

3-21-84
Vol. 49 No. 56
Pages 10531-10650

Federal Register

Wednesday
March 21, 1984

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Administrative Practice and Procedure

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Air Pollution Control

Environmental Protection Agency

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Aviation Safety

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Crop Insurance

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Health Care

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Pesticides and Pests

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Radio Broadcasting

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Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Proclamation 5162 of March 17, 1984

The President

National Energy Education Day, 1984

By the President of the United States of America

A Proclamation

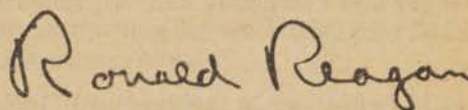
America's vast energy resources are among its greatest assets. Intelligent use of our existing energy supplies together with prudent conservation measures and development of alternative sources of supply will allow this country to maintain its position of world leadership and help ensure a higher standard of living and greater prosperity for all our people.

The shift in Government policy away from artificial controls to an emphasis on free market forces has produced adequate supplies of energy at affordable prices. The impact of this policy shift was clearly demonstrated by deregulation of petroleum prices, which resulted in greater production of energy, more efficient use of energy, and lower energy costs for consumers. We anticipate a similar experience with the move toward a freer market in natural gas.

Fundamental changes in the energy future of the United States and moves toward even greater energy security require that all grade levels of the American educational system prepare our youth for the new demands and challenges that lie ahead. In recognition of this fact and to bring together students, teachers, school officials, and community officials to focus on the need for a greater understanding of energy issues, Congress has, by Senate Joint Resolution 146, requested the President to proclaim March 23, 1984, as "National Energy Education Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim March 23, 1984, as National Energy Education Day. I call upon educational institutions, Federal agencies, and all Americans to participate in appropriate ceremonies and activities on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.



THE STATE OF NEW YORK
IN SENATE
January 15, 1907.
REPORT
OF THE
COMMISSIONER OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
MAY 1, 1906.
ALBANY:
J. B. LEECH, STATE PRINTER.
1907.

ALBANY, N. Y., JANUARY 15, 1907.

SIR:

I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,
J. B. LEECH,
COMMISSIONER OF THE LAND OFFICE.

James B. Lee

Presidential Documents

Proclamation 5163 of March 17, 1984

National Organ Donation Awareness Week, 1984

By the President of the United States of America

A Proclamation

One of the most meaningful gifts that one human being can bestow upon another is the precious gift of life. It can be given simply by making arrangements to donate our organs or those of our loved ones after death. Donation of our corneas would give others the gift of sight; donation of our kidneys, hearts, lungs, livers, and pancreata could save the lives of many people who might otherwise die.

On several occasions during the last year, I have asked the American people to be aware of the opportunities to donate their organs, and I have made special pleas for small children in need of liver transplants. The response proved to be overwhelming. Tragically, however, many desperately ill persons, including small children, have died while awaiting a suitable organ.

Ironically, recent surveys indicate that about 93 percent of all Americans have heard about organ transplants, but the need for organs far surpasses the number donated each year. Our organ procurement system is being managed effectively by the private sector but can be improved to meet a larger portion of the need. For these reasons, I supported the establishment of the American Council on Transplantation. The primary goal of this national umbrella organization is to increase the availability of organs for transplantation.

It is appropriate that we as a Nation encourage organ donation and increase public awareness of the need for such donations. By filling out a uniform donor card and carrying it, and by making our wishes of donation known to our families, we may give the gift of life to people who so desperately need solid organs for transplantation, an exceedingly scarce resource.

Americans are a caring and giving people. I have heard from many Americans who have lost their loved ones in tragic accidents, but who have found solace in knowing that through their loss other lives were saved.

The Congress, by House Joint Resolution 229, has authorized and requested the President to issue a proclamation designating the week beginning April 22, 1984, as "National Organ Donation Awareness Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week of April 22 through April 28, 1984, as National Organ Donation Awareness Week. I urge all citizens, health care professionals, educators, the media, and the public and private organizations concerned with organ donation and transplantation to join me in supporting this humanitarian action.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 84-7648

Filed 3-19-84; 11:24 am]

Billing code 3195-01-M

Presidential Documents

Proclamation 5164 of March 19, 1984

Import Fees on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

By Proclamation 4887 of December 23, 1981, and Proclamation 4940 of May 5, 1982, I imposed, on an emergency basis, import fees on certain sugars, sirups and molasses. These fees were to be effective pending my further action after receipt of the report of findings and recommendations of the United States International Trade Commission after its investigation with respect to this matter pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624). The Commission has made its investigation and reported its findings and recommendations to me.

On the basis of the information submitted to me, I find and declare that:

(a) Sugars classified under items 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar cane and sugar beets.

(b) The imposition of the import fees hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse for consumption, of such sugars will not render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar beets and sugar cane.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by section 22 of the Agricultural Adjustment Act of 1933, as amended, and the statutes of the United States, including section 301 of Title 3 of the United States Code, do hereby proclaim until otherwise superseded by law:

A. Headnote 4 of part 3 of the Appendix to the TSUS is continued in effect and amended, effective 12:01 a.m. Eastern Standard Time of the day following the date of the signing of this proclamation, by changing paragraph (c) to read as follows:

(c)(i) The quarterly adjusted fee provided for in items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus one cent per pound.

(ii) The quarterly adjusted fee provided for in item 956.15 shall be the amount by which the average of the adjusted daily spot (domestic) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar and Cocoa Exchange) expressed in United States cents per pound, in bulk, is less than the applicable market stabilization price: *Provided*, That whenever the average of the daily spot (domestic) price quotations for 10 consecutive market days within any calendar quarter (1) exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent per pound, or (2) is less than the market stabilization price by more than one cent, the fee then in effect shall be increased by one cent per pound. The adjusted daily spot (domestic) price quotation for any market day shall be the daily spot (domestic) price quotation for such market day less the amount of the fee for item 956.15 that is in effect on that day. For any market day for which the New York Coffee, Sugar and Cocoa Exchange does not report a daily spot (domestic) price for raw sugar, then the Secretary of Agriculture (the Secretary) shall use such other price as he determines appropriate.

(iii) The market stabilization price that shall be applicable to each fiscal year (October 1-September 30) shall be determined and announced by the Secretary in accordance with this headnote no later than 30 days prior to the beginning of the fiscal year for which such market stabilization price shall be applicable. The market stabilization price shall be equal to the sum of: (1) the price support level for the applicable fiscal year, expressed in cents per pound of raw cane sugar; (2) adjusted average transportation costs; (3) interest costs, if applicable; and (4) 0.2 cent. The adjusted average transportation costs shall be the weighted average cost of handling and transporting domestically produced raw cane sugar from Hawaii to Gulf and Atlantic Coast ports, as determined by the Secretary. Interest costs shall be the amount of interest, as determined or estimated by the Secretary, that would be required to be paid by a recipient of a price support loan for raw cane sugar upon repayment of the loan at full maturity. Interest costs shall only be applicable if a price support loan recipient is not required to pay interest upon forfeiture of the loan collateral.

(iv) Notwithstanding the provisions of paragraph (iii) hereof, if the Secretary determines that there is a significant change in any one or more of the elements comprising the market stabilization price during the fiscal year, the Secretary shall adjust the market stabilization price within the fiscal year to reflect such change. The Secretary shall announce any such adjusted market stabilization price and file notice thereof with the **Federal Register**. This adjusted market stabilization price will become effective the first calendar quarter following its announcement or, if the Secretary announced it less than 30 days before the beginning of a new calendar quarter, then it will become effective the second calendar quarter following its announcement. Any adjusted market stabilization price, once effective, shall remain in effect through the remainder of the fiscal year unless it is adjusted further in accordance with this paragraph.

(v) The Secretary shall determine the amount of the quarterly fees in accordance with this headnote and shall announce such fees not later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary shall certify the amount of such fees to the Commissioner of Customs and file notice thereof with the **Federal Register** prior to the beginning of the calendar quarter during which the fees shall be applicable. The Secretary shall determine and announce any adjustment in the fees made within a calendar quarter in accordance with the proviso of paragraph (ii) hereof, shall certify such adjusted fees to the Commissioner of Customs, and shall file notice thereof with the **Federal Register** within 3 market days of the fulfillment of that proviso.

(vi) If an adjustment is made in the fee in accordance with the proviso of paragraph (ii) hereof, any subsequent adjustment made within that quarter shall only be made on the basis of the average spot price for any 10 consecutive market day period following the effective date of the immediately preceding fee adjustment. No adjustment shall be made in any fee in accordance with the proviso of paragraph (ii) hereof during the last fifteen market days of a calendar quarter.

(vii) Any adjustment made in a fee during a quarter in accordance with the proviso of paragraph (ii) hereof shall be effective only with respect to sugar entered or withdrawn from warehouse for consumption after 12:01 a.m. (local time at point of entry) on the day following the filing of notice thereof with the **Federal Register**. *Provided*, That such adjustment in the fee shall not apply to sugar exported (as defined by Customs in accordance with 19 CFR 152.1) on a through bill of lading to the United States from the country of origin before such time. The exemption contained in the preceding proviso shall apply regardless of whether the adjustment in the fee is upward or downward.

B. Items 956.05, 956.15 and 957.15 of part 3 of the Appendix to the TSUS are continued in effect and the "Rates of Duty (Section 22 Fees)" are amended to read as follows:

Item	Articles	Rates of Duty (Section 22 Fees)
956.05	Sugars, sirups and molasses derived from sugar cane or sugar beets, except those entered pursuant to a license issued by the Secretary of Agriculture in accordance with headnote 4(a): Principally of crystalline structure or in dry amorphous form, provided for in item 155.20, part 10A, schedule 1: Not to be further refined or improved in quality	An amount determined and adjusted in accordance with headnote 4(c), but not in excess of 50% ad val.
956.15	To be further refined or improved in quality	An amount determined and adjusted in accordance with headnote 4(c), but not in excess of 50% ad val.

Item	Articles	Rates of Duty (Section 22 Fees)
957.15	Not principally of crystalline structure and not in dry amorphous form, containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids, provided for in item 155.30, part 10A, schedule 1.	An amount determined and adjusted in accordance with headnote 4(c) per pound of total sugars, but not in excess of 50% ad val.

C. The Secretary of Agriculture, in consultation with other appropriate agencies, shall review the fee system established by this Proclamation on a quarterly basis and shall submit to me any recommendations for any changes determined to be necessary or appropriate.

D. The provisions of this proclamation shall terminate upon the filing of a notice in the **Federal Register** by the Secretary of Agriculture that the Department of Agriculture is no longer conducting a price support program for sugar beets and sugar cane.

E. The provisions of Proclamation 4940 of May 5, 1982, are hereby terminated, except that the import fees on items 956.15, 956.05 and 957.15 presently in effect and the market stabilization price determined and announced by the Secretary of Agriculture for fiscal year 1984 (October 1, 1983–September 30, 1984) shall remain in effect, unless adjusted by the Secretary of Agriculture in accordance with paragraph (c) of Headnote 4 of part 3 of the Appendix to the TSUS, as modified herein.

F. This proclamation shall be effective as of 12:01 a.m. Eastern Standard Time on the day following the date of its signing, and shall apply to articles entered, or withdrawn from warehouse for consumption, on or after such effective date.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of March, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

The following rules and regulations shall govern the conduct of all members of the organization. It is the duty of every member to observe these rules and regulations and to report any violation thereof to the proper authorities. The organization reserves the right to modify or amend these rules and regulations at any time without notice.

1. Every member shall be required to attend all meetings of the organization and to participate in its activities. Failure to attend meetings or participate in activities may result in the suspension of membership.

2. Every member shall be required to pay the dues and fees prescribed by the organization. Failure to pay dues and fees may result in the suspension of membership.

3. Every member shall be required to conduct himself or herself in a respectful and courteous manner at all times. Any member who engages in disrespectful or uncourteous conduct may be expelled from the organization.

4. Every member shall be required to maintain the confidentiality of the organization's affairs. Any member who discloses confidential information to unauthorized persons may be expelled from the organization.

5. Every member shall be required to adhere to the laws and regulations of the state and the federal government. Any member who violates the laws and regulations of the state and the federal government may be expelled from the organization.

6. Every member shall be required to support the organization and its activities. Any member who fails to support the organization and its activities may be expelled from the organization.

7. Every member shall be required to cooperate with the organization and its officers. Any member who fails to cooperate with the organization and its officers may be expelled from the organization.

8. Every member shall be required to maintain good standing with the organization. Any member who fails to maintain good standing with the organization may be expelled from the organization.

9. Every member shall be required to maintain good standing with the community. Any member who fails to maintain good standing with the community may be expelled from the organization.

10. Every member shall be required to maintain good standing with the world. Any member who fails to maintain good standing with the world may be expelled from the organization.

Handwritten signature

Rules and Regulations

Federal Register

Vol. 49, No. 56

Wednesday, March 21, 1984

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

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document amends the delegations of authority from the Secretary of Agriculture and general officers of the Department to revise the title of the Director, Office of Grants and Programs Systems to the Administrator, Office of Grants and Program Systems, to delegate to the Assistant Secretary for Science and Education and the Administrator, Office of Grants and Program Systems responsibilities under the Small Business Innovation Development Act of 1982, and to clarify the authority of the Administrator to administer the competitive grants program.

EFFECTIVE DATE: March 21, 1984.

