to operate under the federal or an approved State program.

EPA will continuously overview the State's implementation of the waste disposal plan requirements and if the provisions of 40 CFR 271.4 are violated EPA will initiate steps to withdraw the State's authorization.

The commenter's concerns and specific suggestions regarding the waste disposal plans have been forwarded to the State for consideraton and appropriate action.

Decision

After reviewing the public comments, re-evaluating the State's submittal in light of the public comments, and considering the State's performance under Interim Authorization, it is my conclusion that Oklahoma's application for Final Authorization meets all of the regulatory and statutory requirements established by RCRA.

Accordingly, Oklahoma is granted Final Authorization to operate its hazardous waste management program in lieu of the federal program in Oklahoma. This means that Oklahoma now has responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out all other aspects of the RCRA program. Oklahoma also has primary enforcement responsibility, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement action under Sections 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

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

List of Subjects in 40 CFR Part 271

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

Authority: This Final Determination is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 2912(a), 6926, 6974(b) and EPA delegation 8–7.

Dated: December 5, 1984.

Dick Whittington,

Regional Administrator.

[FR Doc. 84–33755 Filed 12–26–84; 9:07 am]

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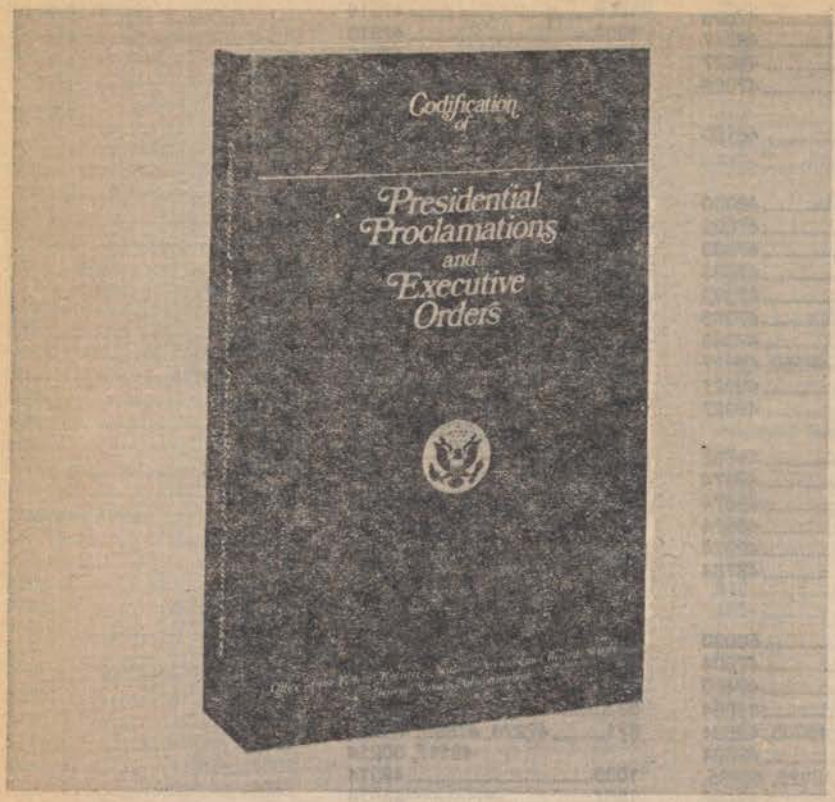
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