FOR FURTHER INFORMATION CONTACT:

Robert Siegler, Acting Assistant General Counsel, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C., (202) 447-6035.

SUPPLEMENTARY INFORMATION:

The delegations of authority of the Department of Agriculture are revised to reflect the change in the title of the Director, Office of Grants and Programs Systems to the Administrator, Office of Grants and Program Systems. Although the correct title of the Office is the Office of Grants and Program Systems, the delegations to the Director inadvertently used the word "Programs." Also, it has been determined that the head of that Office should be an Administrator rather than

a Director. This document makes those changes. In addition, the delegations of authority to the Assistant Secretary for Science and Education and the Administrator, Office of Grants and Program Systems are revised to reflect the assignment of responsibility to administer the Small Business Innovation Development Act of 1982. In addition, the Administrator, Office of Grants and Program Systems is delegated the authority to enter into grants pursuant to 7 U.S.C. 3318 to carry out the Department's Small Business Innovation Research Program. Further, the delegations of authority to the Administrators, Office of Grants and Program Systems and Cooperative State Research Service are revised to clarify the authority of the Administrator, Office of Grants and Program Systems to administer the competitive grants program authorized under 7 U.S.C. 450i.

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

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, except as otherwise stated.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.30 is amended by adding a new paragraph (a)(77) to read as follows:

§ 2.30 Delegations of authority to the Assistant Secretary for Science and Education.

(a) * * *

(77) Administer the Small Business Innovation Development Act of 1982 for the Department of Agriculture (15 U.S.C. 638 (e)-(k)).

* * *

Subpart N—Delegations of Authority by the Assistant Secretary for Science and Education

3. Section 2.107 is amended by revising paragraph (a) (3) to read as follows:

§ 2.107 Administrator, Cooperative State Research Service.

(a) * * *

(3) Administer a program of special grants (1) to carry out research to facilitate or expand promising breakthroughs in areas of food and agricultural sciences, and (2) to facilitate or expand ongoing State-Federal food and agricultural research programs; and administer a program of facilities grants to renovate and refurbish research spaces (7 U.S.C. 450i(c), (d)).

* * *

Section 2.110 is amended by revising the heading, the introductory paragraph, and paragraph (a)(1), by redesignating paragraphs (a)(4) and (a)(5) as (a)(6) and (a)(7) respectively, and by adding new paragraphs (a)(4) and (a)(5) to read as follows:

§ 2.110 Delegations of authority to the Administrator, Office of Grants and Program Systems.

(a) *Delegations.* Pursuant to § 2.30(a), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the

Administrator, Office of Grants and Program Systems:

(1) Administer a program of competitive grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations and individuals for research to further the programs of the Department of Agriculture (7 U.S.C. 450i(b)).

(4) Administer the Small Business Innovation Development Act of 1982 for the Department of Agriculture (15 U.S.C. 638(e)(k)).

(5) Enter into grants for the purpose of carrying out the Department's Small Business Innovation Research Program (7 U.S.C. 3318).

For Subpart C:
John R. Block,
Secretary of Agriculture.

For Subpart N:
Orville G. Bentley,
Assistant Secretary for Science and Education.

March 15, 1984.
[FR Doc. 84-7529 Filed 3-20-84; 8:45 am]
BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Parts 56, 59, and 70

Increase in Fees and Charges; Poultry, Rabbit, and Egg Grading and Egg Products Inspection; Interim Rule Made Final

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The interim rule with request for comments published January 19, 1984 (49 FR 2223) which increased fees and charges for poultry, rabbit, and egg grading and egg products inspection is made final. These changes are necessary to cover increased costs associated with the programs. This document finalizes charges for the Federal voluntary egg, poultry, and rabbit grading; and the overtime rate for Federal mandatory egg products inspection as revised in the interim final rule.

EFFECTIVE DATE: March 21, 1984.

FOR FURTHER INFORMATION CONTACT: D. M. Holbrook, (202) 447-3506.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291, and has been classified "nonmajor" as it does

not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because: (i) The fees and charges merely reflect, on a cost-per-unit-graded/inspected basis, a minimal increase in the costs currently borne by those entities utilizing the services; and (ii) competitive effects are offset under the major voluntary programs (resident shell egg and poultry grading) through administrative charges based on the volume of product handled; i.e. the cost to users increases in proportion to increased volume.

The Agricultural Marketing Act of 1946, as amended, provides for the collection of fees approximately equal to the cost of providing Federal voluntary egg, poultry, and rabbit grading. The Egg Products Inspection Act requires that the cost for overtime inspection be borne by the user of the service. The fees for these services are determined by the grader's or inspector's salary and fringe, cost of supervision, travel, and other overhead and administrative costs.

Last year's fee increase was based primarily on a 4.0-percent salary increase and a loss in appropriated funding used to offset a portion of overhead costs. Since then, program costs have continued to rise.

Federal employees received in January 1984 a 3.5-percent increase in conformity with the Federal Pay Comparability Act of 1970. Likewise, payments for workmen's compensation and medicare have increased 0.5 percent and approximately 0.1 percent, respectively.

Costs of supervision and other overhead and administrative costs have also increased for the same reasons. They are covered by an administrative service charge assessed on each case of shell eggs and each pound of poultry handled in plants using resident grading service. In 1982, these rates were established at \$0.024 per case of shell eggs and \$0.00024 per pound of poultry. Through the interim rule, these rates have been changed to \$0.025 per case of shell eggs and \$0.00025 per pound of poultry. Also, these charges were set at a minimum of \$120 and a maximum of \$1,200 per billing period for each official plant in 1982. These figures have been changed to \$125 and \$1,250, respectively.

Due to the situations described above, the hourly rate for mandatory overtime egg products inspection service has been increased from \$16.56 to \$17.20.

Administrative charges for the resident voluntary rabbit grading and nonresident voluntary continuous poultry and egg grading programs will continue to be based on 25 percent of the grader's total salary costs. The minimum charge per billing period for these programs has been increased from \$120 to \$125 per official plant.

Overall, fees and charges have been increased about 3.5 percent.

Because increased revenues were needed to cover costs of services, an interim final rule published January 19, 1984, with an effective date of February 1, 1984, was necessary. The interim rule invited comments until February 15, 1984. However, no comments were received during the comment period. And, since this document does not alter the regulations which have been in effect since February 1, 1984, there is no reason to postpone its effective date for 30 days. Thus, good cause is found to make this document effective upon publication.

Information Collection Requirements and Recordkeeping

Information collection requirements and recordkeeping provisions contained in 7 CFR Parts 56, 59, and 70 have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35. As a result, 7 CFR Part 56 has been assigned OMB No. 0581-0128; 7 CFR Part 59 has been assigned OMB Nos. 0581-0113 and 0581-0114; and 7 CFR Part 70 has been assigned OMB No. 0581-0127.

List of Subjects

7 CFR Part 56

Shell eggs, Voluntary grading service.

7 CFR Part 59

Shell eggs, Egg products, Mandatory inspection service.

7 CFR Part 70

Poultry, Poultry products, Rabbits products, Voluntary grading service.

Accordingly, for reasons and purposes stated above and in the interim final rule published January 19, 1984 (49 FR 2223), the amendments made to §§ 56.52 and 56.54 of Part 56; § 59.126 of Part 59; and §§ 70.76 and 70.77 of Part 70; Title 7, Code of Federal Regulations, by the said interim rule are hereby made final, without any change.

(Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*); Egg Products Inspection Act (21 U.S.C. 1031-1056))

Done at Washington, D.C. on March 14, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-7528 Filed 3-20-84; 8:45 am]

BILLING CODE 3410-02-M

Federal Crop Insurance Corporation

7 CFR Part 432

Corn Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This action makes final a revision and reissuance of the Corn Crop Insurance Regulations (7 CFR Part 432), effective for the 1983 and succeeding crop years. The revision and reissuance of these regulations was implemented by the Federal Crop Insurance Corporation (FCIC) on an interim basis to provide insureds with sufficient time to consider changes being made in the policy for insuring corn and to comply with the regulations with respect to placing these changes on file in a timely manner.

EFFECTIVE DATE: March 21, 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: On December 21, 1982, FCIC published an interim rule in the *Federal Register* at 47 FR 56827, revising and reissuing the Corn Crop Insurance Regulations (7 CFR Part 432), effective for the 1983 and succeeding crop years to: (1) include a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and to leave intact a representative sample of the unharvested crop; (2) prescribe the interest rate to be charged on any unpaid premium balances; (3) add a provision to provide a replanting payment limited to the actual cost of replanting such payment to be considered as an indemnity payment deducted from any additional loss; (4) define FCIC's liability in cases of loss due to fire when the insured has other insurance against fire; (5) delete a section of the regulations requiring posting of indemnities paid within a county; (6) eliminate the provision providing reduction in guarantee for any unharvested acreage; (7) eliminate the provision for substitute crops; (8)

provide improved coverage in cases where the producer elects not to have FCIC fire and hail coverage and buys an equal amount of such coverage from private companies; (9) provide a policy that is written in clearer, easier to understand language; and (10) include a revised multi-crop application form to replace the former single-crop application. The intended effect of this rule was to revise the system of reporting damage or loss to an insured crop, improve the debt management practices of FCIC, rewrite the policy in clearer language, remove certain restrictions in the policy, and, reduce the time and paperwork demands on the applicant, in addition to the review of these regulations in compliance with the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981) now Departmental Regulation 1512-1 (December 15, 1983).

In accordance with the provisions of these regulations for insuring corn, any amendments to these regulations must have been placed on file 15 days prior to the cancellation date in order to provide sufficient time for the policyholder to consider the changes being made. There would not have been sufficient time for notice and public comment prior to the implementation of this rule and still comply with the regulations with respect to placing this rule on file in the required time to be effective for the 1983 crop year.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

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

As set forth in the final rule related notice to 7 CFR Part 3051, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, requiring intergovernmental consultation with State and local officials, are excluded from the provisions of Executive Order No. 12372.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action constitutes a review as to the need, currency, clarity, and

effectiveness of these regulations under the provisions of Departmental Regulation 1512-1. The sunset review date established for these regulations is December 1, 1987.

List of Subjects in 7 CFR Part 432

Crop Insurance, Corn.

Final rule

Accordingly, the Interim Rule, published in the *Federal Register* of December 21, 1982, on page 56827, is hereby adopted as final.

Done in Washington, D.C., on January 25, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

March 13, 1984.

[FR Doc. 84-7507 Filed 3-20-84; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 454, Amdt. 2]

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 295,000 cartons during the period March 11-17, 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.

EFFECTIVE DATES: March 11-17, 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 March 14, 1984, to consider the current and prospective conditions of supply and demand and recommended and increase in the quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is strong.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.754 Lemon Regulation 454 is revised to read as follows:

§ 910.754 Lemon Regulation 454.

The quantity of lemons grown in California and Arizona which may be handled during the period March 11, 1984, through March 17, 1984 is established at 295,000 cartons.

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

Dated: March 16, 1984.

Russell L. Hawes,

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

[FR Doc. 84-7595 Filed 3-20-84; 8:45 am]

BILLING CODE 3410-02-M

VETERANS ADMINISTRATION

38 CFR Part 17

Treatment of Veterans in Noncontiguous States, Territories and Possessions

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending its medical regulations (38 CFR Part 17) to extend the authority for treating veterans at VA expense in non-VA facilities outside of the United States as authorized by Public Law 98-105. This amendment will permit continuation of a benefit already available to eligible veterans.

EFFECTIVE DATE: March 14, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein, Chief, Policies and Procedures Division (136F), Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-3785.

SUPPLEMENTARY INFORMATION: Public Law 98-105 extended from September 30, 1983, to September 30, 1984, the authority for treating veterans in Puerto Rico, the Virgin Islands and other Territories and Possessions through contract services in non-VA facilities.

The Administrator has determined that this amendment to VA regulations is considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. It will not have an annual effect on the economy of \$100 million or more; it will not result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The VA finds that advance publication for public notice and comments is unnecessary and not required. These changes are primarily date changes reflecting a one-year statutory extension to an already existing benefit. The regulation changes will not have independent effect. Therefore, the changes come within exceptions to the general VA policy of prior publication for public notice and comment, contained in 38 CFR 1.12. Accordingly, the changes are now published as final regulations.

Since a proposed rule will not be published, these amendments do not

come within the term "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, these changes are not subject to that act. In any case, the changes will not have a significant economic impact on a substantial number of small entities because they concern the entitlement of individual veterans and their beneficiaries, and do not have independent effect.

(Catalog of Federal Domestic Assistance Numbers: 64.009 and 64.011)

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: March 14, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,
Deputy Administrator.

PART 17—[AMENDED]

§ 17.506 [Amended]

In 38 CFR Part 17, Medical, § 17.506, paragraph (e) is amended by changing the year on the date in the last sentence of the paragraph to "1984"; and by adding to the end of the public laws listed in the cite following the paragraph the public law "Pub. L. 98-105".

(38 U.S.C. 210(c))

[FR Doc. 84-7548 Filed 3-20-84; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1 FRL 2549-6]

Approval and Promulgation of Implementation Plans; Connecticut; 1982 Ozone and Carbon Monoxide Attainment Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the State Implementation Plan revisions submitted by the State of Connecticut. These revisions will reduce emissions from stationary and mobile sources. The intended effect of these actions is to control emissions of volatile organic compounds, oxides of nitrogen and carbon monoxide in order to attain the National Ambient Air Quality Standards

for ozone and carbon monoxide as required under Part D of the Clean Air Act.

EFFECTIVE DATE: April 20, 1984.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2313, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street, SW, Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20408; and the Connecticut Department of Environmental Protection (DEP), Air Compliance Unit, 165 Capitol Avenue, Hartford, CT 06115.

FOR FURTHER INFORMATION CONTACT: Susan S. Hager, (617) 223-4873.

SUPPLEMENTARY INFORMATION: On February 3, 1983 (48 FR 5054) EPA published a Notice of Proposed Rulemaking (NPR) for the Connecticut 1982 Ozone and Carbon Monoxide State Implementation Plan (SIP) revisions. The NPR proposed to disapprove certain elements of the revisions. Based on commitments outlined in a letter dated January 7, 1983 from Stanley Pac, Commissioner of the DEP, EPA reconsidered its disapproval and on April 12, 1983 (48 FR 15658) published a second NPR which proposed full approval of the Connecticut 1982 SIP revisions. In response to EPA testimony presented to DEP during the State's public comment period and to EPA comments in the NPRs, Connecticut submitted on December 10, 1982, January 7 and 21, 1983, May 19, 1983, June 15, 1983, September 19, 1983, and December 15, 1983 final SIP revisions that, with minor exceptions described in this notice, correct deficiencies cited by EPA. Sections of the final 1982 SIP revisions which were changed from the proposal are explained in detail in this Notice. The rationale for EPA's actions on revisions which were not changed was explained in the NPRs and will not be restated here.

EPA received comments on the NPRs from four government agencies. A summary of each comment and EPA's response appears in the section of this Notice to which the comment applies. In addition to comments on specific sections of this Notice, the Connecticut Department of Transportation submitted a general comment critical of the first NPR's proposed disapproval. The publication of the second NPR proposing approval resolved this comment. After reviewing the final Connecticut 1982 SIP revisions and considering all comments received, EPA is approving the following:

1. The mobile, point, and area source emissions inventories for volatile

organic compounds and oxides of nitrogen.

2. The hydrocarbon emissions growth margin.

3. The data base and attainment demonstration for ozone.

4. A schedule to adopt controls for gasoline tank trucks with a final compliance date of June 1985.

5. A schedule to adopt controls for external floating roof tanks with a final compliance date of November 1984.

6. Regulation 22a-174-20(ee) which limits emissions from major nonCTG sources of VOCs and the supporting narrative which commits to submitting each RACT determination to EPA for approval as a SIP revision.

7. The Connecticut Inspection and Maintenance Program and Regulations 22a-174-27 and 14-164c.

8. The transportation plan review portions of the SIP revisions and emission reduction goals for transportation measures.

9. The Reasonable Further Progress line for VOC emissions.

10. The carbon monoxide air quality data base.

11. The carbon monoxide attainment demonstration and Reasonable Further Progress line.

12. The resource commitments to implement the Connecticut 1982 SIP revisions.

13. The public participation and intergovernmental consultation portions of the plan revisions.

In the April 12, 1983 NPR, EPA also proposed approval of Regulation 19-508-20(f) limiting emissions from solvent metal cleaners and supporting narrative describing an educational program for automobile repair facilities. Final action on these revisions was published on February 1, 1984 at 49 FR 3988 and allowed EPA to rescind the moratorium on construction and modification of major VOC sources. These revisions were separated from other elements of the 1982 SIP revisions in order to expedite final action and rescind the moratorium as quickly as possible.

EPA's actions on the State submittals are discussed according to the following outline:

I. Ozone

- A. Emissions Inventories
- B. Air Quality Data
- C. Attainment Demonstration
- D. Stationary Source Controls
- E. Inspection and Maintenance
- F. Transportation Control Measures
- G. Reasonable Further Progress

II. Carbon Monoxide

- A. Air Quality Data

- B. Attainment Demonstration and Reasonable Further Progress
- C. Transportation Control Measures

III. Additional Requirements

- A. Resources
- B. Public Participation and Intergovernmental Consultation Documentation

IV. Final Action

I. Ozone

Connecticut is divided into four Air Quality Control Regions, but uses its State boundaries to define the analysis area for ozone. The final Connecticut 1982 State Implementation Plan revisions (Connecticut 1982 SIP revisions) combine a mix of strategies—stationary and mobile source—to achieve the necessary reductions. The Connecticut SIP is an "accommodative" SIP, which means that it provides for a VOC reduction greater than that needed to achieve ozone standards by 1987. This planned margin for growth will allow new sources to construct or existing sources to expand without being required to "offset" the new emissions by reducing emissions from an existing source. Offsets are required under New Source Review regulations in nonattainment areas where emission reductions provided for by the SIP are just adequate to attain standards.

A. Emissions Inventories

The NPR stated that the mobile source inventory was consistent with EPA guidance but noted deficiencies related to the point and area stationary source inventories. The proposed submittal had not provided documentation on how emissions data for point sources were derived. Connecticut has now added sample calculations to its stationary point source VOC inventory. Although some of the formulas were not from the most recent EPA emission inventory guidance, the difference between total emissions using the older factors as compared with current emission factors is not considered significant.

A second issue raised by the NPR was whether Connecticut underestimated emissions of area sources in several source categories. For two categories, cold cleaner degreasers and leaks from gasoline tank trucks, the State revised its emission estimates to account for sources omitted from the original inventory. In the third category, gasoline marketing, EPA has accepted the State's original estimates. Our acceptance is based on information from DEP that all sources were considered in the gasoline sales projection, the critical parameter used to predict emissions from this source category. The NPR proposed

approval of the emissions growth margin contingent upon DEP resolving questions on the area source inventory.

Changes to Connecticut's area source inventory do result in a slight increase in the growth margin, however, a more significant increase results from Connecticut's revised attainment demonstration. As discussed in Section I.C., Connecticut's new demonstration shows that a smaller VOC reduction is needed than was estimated by the analysis done as part of the 1979 SIP revisions. This smaller reduction target provides a larger margin for emissions growth than was presented in the proposal.

The New York Department of Environmental Conservation submitted comments on this section of the NPR. Its concern was that Connecticut had used 1976 and 1979 base years rather than a 1980 base year as required by EPA policy. In the proposal Connecticut used 1975 through 1977 ambient air quality data from its 1979 plan revisions to make an attainment demonstration and a 1980 base year for the emissions inventory. To reconcile these different base years, Connecticut used the current 1980 emissions data, but adjusted back to 1976 by adding and subtracting emissions to account for growth, business closings, and other new information. In the final submission Connecticut uses 1980-1982 ambient data, thus no adjustments to the 1980 emissions inventory were necessary. The New York DEC's comment is, therefore, resolved.

Final Action: EPA is approving the:

- (1) Mobile source inventory
- (2) Point source inventory
- (3) Area source inventory
- (4) Emissions growth margin

B. Air Quality Data

As was discussed in the NPR, Connecticut met the requirement to present current ozone-related data. No changes were made in the final, and no comments were received on this portion of the Connecticut 1982 SIP revisions.

Final Action: EPA is approving the ozone-related air quality data base.

C. Attainment Demonstration

The attainment demonstration prepared by the Connecticut DEP is a statewide analysis, using the worst case design value to determine a percentage VOC emission reduction to be applied in both urban and nonurban areas of the State. While a portion of Connecticut is part of the New York-New Jersey-Connecticut Interstate Air Quality Control Region (AQCR), Connecticut does not consider this area part of the

New York metropolitan area for ozone planning purposes.

Consistent with EPA criteria for Approval of 1979 State Implementation Plan Revisions (43 FR 21673), EPA concurs with this position. EPA recommends that the urban area and all fringe areas of development be used for ozone control strategy planning and no part of Connecticut is within the New York urban area as defined by the U.S. Bureau of the Census. Further, we do not believe that the Southwestern portion of Connecticut can be considered a fringe development area because the population and VOC emission densities are significantly lower than those in the New York area, and emission source characteristics are also quite different.

OZONE SUMMARY TABLE

Nonattainment area	Design Value (ppm)	Receptor Location	Percent reduction required	Attainment year
Connecticut, statewide	.140	Stratford, CT	26	1987

In preparing the analysis, DEP looked at only those days which had violations attributable to Connecticut emission sources. EPA policy requires that the fourth highest percent reduction requirement in a three year period be used for the design value, thus assuring that, on average, standards will only be exceeded once per year. However, since the Metropolitan New York area had also used the Stratford monitor to establish its design value, Connecticut has used the design value analyzed as requiring the greatest reduction requirement of all days examined. By using the highest, rather than the fourth highest value, the Stratford area can be expected to have one standard exceedence in 1987 caused by emissions from the New York area and no exceedences caused by Connecticut emissions.

Since the DEP's analysis examines only monitoring sites within Connecticut, EPA, additionally, analyzed sites in Massachusetts, downwind of Connecticut. EPA's analysis shows no concentrations which would result in a greater reduction requirement than that found at the Stratford site.

The New York State Department of Environmental Conservation (DEC) made three comments on this section of the NPR. The first was that Connecticut should use the latest available ambient data. In the final submission, Connecticut did use data from 1980 through 1982 which was the

Additional information on this subject is in the Technical Support Document.

The NPR proposed approval of Connecticut's attainment demonstration contingent upon the submittal of additional information. The proposed 1982 SIP revisions presented the Standard EKMA analysis done as part of the 1979 plan revisions. The NPR cited EPA's requirement for Connecticut to analyze the most recent three years of ambient data to determine how the more current data could affect the plan and asked that the final revisions correct this deficiency.

To address this comment, DEP chose to perform a new Standard EKMA analysis using ambient data from 1980-1982. The results of the modeling are as follows:

most current data available at the time the analysis was prepared.

DEC's second comment was that Connecticut should use City-Specific EKMA as required by EPA policy. DEC acknowledged that, as discussed in the NPR, Connecticut's arguments against the use of City-Specific EKMA may be valid, but felt that since all other states in the New York-New Jersey-Connecticut Interstate Air Quality Control Region (AQCR) used City-Specific EKMA, Connecticut should also. EPA is approving Connecticut's analysis because Standard EKMA gives more conservative results than does City-Specific EKMA, and therefore, Connecticut has demonstrated to EPA's satisfaction that standard attainment is assured.

DEC's third comment was that the Connecticut portion of the New York-New Jersey-Connecticut Interstate AQCR should be required to reduce emissions by 60%, which is the percent reduction determined necessary to eliminate ozone violations caused by the New York City urban area. As discussed above, this comment is not applicable to Connecticut SIP. However, the State is pursuing additional state wide VOC controls and has committed to study and adopt measures which are later determined to be reasonable. EPA is approving the attainment demonstration as submitted, and will also encourage the State to adopt new control strategies as they become reasonable to implement.

Final Action: EPA is approving the ozone attainment demonstration.

D. Stationary Source Controls

The NPR proposed action on three categories of stationary source controls: (1) Sources covered by Group I Control Techniques Guidelines (CTG); (2) sources covered by Group II CTG's; and (3) all remaining major sources of volatile organic compounds (VOC).

1. EPA proposed approval of revisions to Connecticut Regulation 19-508-20(1) controlling solvent metal cleaners despite its exemption of cold cleaners at automobile repair facilities. To compensate for this exemption Connecticut revised the narrative of the SIP to provide for an educational program at such facilities. EPA separated this portion of the NPR and took final action on February 1, 1984 (49 FR 3988) to approve Connecticut SIP revisions addressing solvent metal cleaners.

That approval also allowed EPA to rescind the moratorium on growth or modification of major stationary sources in Connecticut which had been in effect since October 1982.

2. Connecticut has EPA-approved regulations for all but two applicable categories of the Group II CTG's. For the two remaining categories, gasoline tank trucks and external floating roof tanks, Connecticut has agreed to meet the schedule approved below for submitting final regulations.

3. To fulfill the 1982 SIP policy requirement to control non-CTG sources emitting 100 tons per year (TPY) or more of VOC's Connecticut submitted Regulation 19-508-20(ee). This "generic" regulation requires that Reasonably Available Control Technology (RACT) be individually assessed and applied to each major source not covered by a CTG. Since the regulation does not establish federally enforceable limitations, Connecticut revised the narrative portion of the SIP to state that source-specific RACT determinations will be submitted to EPA for approval as SIP revisions. Emission limitations on major sources of VOC's will, therefore, be federally enforceable.

Connecticut also submitted revisions to its generic VOC bubble regulation (19-508-20(cc)) which would allow additional sources to use a bubble to come into compliance with SIP requirements. The State also revised Regulations 19-508-20(aa), (bb) and (dd). Since we did not discuss these revisions in the NPRs, and therefore the public has not had the opportunity to comment on these revisions, we intend to publish a separate NPR describing these changes before taking final action.

Final Action: 1. EPA is approving the following schedule for submitting regulations to control gasoline tank trucks and external floating roof tanks:

Action	Date
Conduct a public hearing.....	Mar. 1983.
Adopt regulations.....	May 1984.
Voluntary compliance for gasoline tank trucks.....	June 1984.
Final compliance for gasoline tank trucks.....	June 1985.
Final compliance for external floating roof tanks.....	Nov. 1984.

2. EPA is approving Regulation 19-508-20(ee) controlling major nonCTG sources of VOCs based on the supporting narrative, which interprets the regulation's use of the term "RACT" as the level of technology submitted and approved as RACT by EPA for individual sources subject to the regulation.

E. Inspection and Maintenance

Although Connecticut has been successfully operating an Inspection and Maintenance (I&M) program since January 1, 1983, at the time the NPR was published EPA had not received adequate documentation for the program. With the final SIP revisions, Connecticut submitted:

1. Department of Motor Vehicle (DMV) Regulation 14-164c which prescribes inspection test procedures, fleet inspection station licensing requirements, recordkeeping and record submittal requirements, and other official rules and procedures;

2. DEP Regulation 19-508-27 which sets forth idle emission standards for each model year required to be tested;

3. DMV's Fleet Emissions Inspection Program Handbook which describes emission analyzer specifications and quality control audit and surveillance procedures as well as providing information to support the DMV's regulation;

4. The memorandum of agreement between the DMV and the DEP outlining each agency's program responsibilities, and the contract with Hamilton Test Systems specifying how the centralized I&M program will be operated.

Additionally, the final SIP revisions contained sufficient data for EPA to calculate the effectiveness of the Connecticut I&M program. For both VOCs and carbon monoxide the program will reduce emissions in 1987 by more than that required by EPA policy.

Final Action: EPA is approving the Connecticut I&M program including DEP Regulation 19-508-27 and DMV Regulation 14-164c.

F. Transportation Measures

The NPR cited four areas of the Connecticut 1982 SIP revisions which did not fully meet EPA's policy requirements for transportation measures. The first was that the SIP revisions did not show emission reductions attributable to individual "reasonably available control measures" (RACMs) or packages of RACMs. The second area is closely related to the first and concerns the lack of commitment and schedules to support individual RACM projects. The State's position is that it has committed to achieve an emissions reduction goal of 1425 kg/day in 1987 with transportation measures but needs flexibility in choosing which projects will be implemented to meet the goal. This need for flexibility stems from the alleged difficulty in predicting when projects will be ready for construction, whether funding will be available, and whether all necessary approvals will be given.

The Federal Highway Administration (FHWA) commented specifically on this issue by stating it agreed that RACM measures should be explicitly identified. FHWA also noted that the reductions from transportation measures were not a major strategy of the Connecticut 1982 SIP revisions and therefore could not be viewed as critical to achieving the overall reductions needed to attain standards.

EPA believes that the adoption of individual projects and measures is preferable to the adoption of a total emissions reduction goal, but also recognizes that reductions from transportation measures are small when compared with the total reductions adopted in the plan. (Reductions from transportation measures account for approximately 1% of the total adopted emission reduction.) Although the Connecticut 1982 SIP revisions do not fully comply with EPA policy requirements to adopt individual projects, EPA does not believe that this is a serious enough deficiency to warrant disapproval. Without the adoption of projects, it follows that the plan revisions cannot include commitments and schedules for individual RACM project. However, EPA expects the State to report progress in RACM implementation as part of the annual RFP Report.

A third area cited as deficient was the portion of the plan revisions describing how transportation projects would be monitored to determine if predicted emission reductions were being achieved. The final SIP revisions correct the deficiency by describing the

methodology used by the Connecticut Department of Transportation to assess changes in vehicle miles of travel and in emissions statewide, and by describing how the I&M and the rideshare programs will be monitored.

In the fourth area, conformity provisions, EPA asked for clarification of plan, program, and project level conformity procedures. The State complied by assuring an annual conformity statement will be made each year showing that the emission reduction targets are being met and that RACM projects are advancing toward implementation.

Comments received from FHWA were critical of the conformity provisions because "nonconformity restrictions proposed by the State go beyond those required by the federal level." Specifically FHWA feels that the Indirect Source Review, which applies only to highway projects, should not be retained. FHWA believes that the National Environmental Policy Act (NEPA) process reinforces the SIP without the need for additional regulation. While EPA agrees that the Connecticut provisions are more comprehensive than the requirements issued jointly by FHWA and the Urban Mass Transportation Administration, and endorsed in principle by EPA, EPA does not agree that the Connecticut SIP revisions should be amended. The revisions, as written, assure that transportation plans, programs, and projects will be consistent with the SIP and thus meet EPA policy requirements.

EPA takes no position on the issue of whether the Indirect Source Review should be retained. The State must have a process to determine that transportation projects will conform to the SIP, but need not use an Indirect Source Review regulation to accomplish this objective. The State has chosen this approach; it meets EPA policy requirements, and is approvable.

Despite these comments, FHWA agreed with EPA's general conclusion to accept the transportation element of the SIP. The Urban Mass Transportation Administration also expressed support of EPA approval, stating that the proposed actions were reasonable and appropriate.

Final Action: EPA is approving the transportation plan review portions of the 1982 Connecticut SIP revisions and the emission reductions goals for transportation measures.

G. Reasonable Further Progress

The proposed revisions showed that the State would attain standards by 1987

with a margin of growth for new or modified sources of VOC emissions. As explained in the NPR, EPA proposed acceptance of the Reasonable Further Progress line but questioned whether the emissions growth margin had been accurately calculated. EPA's questions were resolved (See Section I. A. "Emissions Inventory," of this Notice) and EPA can now approve the Reasonable Further Progress line including the full margin for growth.

Final Action: EPA is approving the Reasonable Further Progress demonstration line for VOC emission.

II. Carbon Monoxide

Connecticut has submitted plan revisions which demonstrate attainment of carbon monoxide standards statewide by 1987. Additionally, the Indirect Source Review provides assurance that new transportation projects will not cause future violations.

A. Air Quality Data

As discussed in the NPR, Connecticut submitted ambient air quality data for each of its nine carbon monoxide monitoring sites covering the years 1978-1980. The data shows that the highest second highest eight hour concentration was 27.5 ppm recorded at Stanford in 1978. No comments were received on this section.

Final Action: EPA is approving the carbon monoxide air quality data base.

B. Attainment Demonstration and Reasonable Further Progress

Connecticut used a screening model to evaluate the likelihood that carbon monoxide standards would be violated at intersections throughout the State. Intersections which showed the greatest potential for violations were modeled again, using a refined dispersion model, Caline 3, modified to account for emissions from motor vehicles as they idle, Mobile 2 emission factors, and the Connecticut Department of Transportation's queuing model. Based on this analysis, Connecticut has shown that standards will be attained statewide by 1987.

Further, Connecticut prepared Reasonable Further Progress (RFP) lines for each monitoring site with a recorded violation. A rollback model, one which assumes that changes in ambient levels of CO are directly proportional to changes in CO emissions, was used for those sites which had low violations or no recent violations, had demonstrable emission reductions, and for which area specific controls were not considered necessary. Caline 3 was used for locations which did not meet these

criteria. All monitoring sites were demonstrated to attain CO standards by 1987.

Final Action: EPA is approving the CO attainment demonstration and Reasonable Further Progress lines.

C. Transportation Control Measures

Transportation measures adopted by Connecticut to reduce VOC emissions will also reduce CO levels at hotspots. The most significant of these measures are the Inspection and Maintenance program, traffic flow improvements, and right-turn-on-red. No additional site specific measures were found to be necessary to attain CO standards by 1987.

Final Action: EPA is approving transportation measures as discussed under Section II.F., "Transportation Measures," of this Notice, and is taking no separate action here.

III. Additional Requirements

A. Resource Commitments

In order to assure that the control strategies included in the 1982 attainment plan are implemented, EPA requested that the State show financial support which will be associated with the adopted measures. Connecticut has included estimates for the implementation costs of each strategy and has agreed to revise its section 105 Air Program Grant to reflect SIP commitments.

Final Action: EPA is approving the State's commitment of resources for the Connecticut 1982 SIP revisions.

B. Public Participation and Intergovernmental Consultation Documentation

EPA asked that this section of the proposed revisions be expanded to describe fully the Connecticut program and activities. The State complied by revising the "Public Participation" portion of the SIP. The final revisions discuss various State activities including its advisory committee, participation efforts made by regional agencies, its work program, publicity and educational efforts, and how the Department will improve its public comment mechanisms.

Final Action: EPA is approving the public participation and intergovernmental consultation portions of the Connecticut 1982 SIP revisions.

IV. Final Action

EPA is approving the Connecticut 1982 State Implementation Plan revisions for ozone and carbon monoxide.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

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

Dated: March 16, 1984.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart H—Connecticut

1. Section 52.370, is amended by adding paragraph (c)(32) as follows:

§ 52.370 Identification of plan.

(c) * * *

(32) Attainment plan revisions to meet the requirements of Part D for ozone and carbon monoxide were submitted by the Department of Environmental Protection on December 10, 1982, January 7, 1983, January 21, 1983, May 19, 1983, June 15, 1983, September 19, 1983, and December 15, 1983. The revisions control volatile organic compound (VOC) and carbon monoxide emissions through a mix of stationary and mobile source controls. EPA approval includes the following regulatory provisions:

(1) Regulation 22a-174-20(ee) limiting emissions from major nonCTG source categories, and

(2) Regulations 22a-174-27 and 14-164c describing the requirements for Connecticut's motor vehicle Inspection and Maintenance Program.

[FR Doc. 84-7541 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2887/R652; PH-FRL 2547-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 1-(4-Chlorophenoxy)-3,3-Dimethyl-1-(1H-1,2,4-Triazol-1-yl)-2-Butanone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone and its metabolites in or on certain raw agricultural commodities and changes the expression for the residues on all commodities for which tolerances have been established. This regulation to establish maximum permissible levels for residues of the fungicide was requested, pursuant to a petition, by Mobay Chemical Corporation.

EFFECTIVE DATE: Effective on March 21, 1984.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 227, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of July 13, 1983 (48 FR 32077), which announced that Mobay Chemical Corporation, P.O. Box 4913, Kansas City, MO 64120, had submitted pesticide petition 3F2887 to EPA proposing to amend 40 CFR 180.410 by establishing tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol in or on the raw agricultural commodities apricots, peaches, nectarines and plums (fresh prunes) at 4.0 parts per million (ppm); cucurbits at 0.3 ppm; sugar beets at 1.0 ppm and sugar beet tops at 3.0 ppm.

In the Federal Register of December 21, 1983 (48 FR 56436) EPA announced that Mobay had amended the petition by

decreasing the tolerance level for sugar beets from 1.0 ppm to 0.5 ppm.

EPA issued a notice, published in the Federal Register of November 30, 1983 (48 FR 54117), which proposed to amend the tolerance expression for residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone to include for plant derived commodities the metabolite beta-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol and for animal derived commodities to include metabolites containing chlorophenoxy and triazole moieties (expressed as the fungicide) in or on certain raw agricultural and animal derived commodities. EPA issued a final rule on January 4, 1984 (49 FR 388) amending the regulation of February 9, 1983 (48 FR 5920), establishing tolerances in or on certain raw agricultural and animal derived commodities, to include the metabolites set forth above in the tolerance expression. There were no comments received in response to these notices. Residue data have now been submitted which indicate that all tolerances for this fungicide should be expressed as the fungicide and metabolites containing chlorophenoxy and triazole moieties (expressed as the fungicide).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of these tolerances include a rat teratology study which indicated that cleft palates are treatment-related effects (the no-observed effects level (NOEL) for fetal development and teratology is considered to be at least 50 milligrams (mg) per kilogram (kg) per day, the NOEL for maternal toxicity is considered to be 10 mg/kg/day); an inhalation study in rats which was negative for teratogenicity and embryotoxicity at a dose level of 11.3 mg/m³; dominant lethal test which was negative for mutagenicity; a micronucleus test which was negative; an Ames test which was also negative for mutagenicity; a 2-year feeding (oncogenicity) study in rats with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm (2.5 mg/kg/day in the diet); a 2-year feeding (oncogenicity) study in mice, with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm (7.1 mg/kg/day in the diet); a 2-year feeding study in dogs with a systemic NOEL of 100 ppm; and a multigeneration reproduction study in rats with a NOEL of 50 ppm (2.5 mg/day in the diet) for reproductive effects.

Based on the NOEL of 50 ppm (2.5 mg/kg) in the 2-year feeding study in rats, and using a 100-fold safety factor, the allowable daily intake (ADI) is calculated to be 0.025 mg/kg/day and the maximum permissible intake (MPI) is 1.5 mg/day for a 60-kg person. Presently established temporary tolerances, toxicologically approved tolerances, and tolerances established by this rule result in a theoretical maximum residue contribution (TMRC) of 0.5033 mg/day for a 60-kg person, which represents 33.55 percent of the ADI. Temporary tolerances have previously been established for the combined residues of this fungicide and its metabolite in or on wheat grain, apple pomace, grape pomace, raisin waste, fresh apples, grapes, almonds and almond hulls.

Residues resulting in fat, meat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and in milk and eggs from use of the agricultural commodities, for which tolerances are established by this notice, as feed are adequately covered by established tolerances.

The pesticide is considered useful for the purpose for which the tolerances are sought. There are no regulatory actions pending against the continued registration of the pesticide. The metabolism of the pesticide is adequately understood, and an adequate analytical method, gas chromatography, is available for enforcement purposes.

Based on the information cited above, the Agency has determined that the establishment of the tolerances for residues of the pesticide in or on the commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-

534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 9, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.410 is revised to read as follows:

§ 180.410 1-(4-Chlorophenoxy)-3,3-dimethyl-1H-1,2,4-triazol-1-yl)-2-butanone; tolerances for residues.

Tolerances are established for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1H-1,2,4-triazol-1-yl)-2-butanone and its metabolites containing chlorophenoxy and triazole moieties (expressed as the fungicide) in or on the following raw agricultural commodities:

Commodities	Parts per million
Apples	1.0
Apricots	4.0
Barley, grain	1.0
Barley, green forage	15.0
Barley, straw	5.0
Cattle, fat	1.0
Cattle, meat	1.0
Cattle, mby	1.0
Chick pea, seed (dry)	1.0
Cucurbits	0.3
Eggs	0.04
Grapes	1.0
Goats, fat	1.0
Goats, meat	1.0
Goats, mby	1.0
Grass, forage	0.2
Grass, seed cleanings (including hulls)	145.0
Grass, seed straw (including chaff)	105.0
Hogs, fat	0.04
Hogs, meat	0.04
Hogs, mby	0.04
Horses, fat	1.0
Horses, meat	1.0
Horses, mby	1.0
Milk	0.04
Nectarines	4.0
Peaches	4.0
Pears	1.0
Pineapples (fresh)	3.0
Plums (fresh prunes)	4.0
Poultry, fat	0.04
Poultry, meat	0.04
Poultry, mby	0.04
Sheep, fat	1.0
Sheep, meat	1.0

Commodities	Parts per million
Sheep, mby	1.0
Sugar beets	0.5
Sugar beets, tops	3.0
Wheat, grain	1.0
Wheat, green forage	15.0
Wheat, straw	5.0

[FR Doc. 84-7431 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300078A; PH-FRL 2545-4]

Folic Acid, Nicotinamide, Pyridoxine, Cysteine, Glutamine, Methionine, Tryptophan, and Adenosine; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on exemptions from the requirement of a tolerance that appeared at page 55569 in the *Federal Register* of December 14, 1983. This action is necessary to insert the entry for cysteine that was inadvertently omitted.

EFFECTIVE DATE: Effective on March 21, 1984.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Unit (TS-788), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, [202-382-3637].

SUPPLEMENTARY INFORMATION: In FR Doc. 83-32923 at page 55570 in the *Federal Register* of December 14, 1983, EPA issued a final rule that added various inert ingredients to the table in 40 CFR 180.1001(d). The entry for cysteine noted in the heading, summary, and supplementary information of the document was inadvertently omitted from the additions to 40 CFR 180.1001(d).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: March 9, 1984.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR 180.1001(d) is corrected by adding and alphabetically inserting the inert ingredient cysteine, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
Cysteine (CAS Reg. No. 52-90-4).	Maximum of 0.5% of formulation.	Synergist.

[FR Doc. 84-7153 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78-72; Phase I; FCC 84-77]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Waiver of Commission orders.

SUMMARY: This action grants a waiver of the Commission's prohibition against the use of cost study based settlements for line haul and special service functions by exchange carriers that were receiving average schedule settlements for "A" and "B" functions. The action is necessary to mitigate local exchange carrier revenue dislocations during the transition to National Exchange Carrier Association ("NECA") administered distributions of access charge revenues. The action is intended to afford sufficient time to the NECA to update the cost studies which underlie the average schedules for line haul and special service functions.

DATES: Effective March 5, 1984 through June 1, 1986.

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

FOR FURTHER INFORMATION CONTACT:

Kent R. Nilsson, Common Carrier Bureau, (202) 632-9342.

SUPPLEMENTARY INFORMATION: *MTS and WATS Market Structure Phase I Order*, FCC 83-386, 48 FR 42987.

Order Granting Waiver

In the matter of MIS and WATS market structure, CC Docket No. 78-72 Phase I.

Adopted: March 5, 1984.

Released: March 9, 1984.

By the Commission: Commissioner Patrick not participating.

1. By Memorandum Opinion and Order, FCC 83-509, released November 14, 1983, (*Formula Approval Order*), the Commission accepted an average schedule formula proposed by AT&T to determine access revenue distributions payable by the National Exchange Carrier Association ("NECA") to those companies that are compensated under the average schedule. The Commission

found, however, that one provision of the formula was inconsistent with the *Access Charge Reconsideration Order*¹ insofar as it would have allowed companies to settle on a cost basis for certain access elements while receiving distributions based on the average schedule for others. In a letter to the Chief, Common Carrier Bureau dated December 6, 1983, NECA requested that the Commission waive its prohibition against the simultaneous use of individual cost data for "C" and "Special Services" functions with average schedule cost data for "A" and "B" functions.²

2. In supporting its request, NECA stated that the "C" function and the "Special Services" function average cost schedules have not been updated since 1957. This has resulted in a situation in which local exchange carriers have been compensated upon bases other than average schedule cost data for "C" and "Special Services" functions while receiving settlements on the basis of average schedule data for "A" and "B" functions. For average schedule exchange carriers, compliance with the Commission's *Formula Approval Order*³ would require either that Schedule A & B companies revert to 1957 level average cost schedules for C and Special Service functions, with concomitant reductions in revenues, or that individual cost studies be prepared in lieu of Schedules A and B. NECA stated that a two year waiver would provide sufficient time to gather and analyze data and to revise the C and Special Service average settlement schedules.

3. Underlying the Commission's access charge plan was a recognition

¹ *MTS and WATS Market Structure Phase I*, FCC 83-386, 48 FR 42987, (released August 22, 1983), at para. 197.

² Currently there are three groups of average schedules: Schedules A, B, and C. These groups reflect the revenue requirements associated with the various functions performed by local exchange telephone companies in the provision of message services (MTS), 800 service, and outward wide area telecommunication service (WATS). The "A" function schedule reflects the allocated toll revenue requirements incurred in providing local exchange facilities for originating and terminating MTS and WATS messages, and buildings, central office equipment, billing, and collecting. The "B" function schedules include the revenue requirements which are associated with toll operating, automatic ticketing, automatic number identification, and intertoll dial switching equipment. The "C" function schedule has been used to calculate settlements for the provision of toll interexchange (or "Line Haul") functions. "Special Services" functions have covered private line services (e.g., point to point private line, remote metering, and data services). Source: Memorandum from W.R. Stump (Assistant Vice President, A.T.&T.) to the Chief, Common Carrier Bureau, dated June 30, 1983.

³ See also § 69.606(b) of the rules, 48 FR 10366 (November 14, 1983).

that the presence of average schedules for exchange carriers has facilitated the settlements process, and has enabled many small telephone companies to economize on record keeping by reducing the amount of data which would otherwise be required. The Commission's decision to permit a continuation of average schedule settlements was based upon the premise that unnecessary disruptions in the distribution of access charges revenues were not desirable, and that additional administrative burdens during the transition period should be mitigated as long as the underlying integrity of the access charge decision was not vitiated.

4. It was not apparent, however, upon reconsideration or at the time of the adoption of the *Formula Approval Order*, that local exchange carriers would encounter substantial difficulty in developing cost studies by the time access charge tariffs were likely to go into effect. Nor was it evident that requiring local exchange carriers to elect either average schedule treatment or cost study treatment would disrupt revenue streams to Independent telephone companies during the transition to Exchange Carrier Association administered distributions of access charges revenues.

5. Although the Commission's policy is clearly directed to requiring that local exchange carriers be compensated for local access functions either on the basis of individual cost studies or average cost schedules, it was not the intention of the Commission to introduce major dislocations during the initial transition from settlements arrangements to Exchange Carrier Association distributions of access charges revenues. As a consequence, to facilitate that transition, a waiver of the terms of the *Formula Approval Order* and the underlying provisions of the *Access Charge Reconsideration Order* is granted to permit:

(1) The use of individual company cost or other relevant studies for Schedule "C" functions by companies that are also being compensated under average schedules for "A" and "B" functions;

(2) The use of individual company cost or other relevant studies for Special Service settlements by companies that are also being compensated under average schedules for other access services.

6. Accordingly, it is ordered, that the request of the National Exchange Carriers Association for waiver effective as of the adoption date of this order and is granted through June 1, 1986.

7. This order shall be published in the Federal Register.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 84-7201 Filed 3-20-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 31230-254]

Tanner Crab off Alaska

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

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Director), has determined that the optimum harvest levels of Tanner crab in the Eastside Section of the Kodiak District and in the South Peninsula District, both in Registration Area J, will be achieved on March 17, 1984, and March 20, 1984, respectively, and that early closure of the fishery is necessary to protect Tanner crab stocks. The Secretary of Commerce therefore issues this notice closing the Eastside Section and the South Peninsula District to fishing for Tanner crab by vessels of the United States effective March 17 and 20, 1984, respectively. The previously scheduled closing dates are April 30, 1984, for the Eastside Section and May 15, 1984, for the South Peninsula District.

DATES: This notice is effective from 12:00 noon, Alaska Standard Time (AST), March 17, 1984. It was filed for public inspection with the Office of the Federal Register on March 16, 1984. Public comments on this notice of closure are invited until April 1, 1984.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1666, Juneau, AK 99802. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m.) at (1) The NMFS Kodiak Field Office, ADF&G Building, Kashevaroff and Mission Roads, Kodiak, Alaska, and (2) the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (NMFS Fishery Management Biologist), 907-486-4791.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act, provides for inseason adjustments, by field order, of season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issued by the Secretary of Commerce under criteria set out in that section.

Section 671.26(f) established six districts within Registration Area J in order to prevent overfishing of individual Tanner crab stocks by allowing closure or partial closure of a particular district when the desired harvest level is reached. Two of the districts are the Kodiak and South Peninsula Districts. The Kodiak District is further subdivided into eight sections. The Alaska Board of Fisheries has set the desired 1984 harvest level for the Eastside Section of the Kodiak District at 4.37 million pounds and for the South Peninsula District at 2.75 million pounds. These desired harvest levels were based on pot and trawl index surveys conducted by the Alaska Department of Fish and Game (ADF&G) during 1983. The 1984 fishing season for both areas began on February 10. Reasons for the closures in these areas follow:

East Section of the Kodiak District

Approximately 100 vessels have delivered about 3.7 million pounds of crab through March 11. The catch rate has declined rapidly since February 10 from about 70 to about 15 crabs per pot. This rapid decline indicates that stocks are not sufficient to support this fishery through the scheduled April 30 closure date. The optimum harvest level of 4.37 million pounds is expected to be reached on March 17.

South Peninsula District

Fifty-seven vessels have delivered about 1.4 million pounds of crab through March 11. The catch rate has declined rapidly since February 10 from about 20 to about 10 crabs per pot. Vessels landing crab are reporting increasing proportions of "deadloss", that is, crabs in a vulnerable soft-shell condition which are discarded at sea as dead. On the basis of the rapid decline in catch rate and the increasing deadloss, the fishery is being limited to an optimum harvest level of 1.7 million pounds instead of the previously projected level of 2.75 million pounds. The optimum

harvest of 1.7 million pounds is expected to be reached on March 20.

In light of this information, the Regional Director, in accordance with § 671.27(b)(2), has determined that: (1) The actual condition of Tanner crab stocks in the Eastside Section and the South Peninsula District is substantially different from the condition anticipated at the beginning of the fishing year; and (2) this difference reasonably supports the need to protect those Tanner crab stocks by closing the Eastside Section of the Kodiak District and the South Peninsula District, as described in § 671.26(f)(1) (i) and (ii). The Eastside Section and the South Peninsula District are therefore closed to all fishing for Tanner crab from 12:00 noon, AST, March 17, 1984, and March 20, 1984, respectively, until 12:00 noon, ADT, April 30, 1984, and May 15, 1984, respectively, at which time the closure of these areas prescribed in § 671.26(f)(2) (i) and (ii) will begin.

These closures will become effective after this notice is filed for public inspection with the Office of the Federal Register and the closures are publicized for 48 hours through ADF&G procedures under § 671.27(a)(2). Public comments on this notice of closure may be submitted to the Regional Director at the address above. If comments are received, the necessity of these closures will be reconsidered and a subsequent notice will be published in the Federal Register, either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

Tanner crab stocks in the Eastside Section and the South Peninsula District will be subject to damage by overfishing unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comment on this order are contrary to the public interest and that no delay should occur in its effective date.

This action is taken under the authority of § 671.27 and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information request, as defined in the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 671

Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 16, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-7549 Filed 3-16-84; 3:23 pm]

BILLING CODE 3510-22-M

50 CFR Part 671

[Docket No. 31230-254]

Tanner Crab Off Alaska

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

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the optimum harvest level of Tanner crab in the Southeast District in Registration Area A will be achieved on March 18, 1984, and that early closure of the fishery is necessary to protect Tanner crab stocks. The Secretary of Commerce therefore issues this notice closing the Southeast District to fishing for Tanner crab by vessels of the United States on that date. The previously scheduled closing date is May 1, 1984.

DATES: This notice is effective from 12:00 noon, Alaska Standard Time (AST), March 18, 1984, until 12:00 noon Alaska Daylight Time (ADT), May 1, 1984. It was filed for public inspection with the Office of the Federal Register on March 16, 1984. Public comments on this notice of closure are invited until April 2, 1984.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m. AST weekdays) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, (NMFS Fishery Management Biologist), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act, provides for inseason adjustments by field order of season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issued by the Secretary of Commerce under criteria set out in that section.

Section 671.26(c) established two districts within Registration Area A in order to prevent overfishing of individual Tanner crab stocks by allowing closure or partial closure of a particular district when the desired harvest level is reached. One of the districts is the Southeast District. Although the FMP specifies the optimum yield (OY) for the Southeast District to be 2.5 million pounds, the Alaska Board of Fisheries has set the desired 1984 harvest level at 1.5 million pounds. This level reflects the reduced abundance of harvestable Tanner crab in the Southeast District.

The 1984 fishing season for this district began on February 10. Approximately 99 vessels have delivered about 1.18 million pounds through March 8, a period of 28 days. When this catch rate is compared to 1983, when 85 vessels delivered 1.0 million pounds in only 15 days, it is apparent that crab stocks cannot support a fishery through the scheduled May 1 closure date. The 1984 catch rate has declined since February 10 from about 20 to about 5 crabs per pot, which also indicates that stocks are not sufficient to support this fishery without causing biological harm to the resource. The optimum harvest level of 1.5 million pounds is expected to be reached on March 18.

In light of this information, the Regional Director, in accordance with § 671.27(b)(2), has determined that: (1) The actual condition of Tanner crab stocks in the Southeast District is substantially different from the condition that was anticipated at the beginning of the fishing year; and (2) this

difference reasonably supports the need to protect those Tanner crab stocks by closing the Southeast District of Registration Area A, as described in § 671.26(c)(1)(i). This district is closed, therefore, to all fishing for Tanner crab from 12:00 noon AST, March 18, 1984, until 12:00 noon ADT, May 1, 1984, at which time the previously scheduled closure of this district prescribed in § 671.26(c)(2)(i) will begin.

This closure will become effective after this notice is filed for public inspection with the Office of the Federal Register and the closure is publicized for 48 hours through ADF&G procedures, under § 671.27(a)(2). Public comments on this notice of closure may be submitted to the Regional Director at the address above. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the Federal Register, either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

Tanner crab stocks in the Southeast District will be subject to damage by overfishing unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comments on this order are contrary to the public interest and that no delay should occur in its effective date.

This action is taken under the authority of § 671.27, and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information request, as defined in the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 671

Fisheries.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 16, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-7550 Filed 3-16-84; 3:22 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 49, No. 56

Wednesday, March 21, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 83-AAL-9]

Proposed Establishment of J-529—Fort Yukon, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish new Jet Route J-529 between Fort Yukon, AK, and Shingle Point nondirectional beacon (NDB), Yukon Territory (YT), Canada. This new jet route is proposed as part of a planned new polar route across Canada. This action would designate controlled airspace in an area where no FAA radar coverage currently exists and would improve flight planning.

DATES: Comments must be received on or before May 7, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 83-AAL-9, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AAL-9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR

Part 75) to establish a new jet route between Fort Yukon, AK, and Shingle Point, NDB, YT, Canada. The International Airline Transportation Association (IATA) has requested a new polar route across Canada and the FAA is cooperating with the Canadian Government by proposing the initial phase of the route in the Fort Yukon area. Tentatively, the FAA has determined that suitable navigational signal coverage between Fort Yukon and Shingle Point NDB on the 018° magnetic radial at Flight Level 280 and above. Also, this action designates controlled airspace in an area where no FAA radar coverage exists and aids flight planning. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 75

Airspace, Jet routes, Navigation (air).

The Proposed Amendment

PART 75—AMENDED

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

J-529 [New]

From Fort Yukon, AK, via 049°T(018°M) radial; to Shingle Point NDB, YT, Canada. The airspace within Canada is excluded. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65.)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 13, 1984.

John W. Baier,

Acting Manager, Airspace, Rules and
Aeronautical Information Division.

[FR Doc. 84-7499 Filed 3-20-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 505; Ref. Notice No. 486]

Standards of Fill for Distilled Spirits; Extension of Comment Period

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

ACTION: Extension of comment period.

SUMMARY: ATF has been requested by the Distilled Spirits Council of the United States, Inc. (DISCUS) and the National Association of Beverage Importers, Inc. (NABI) to extend the comment period on Notice No. 486 (September 23, 1983, 48 FR 43346). The comment period was originally to have closed on March 23, 1984. However, in order to ensure that all pertinent data and information is made available before deciding whether the 500 ml size will remain a standard of fill for distilled spirits or be eliminated, ATF is extending the comment an additional nine months.

DATE: Comments must be received on or before January 2, 1985.

ADDRESS: Comments should be submitted to: Chief, FAA, Wine and Beer Branch, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 486).

FOR FURTHER INFORMATION CONTACT: Roger Bowling, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On September 23, 1983, ATF published Treasury Decision ATF-146 (48 FR 43319) adopting the 100 ml size and 375 ml size as standards of fill for distilled spirits. These sizes became effective for use in interstate and foreign commerce on January 3, 1984. Concurrent with this Treasury decision, ATF published Notice No. 486 relating to the 375 ml size and 500 ml size.

A major concern with the 375 ml and

500 ml sizes is the similarity in bottle size and shape even though the volumetric difference is 125 ml, or slightly over four fluid ounces. Because of this concern, ATF issued Notice No. 486 which requested comments on whether bottlers should be allowed the option of bottling their products in either the 375 ml size or 500 ml size, but not both; or should the 500 ml size be eliminated entirely as a standard of fill for distilled spirits.

To reiterate, ATF requested specific comments on the following issues:

(a) Would retention of the 500 ml size lead to consumer confusion or deception because of its similarity to the 375 ml size?

(b) Since there is only slightly over four fluid ounces difference between the 375 ml size and 500 ml size, is there a need to have both sizes? Would the 375 ml size fulfill the market need for the 500 ml size?

(c) In the event the 500 ml size is eliminated as a standard of fill, what is a reasonable transition period to allow for a use-up of present inventories of this bottle size?

(d) Does the greater benefit to both industry and the consumer exist with both sizes in the market without qualification since it allows greater flexibility in bottling and wider size choice on purchases?

(e) Would repeat purchases negate any confusion or deception that may arise between the 375 ml size and 500 ml size? Does the option of having a purchase choice between the 375 ml size and 500 ml size outweigh any confusion or deception that may arise?

Extension Requests

In a letter dated January 17, 1984, DISCUS requested that the comment period be extended to January 2, 1985. NABI, in a letter dated March 1, 1984, requested an extension until January 1, 1985. DISCUS stated that this extension is necessary in that "The distilled spirits industry believes that extending the comment period to that date would allow consumers and all segments of the industry to have sufficient experience with the 375 ml and 500 ml sizes to file informed comments. This experience would allow all persons to have a base of experience from which to respond to the issues about which ATF has requested specific comment. Specifically, the industry needs the experience of having both the 375 ml and 500 ml sizes on the market for a substantial period of time in order to determine whether there is consumer need to have both sizes. It may be, for

example, that there will be demand for both sizes for all products, or that consumers will prefer one size for certain products (such as cordials and liqueurs) and the other size for other types of products. Finally, it will take considerable time to determine whether the existence of both sizes results in consumer confusion, a concern expressed by the Bureau."

NABI stated that the relatively short period of time in which the 375 ml and 500 ml sizes have been available to consumers is inadequate to determine consumers' reaction to the two sizes. Therefore, NABI requested an extension to provide ATF and industry with information on which to base a decision on the issues posed in Notice No. 486.

Because of its desire to have all pertinent and relevant information at hand before rendering its decision on the 500 ml size, ATF is granting the extension as requested. Although a year may appear to be an excessive amount of time, ATF believes it is a reasonable period in this case. The 375 ml size was adopted on September 23, 1983, however, the size was not available for sale to consumers until January 3, 1984. The requests by DISCUS and NABI places the 375 ml size and 500 ml size in the market for one year. To be able to make an informed comment, a year may be necessary to make market surveys on consumer preferences and purchases. Therefore, ATF is extending the comment period until January 2, 1985.

Disclosure

Comments may be inspected by any person during normal business hours at: Office of Public Affairs and Disclosure, ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

Drafting Information

The principal author of this document is Roger Bowling, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

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

Approved: March 21, 1984.

Stephen E. Higgins,

Director.

[FR Doc. 84-7568 Filed 3-20-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF EDUCATION

Office of Special Education and
Rehabilitative Services

34 CFR Part 301

Incentive Grants

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue revisions to the regulations under Section 619 of Part B of the Education of the Handicapped Act to conform those regulations to recent amendments to Section 619. These proposed regulations will expand the age range of children who may receive services under the Incentive Grants program by adding children from birth to three years of age in accordance with the Education of the Handicapped Act Amendments of 1983, Public Law 98-199.

DATES: Comments must be received on or before June 19, 1984.

ADDRESSES: Comments should be addressed to: Dr. David Rostetter, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, S.W. (Switzer Building, Room 3607), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Sheila Friedman. Telephone: (202) 472-3860.

SUPPLEMENTARY INFORMATION: The Incentive Grants program established under Section 619 of Part B of the Education of the Handicapped Act (20 U.S.C. 1419) authorizes grants to State educational agencies to provide special education and related services to handicapped children from birth through five years of age. States are entitled to payments under this program based on the number of handicapped children ages three through five that are receiving special education and related services.

Final regulations for this program were published on August 23, 1977 (42 FR 42517), and redesignated on November 21, 1980 at 45 FR 77368.

The proposed amendment is a technical change in the Incentive Grant regulations, 34 CFR Part 301, which reflects an amendment to the authority for that program, Section 619 of the EHA-B, made in Public Law 98-199. That change expanded the age range of handicapped children eligible to receive services under the Incentive Grant program from three through five to birth through five.

The report of the House Committee on Education and Labor on the Education

of the Handicapped Act Amendments of 1983 states that:

Research studies of the past decade confirm that early identification, diagnosis and treatment of handicapping condition[s] can significantly reduce the number and severity of handicaps in later life. Early efforts to reduce the limiting effects that physical and cognitive impairments have on major life functions increase the potential benefits of the educational system.

See H.R. Rep. No. 410, 98th Cong., 1st Sess. 24 (1983). See, also, S. Rep. No. 191, 98th Cong., 1st Sess. 14 (1983).

States may expand services to children from birth to age three at their discretion; Section 619 does not require services to this group. States which elect to serve such children will, however, need to amend their approved applications for Fiscal Years 1984-86.

Proposed changes to implement the expanded age groups are made to the following sections: § 301.1(c) and § 301.5(a) and (d). No other changes are proposed. States will continue to receive payments based on the number of handicapped children served ages three through five.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These amendments to the regulations for Incentive Grants merely incorporate a statutory revision that expands the age range of handicapped children eligible for special education and related services. Inclusion of additional children will be on a voluntary basis. The regulations will not have a significant economic impact on States or local educational agencies participating in the program.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order 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.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to comment: Interested persons are invited to submit comments and recommendations to the address given at the beginning of this document. All comments received on or before June 19, 1984 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3529, Switzer Building, 330 C Street, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Paperwork Reduction Act

The information collection requirements contained in these proposed rules will be sent to OMB for review under the provisions of Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Comments concerning information collection requirements *only* should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, N.W., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 301

Administrative practices and procedures, Education, Education of handicapped, Grant programs—education, Preschool.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance Number 84.027, Incentive Grants)

Dated: March 15, 1984.

T. H. Bell,

Secretary of Education.

PART 301—[AMENDED]

The Secretary proposes to amend Part 301 of Title 34 of the Code of Federal Regulations as follows:

1. Section 301.1 is amended by revising paragraph (c) to read as follows:

§ 301.1 Scope; purpose.

(c) The State shall use funds provided under this part to give special education and related services to handicapped children in the age groups named in paragraph (b) of this section and to handicapped children from birth to three years of age.

2. Section 301.5 is amended by revising paragraphs (a) and (d) to read as follows:

§ 301.5 Application contents.

(a) A description of the State's goals and objectives for meeting the educational needs of handicapped children from birth through five years of age. These goals and objectives must be consistent with the State's full educational opportunity goal under § 300.123 of this chapter.

(d) A description of the impact the proposed activities will have on handicapped children from birth through five years of age. This description must include evidence that the proposed activities are of sufficient size, scope, and quality to warrant the amount of the expenditure. The application must indicate the number of children to be served and the number of handicapped children who will be benefitted indirectly. If children are to be benefitted indirectly, there must be a rationale that demonstrates the benefit.

(20 U.S.C. 1419)

[FR Doc. 84-7489 Filed 3-20-84; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 145**

[WH-FRL 2547-8]

Washington Department of Ecology; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the State of Washington requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the Section 1422 application of the Washington Department of Ecology (WDE) to regulate Classes I, II, III, IV, and V injection wells in the State.

DATES: Requests to hold a public hearing and present oral testimony should be filed by April 23, 1984. The Public Hearing will be held on April 26, 1984, from 1:00 p.m. to 3:00 p.m. The public comment period closes May 3, 1984. If sufficient public interest in holding the hearing is not expressed by April 23, 1984, EPA reserves the right to cancel the hearing pursuant to the provisions of 40 CFR 145.31(c). If the hearing is cancelled, those persons having expressed interest in attending the hearing will be notified of the cancellation either by phone or letter. Other persons should contact EPA in Seattle at (206) 442-1846 to confirm the date and time.

ADDRESSES: Comments and requests to testify should be mailed to Harold Scott, M/S 409, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the application and pertinent material are available during normal business hours at the following locations:

Environmental Protection Agency, Region X, Library, 1200 Sixth Avenue, Seattle, Washington 98101.

Department of Ecology, Headquarters, Mail Stop PV-11, Olympia, Washington 98504, PH: (206) 459-6077.

Department of Ecology, Southwest Regional Office, 7272 Clearwater Lane, Olympia, Washington 98504, PH: (206) 753-2353.

Department of Ecology, Northwest Regional Office, 4350 150th Avenue, NE., Redmond, Washington 98502, PH: (206) 885-1900.

Department of Ecology, Central Regional Office, 3601 W. Washington, Yakima, Washington 98903, PH: (509) 575-2491.

Department of Ecology, Eastern Regional Office, East 103 Indiana, Spokane, Washington 99207, PH: (509) 456-2925.

The hearing will be held at the Environmental Protection Agency, Room 12C, 12th Floor, 1200 Sixth Avenue, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Harold Scott, M/S 409, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle Washington 98101, PH: (206) 442-1846 or FTS 399-1846.

SUPPLEMENTARY INFORMATION: The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 mg/l of total dissolved solids. At present, the State of Washington has one Class I well, and 6000 inventoried Class V wells. Class V wells will be studied to assess whether further regulatory measures are required. In the meantime, Class V wells will be regulated under existing State procedures. The State of Washington does not intend to exempt any aquifers at this time.

Requests for a public hearing should include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in the UIC program and of information that the requesting person intends to submit at such hearing; and,

(3) The signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 145

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

This application from the Washington Department of Ecology is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the Washington Department of Ecology and Region X office of the Environmental Protection Agency.

Dated: March 14, 1984.

Jack E. Ravan,

Assistant Administrator for Water.

[FR Doc. 84-7543 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 2, 73, and 76**

[MM Docket No. 84-168; FCC 84-50]

Authorization of the Offering of Data Transmission Services on the Vertical Blanking Interval by TV Stations

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Commission requests comments upon its proposal to authorize any television station to offer any data transmission services on the vertical blanking interval either on a private or common carrier basis. Data transmission services include such services as paging, raw data transmission, and computer software. Because there is unused spectrum in the vertical blanking interval and there are numerous services requiring additional spectrum, the Commission believes it is appropriate to remove any remaining restrictions on the use of this particular portion of the broadcast spectrum. The Commission intends this action to provide television stations with additional opportunities for extending and diversifying their services, to improve the efficiency of spectrum utilization, and to assist in satisfying a demonstrated public need. This action will also hopefully increase development of vertical blanking interval technology.

DATES: Comments are due by April 16, 1984 and replies by May 1, 1984.

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

FOR FURTHER INFORMATION CONTACT: Alan Stillwell, Broadcast Bureau, 202-632-6302.

List of Subjects**47 CFR Part 2**

Frequency allocation, Radio.

47 CFR Part 73

Television.

47 CFR Part 76

Cable television.

Notice of Proposed Rulemaking

In the matter of amendment of Parts 2, 73, and 76 to Authorize the Offering of Data Transmission Services on the Vertical Blanking Interval by TV Stations (MM Docket No. 84-168).

Adopted: February 15, 1984.

Released: March 8, 1984.

By the Commission.

1. The Commission is today initiating a proceeding to solicit comment upon a proposal to permit television stations to provide various data transmission services on the vertical blanking interval (VBI) ¹ of the television signal. In BC Docket No. 81-741, we recently authorized television stations to offer teletext ² services on the VBI.³ We noted in that order that teletext was only one of many potential services that could be offered on the vertical blanking interval. Some of the other service possibilities include paging, raw data transmission, computer software and video game delivery, utility load management, and facsimile transmissions that would use analog signalling techniques. In fact, any data transmission service for which the VBI offers sufficient capacity could be provided.⁴

2. Authorizing television stations to provide various data transmission services is consistent with our mandate to "[s]tudy new uses for radio . . . and generally encourage the larger and more effective use of radio in the public interest." 47 U.S.C. 303(g). Broadening

¹ The vertical blanking interval is that portion of the television signal that appears as a black bar when the picture rolls.

² Teletext is the transmission of textual and graphic data on the VBI of the video portion of the television signal which is intended for display on a viewing screen.

³ *Authorization of Teletext*, BC Docket No. 81-741, FCC 83-120, mimeo 32977, released May 20, 1983, (53 FR 2d 1309 (1983)).

⁴ The proposed definition would permit the transmission of raw data, processed information, or any other communication in either a digital or analog mode.

the number of services that may be offered on the VBI would encourage more efficient use of the broadcast spectrum. These additional uses of the spectrum will also afford the public a better opportunity to secure the communications services they desire from a variety of sources.⁵ See *Authorization of Teletext*, supra at paragraph 42. Because there is a growing demand for additional data transmission services, we propose to authorize both commercial and public broadcasting television stations to offer these services on the VBI. Data transmission services will include the transmission of raw data, processed information, or any other communication in either a digital or analog mode. This authority would further be granted to both full services and low power television stations.

3. Paging services stand out as one of the more significant forms of data transmission services which television stations may want to consider offering. Because paging services offered on the VBI will be competitive with existing common carrier and private paging systems, we have taken particular care to consider whether the introduction of additional competition in this area is in the public interest. We tentatively conclude that it is.

4. Our tentative conclusion vis-a-vis paging services is supported by the definite need for such services. The Commission recently documented the need for additional paging services in General Docket No. 80-183.⁶ Studies submitted by Arthur D. Little in 1975 and Frost & Sullivan in 1978, indicated that by 1985 there would be approximately three million pagers in use.⁷ In response to those forecasts, the Commission decided to allocate forty additional paging channels each for private and common carrier paging systems.⁸

⁵ These additional services do not preclude the simultaneous provision of several services, including teletext, on a particular station's vertical blanking interval.

⁶ *Paging Systems-DPLMRS*, 89 FCC 2d 1337 (1982) [Notice of Proposed Rule Making (Docket No. 80-183), 45 Fed. Reg. 32013, 32015 (May 15, 1980)].

⁷ Three of the common carrier and four of the private radio channels are reserved for nationwide paging. An additional one megahertz (forty 25 kHz channels) is to be held in reserve for use by advanced technology paging systems. Thus, the reserve channels may not be available for alleviating the need for traditional paging services. An additional 28 low band channels have also recently been allocated to paging services. See *First Report and Order*, CC Docket No. 80-189, 49 FR 2d 1541 (1981), *recon. granted in part*, FCC 82-342, 47 FR 34561 (Aug. 10, 1982); and *Second Report and Order*, Docket No. 19327, 51 FR 2d 1532 (1982), 47 Fed. Reg. 34568 (Aug. 10, 1982).

However, both the Ad Hoc Private Paging Committee (AHPPC) and Telocator Network of America (Telocator) indicated that the Commission's proposed allocation of forty channels might be inadequate.⁹ In light of these comments and the response by applicants to the Commission's lowband¹⁰ and 900 MHz allocations (more than 5,500 applications have been filed so far),¹¹ it seems clear that the demand for paging services should continue to be strong. Therefore, we believe it is appropriate to remove restrictions on existing broadcast spectrum in order that it may provide an additional means of satisfying the demand for paging service. Thus, authorizing the provision of paging services, as one form of data transmission, over the VBI appears to provide a particularly suitable response. We request comments on this particular aspect of our proposal.

5. With respect to data transmissions generally, we are not proposing to classify particular VBI data transmission services as either private or common carrier offerings. Rather, as we indicated in the *Report and Order* for BC Docket No. 81-741,¹² and also in the *First Report and Order* for BC Docket No. 82-536,¹³ licensees, other than licensees in the land mobile services, should be guided by the criteria set forth by the United States Court of Appeals for the District of Columbia in *National Association of Regulatory Utility Commissioners v. FCC*, 525 F.2d 630 (D.C. Cir. 1976), cert. denied, 425 U.S. 992 (1976) (NARUC I). Among the factors indicative of non-common carriage delineated by the court are the establishment of medium-to-long term contractual relationships with customers, a relatively stable clientele base, the failure to hold out facilities indifferently, and the selection of clients on a highly individualized basis. With regard to land mobile services, such as paging, the Communications Amendments Act of 1982, Section 120, establishes a demarcation between private and common carrier land mobile services, and indicates that this new test is intended to supersede the NARUC I standard. See 47 U.S.C. 332(c). The new statutory test is based on the manner in which a multiple licensed or shared

private land station is interconnected with a telephone exchange or interexchange service or facility. It will be the initial responsibility of the licensee to decide on what basis to offer its services.

6. If a licensee intends to offer data transmission services on a common carrier basis, we will require that it first obtain authorization to do so by filing an application in accordance with Parts 21 or 22, as appropriate. See 47 CFR Parts 21 and 22. Public Notice will be given of each such request received, and a 30-day period will be afforded to all parties wishing to file comments in connection therewith. It is our intention that, in seeking such authorizations, the television station licensee will be in the same position, entitled to the same privileges and subject to the same obligations and regulations as a traditional offeror of such services. As we noted in the *First Report and Order* in BC Docket No. 82-536, "our policy is that applications to provide common carrier services from qualified applicants will be granted unless there is some basis to believe that such a grant 'is likely to produce results that conflict with the goals of the Communications Act.'" *Authorization of FM Subcarriers*, supra at paragraph 25.¹⁴

7. Television station licensees seeking to provide private carrier service on the VBI will be required to notify the Licensing Division of the Private Radio Bureau at Gettysburg, Pennsylvania, 17325, by letter, prior to initiating service. Licensees must certify that their facilities will be used in this regard only for permissible services. See 47 CFR Parts 90 and 94. Further, when providing land mobile service, they must also certify that service will only be offered to users eligible under Part 90 of the Commission's Rules, and that any interconnection of the station with a telephone exchange or interexchange service or facility will be obtained in accordance with Section 331 of the Communications Act, 47 U.S.C. 332.¹⁵

¹⁴ With regard to common carrier paging services, we note that because applicants for an initial common carrier channel are not required to demonstrate need, VBI paging applicants will not be required to demonstrate need when they are proposing an initial system in a market. *Paging Systems-DPLMRS*, supra at 1349-1354. Additionally, we request comments upon the question of whether some kind of need must be demonstrated when a television station licensee or its lessee is currently authorized to operate a common carrier paging facility within its television station service area. Finally, a financial showing will not be required. *Elimination of Financial Qualifications*, 82 FCC 2d 152 (1980).

¹⁵ The Commission's interpretation of this test in the new legislation is contained in our reconsideration of the *Second Report and Order*, Docket No. 20846, 89 FCC 2d 741 (1982). See

We do not intend such notification to give rise to a comment period, and no separate authorization will be issued by the Commission. Television station licensees offering a private service will be similarly situated, entitled to the same privileges, and subject to the same obligations and regulations, as a traditional offeror of such services.

8. Regardless of whether the television station licensee contemplates offering private or common carrier services, the licensee will not be required to seek additional approval for the technical facilities of the television station. As in the case of teletext and FM subcarriers, we also consider the use of the VBI for the transmission of data as a secondary privilege that runs with the primary television station license. Therefore, that right will only be conferred on the primary station licensee; in other words, we do not intend to entertain competing applications for that right. Of course, licensees will be permitted to lease portions of the VBI to entities that will provide either a private or common carrier service. In such instances, the lessee may be permitted to seek the appropriate authorization, but the primary licensee of the television station will be held responsible for the technical operation of the transmitting facilities.

9. In both the Teletext and FM subcarrier dockets, we recognized that there may be situations when the provision of services via the VBI could enjoy a competitive advantage vis-a-vis other carriers offering similar services by virtue of the greater service area of some television stations. This problem is particularly germane to the provision of paging services over the VBI, although it would be pertinent to any data transmission service that competes with other licensed services. We do not, however, believe that authorizing television stations to enter these markets will have any adverse public interest consequences for existing operations. It would be possible to reduce or eliminate that competitive impact through rules that would place specific restrictions on technical operations. For example, we could require television stations to limit the injection level of their VBI data service signals or, in the extreme, could limit station transmitter power to a degree that would yield coverage equal to that of paging or other competitors. Such an approach would, however, be spectrally inefficient and, in the latter case, would subvert the provision of basic broadcast

Memorandum Opinion and Order, Docket No. 20846, Mimeo 33104, FCC 83-174, released May 27, 1983.

⁹ *Paging Systems-DPLMRS*, supra at 1338.

¹⁰ *First Report and Order*, CC Docket No. 80-189, 49 FR 2d 1541 (1981), recon. granted in part, FCC 82-342, 47 FR 34561 (Aug. 10, 1982).

¹¹ *Paging Systems-DPLMRS*, supra.

¹² *Authorization of Teletext*, supra at paragraphs 61-68.

¹³ *Authorization of FM Subcarriers*, BC Docket No. 82-536, FCC 83-154, Mimeo 33147, released May 19, 1983, at paragraphs 20-27. (53 FR 2d 1519 (1983)).

service. Moreover, the development of new technology should not be thwarted simply to protect the status quo.¹⁶ In any event, we doubt there will be an adverse impact upon existing services for several reasons. First, the VBI would be available for many different services and there is no evidence to suggest that the industry would focus its use of the VBI on any one particular service. Thus, it is possible that the number of stations engaged in any particular activity would be limited. Second, wide-area services are not necessarily more attractive or important to potential customers, particularly where there are differences in pricing and supplemental services.¹⁷ Third, with respect to paging services, many existing paging systems operate wide-area systems that would be competitive with VBI systems. Accordingly, it appears that the competitive impact upon existing facilities, whether paging or otherwise, will not be critically adverse.¹⁸

10. With regard to the technical rules that will govern VBI data transmissions, we propose to apply the same technical rules adopted for teletext in BC Docket No. 81-741. Television stations will be able to offer data transmission services, including paging, at the same signal level as teletext and over all VBI lines authorized for teletext. Similarly, VBI signal transmitting data will not be permitted to interfere with other radio frequency services or degrade reception of the originating station's regular programs. The proposed rules will afford licensees wide latitude in designing systems, while protecting existing services.¹⁹ We are also concerned as to whether the technical aspects of teletext operations could differ from those of some non-teletext services. Although we are not aware of any such differences, we request technical comments on signalling methods that may be appropriate for specific services or VBI

operations in general but not for the more limited teletext transmissions. Interested parties are invited to comment upon the desirability of these or additional technical requirements.

11. Proposed rules that would implement a general authorization of the VBI for data services as discussed *supra* are presented in the Appendix. Inasmuch as teletext as currently authorized would qualify as a data service as defined herein, the proposed rules would replace the teletext rules on a one-for-one basis as appropriate.

12. Finally, it is likely that equipment manufacturers will develop and market devices that can receive and either display or utilize the data transmissions. We would like specific comments as to how such devices should be treated under Part 15 of our Rules. For example, such devices could be treated as either a Class I TV device under Part 15 of the Commission's Rules or they could be considered a receiver under Part 15, Subpart C.²⁰

13. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

I. Reason for Action

Authorization of data transmission services, including paging, on the vertical blanking interval will provide additional opportunities for extending and diversifying the services provided by television stations, improve the efficiency of spectrum utilization, and assist in satisfying a demonstrated public need.

II. Objective

The Commission is proposing to authorize data transmission services on the vertical blanking interval in order to encourage additional and diverse uses of this relatively underutilized spectrum. Additionally, we believe this will assist us in satisfying a demonstrated public need for paging services. Finally, this action will also hopefully increase development of vertical blanking interval technology.

III. Legal Basis

The proposed action is authorized under Section 303 of the Communications Act of 1934, as amended, which charges the Commission with the responsibility to explore new and improved uses of radio.

IV. Description, Potential Impact and Number of Small Entities Affected

Authorizing the use of the vertical blanking interval for data transmission services should have a beneficial effect

on most television station licensees because it will increase the number of permissible VBI uses. We anticipate that operators of private and common carrier paging systems could be slightly adversely affected in they were to lose some customers to the television stations' paging services. Because there is a substantial unmet demand for this service which is increasing yearly, we do not, however, expect that impact, should it occur, to be significant. Moreover, any estimate of the impact at this time is highly speculative. If this proposal is ultimately adopted, paging will only be one of many services which can be offered on the vertical blanking interval. We do not know how many television station licensees will actually be interested in offering paging services and, if so, in what form. Without that information, we cannot accurately estimate the potential impact of this action upon operators of private and common carrier paging systems. Finally, manufacturers of electronic equipment could be beneficially affected because this action should produce an additional avenue for the sale of their equipment.

V. Reporting, Recordkeeping and Other Compliance Requirements

Beyond the requirements currently imposed upon various services, such as paging, no new requirements will be imposed upon television stations.

VI. Federal Rules Which Overlap, Duplicate or Conflict With This Rule

None.

VII. Significant Alternatives

With respect to the authorization of services that will be competitive with other existing licensed services, there are two possible alternatives: (1) either not authorize the provision of competitive services on the VBI or (2) authorize such services, but require that those television stations intending to offer competitive services demonstrate that there exists an unmet need for the service in their area. The first alternative could result in VBI spectrum remaining unused and a demonstrated public need remaining unmet. As we indicated above, we believe that alternative is spectrally inefficient and contrary to the public interest. The second alternative places requirements upon television licensees which are generally not placed upon private and common carrier system operators. Such requirements would be unfair and unnecessary in light of the anticipated need for additional data transmission services.

¹⁶ E.g., *Cellular Communications Systems*, 86 FCC 2d 469, 485 (1981).

¹⁷ *Id.*

¹⁸ In the FM Subcarriers proceeding, we concluded that "[o]n balance . . . we believe that any possible inequity in technical facilities is overshadowed by the public interest benefits to be derived from innovative and spectrum-efficient subcarrier services that are possible under the decision herein." *Authorization of FM Subcarriers*, *supra* at paragraph 28. Nevertheless, parties are invited to comment on any technical differences between the services that might result in any existing carriers suffering a significant economic impact from the advent of the proposed services.

¹⁹ Furthermore, we do not propose to require cable television systems to carry any data transmission services offered on the VBI. See *Authorization of Teletext*, *supra* at paragraph 91. However, this decision is not intended to prejudice any decision ultimately rendered in the Teletext reconsideration.

²⁰ *Authorization of Teletext*, *supra* at 84.

14. Accordingly, it is proposed to amend Part 73 of the Commission's Rules and Regulations as set forth in the attached Appendix A.

15. Authority for the action taken herein is contained in Sections 4(i) and 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) of the Communications Act of 1934, as amended.

16. Pursuant to procedures set out in §§ 1.4, 1.415 and 1.419 of the Commission's Rules and Regulations, interested parties may file comments on or before April 16, 1984, and reply comments on or before May 1, 1984. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. An original and five copies of all comments, replies, briefs and other documents filed in this proceeding shall be furnished the Commission. Further, members of the general public who wish to participate informally in this proceeding may submit one copy of their comments. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided the fact the Commission's reliance on such information is noted in the Report and Order.

17. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must

be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemakings is available from the Commission's Consumer Assistance Office, FCC, Washington, DC 20544, (202) 632-6990.

18. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

19. For further information concerning this proceeding, contact Alan Stillwell, Mass Media Bureau, (202) 632-6302.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

Chapter I of Title 47 of the Code of Federal Regulations is amended as set forth below.

PART 2—[AMENDED]

1. Section 2.106 is amended by revising footnote NG142 to the Table of Allocations to read as follows:

§ 2.106 Table of frequency allocation

NG142 TV broadcast stations authorized to operate in the bands 54-72, 76-88, 174-216, 470-51, and 512-806 MHz may use a portion of the television vertical blanking interval for the transmission of data signals, on the condition that harmful interference will not be caused to the reception of primary services, and that such data services must accept any interference caused by primary services operating in these bands.

PART 73—[AMENDED]

2. Section 73.646 is revised to read as follows:

§ 73.646 Data Service.

(a) Data service is the transmission of raw data, processed information, or any other communication in either a digital or analog mode.

(b) Data service is of an ancillary nature and as such is an elective, subsidiary activity. No service guidelines, limitations, or performance standards are applied to it. The kinds of service that may be provided include, but are not limited to, teletext, paging,

computer software and bulk data distribution, and aural messages. Such services may be provided on a broadcast (sustained, advertiser supported, or subscription), point-to-point, or point to multipoint basis.

(c) Data services that are common carrier in nature are subject to common carrier regulation. Licensees operating such services are required to apply to the Commission for the appropriate authorization and to comply with all policies and rules applicable to the particular service. Responsibility for making the initial determination of whether a particular activity is common carriage rests with the licensee. Initial determinations submitted by licensees are subject to Commission examination and may be reviewed at the Commission's discretion.

(d) Television licensees are authorized to lease their data transmission facilities to outside parties. In all arrangements entered into with outside parties affecting data service operation, the licensee or permittee must retain control over all material transmitted in a broadcast mode via the station's facilities, with the right to reject any material that it deems in appropriate or undesirable. The licensee or permittee is also responsible for all aspects of technical operation involving data services.

(e) The grant or renewal of a TV station license or permit will not be furthered or promoted by proposed or past data service operation; the licensee must establish that its broadcast operation serves the public interest wholly apart from data service activities. (Violation of rules applicable to data services would, of course, reflect on a licensee's qualifications to hold its license or permit.)

(f) TV broadcast stations are authorized to transmit data service signals during any time period, including portions of the day when normal programming is not broadcast. Such transmissions must be in accordance with the technical provisions of § 73.682.

3. Section 73.621 is amended by revising paragraph (f) to read as follows:

§ 73.621 Noncommercial educational TV stations.

(f) *Data service.* The provisions governing data service in § 73.646 are applicable to noncommercial educational TV stations.

4. Section 73.682 is amended by adding new paragraph (a)(24) to read as follows:

§ 73.682 Transmission standards.

(a) * * *

(24) Specific scanning lines in the vertical blanking interval may be used for the purpose of transmitting data signals, subject to certain conditions:

(i) Data signals may be transmitted on Lines 10-18 and 20, all of Field 1 and Field 2. Use of specific lines is to be in accordance with Schedule I.

(ii) No observable degradation may be caused to any portion of the visual or aural signals.

(iii) Data signals must not produce emissions outside the authorized television channel bandwidth. Digital data pulses must be shaped to limit spectral energy to the nominal video baseband.

(iv) Transmission of emergency visual messages pursuant to § 73.1250 must take precedence over, and shall be cause for interrupting, a data service transmitted on the aural channel.

(v) A reference pulse for a decoder associated adaptive equalizer filter designed to improve the decoding of data signals may be inserted on any portion of the vertical blanking interval authorized for data service, in accordance with the signal levels set forth on Schedule I.

(vi) All lines authorized for data transmissions may be used for other purposes upon prior approval by the Commission.

5. Section 76.64 is revised to read as follows:

§ 76.64 Carriage of subscription television broadcast programs and data services.

The provisions of §§ 76.57, 76.59, 76.61, and 76.63 do not require carriage of any subscription TV broadcast program or any data service transmitted on the vertical blanking interval.

[FR Doc. 84-7504 Filed 3-20-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket 84-109; FCC 84-33]

Amendment of the Commission's Rules To Eliminate the Permissible Communications Restrictions in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making which proposes to amend Part 90 to eliminate the rules regarding permissible communications in the Private Land Mobile Radio Services. The proposal,

which was initiated by the Commission on its own motion, would delete the present rules which require that communications in these services be essential to or necessary for the official or business activities of licensees.

DATES: Comments are due by May 11, 1984 and replies by June 11, 1984.

ADDRESS: Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael D. Kennedy, Private Radio Bureau, Land Mobile & Microwave Division, Rules Branch, (202) 634-2443.

List of Subjects in 47 CFR Part 90

Private land mobile radio services, Radio.

Proposed Rulemaking

In the matter of amendment of Part 90 of the Commission's rules and regulations to eliminate the permissible communications restrictions in the Private Land Mobile Radio Services (PR Docket No. 84-109).

Adopted: February 3, 1984.

Released: March 12, 1984.

By the Commission.

Introduction

1. The Commission is initiating this proceeding on its own motion to propose the elimination of restrictions regarding permissible communications in the Private Land Mobile Radio Services.¹ Under current rules, licensees in these services are required to restrict their communications to matters directly related to their official or business activities. This has caused some problems for both licensees and the Commission. Licensees may have to have dual communications systems to meet all of their communications requirements. We have been requested to decide whether or not a particular communication is in connection with an "official" activity. We believe that the communications of licensees in the Private Radio Services should be as unrestricted as possible within our statutory guidelines. Once basic eligibility has been established, licensees should have discretion to decide which communication are essential to the efficient and effective operation of their businesses. We are therefore proposing to relax our permissible communications rules.

¹ General restrictions on the communications of stations licensed in these services are given in 47 CFR 90.405. Additional restrictions appear throughout 47 CFR Part 90. For a complete list of the proposed rule amendments, see the attached Appendix.

Background

2. The Private Land Mobile Radio Services comprise the largest group of licensed radio users regulated by the Commission.² These services provide for the communications needs of a broad community of users, from police departments to taxicab companies. Licensees are grouped into five main services according to their business or governmental activities: Public Safety Radio Services, Special Emergency Radio Service, Industrial Radio Services, Land Transportation Radio Service, and Radiolocation Service.

3. The Public Safety Radio Services include the Local Government, Police, Fire, Highway Maintenance, and Forestry-Conservation Radio Services. State and local government entities and private organizations operating under their jurisdiction are eligible to operate radios in these services. Only communications essential to the official activities of licensees are now permitted.

4. Persons and organizations engaged in medical and safety-related activities are eligible for authorizations in the Special Emergency Radio Service. Typical licensees include hospitals, physicians, rescue squads, school bus operators, beach patrols, and entities that require radio communications during emergencies. In this service, communications are restricted, in general, to the transmission of messages related to medical care and treatment and to the transmission of emergency messages. Some licensees are permitted to transmit urgent messages related to the operation of their organization, or administrative messages on a secondary basis to messages related to medical services.

5. The Industrial Radio Services include the Power, Petroleum, Forest Products, Motion Picture, Relay Press, Special Industrial, Business, Manufacturers, and Telephone Maintenance Radio Services. Eligibility criteria range from very restrictive, as in the Motion Picture Radio Service where licensees must be engaged in the production or filming of motion pictures, to very broad, as in the Business Radio Service where licensees need only be engaged in any type of commercial activity. Communications are restricted in varying degrees in these services. For instance, in the Business Radio Service, communications necessary to the commercial activities of the licensee are permitted while in the Telephone

² There are presently over 600,000 licensees employing over 7 million transmitters in these services.

Maintenance Radio Service only communications directly related to the construction, repair, maintenance, or operation of facilities are allowed. In most Industrial Radio Services, however, only communications essential to the activities of the licensees are allowed.

6. The Land Transportation Radio Services include the Motor Carrier, Railroad, Taxicab, and Automobile Emergency Radio Services. Entities such as trucking companies, railroads, taxicab companies, and persons and organizations providing emergency assistance to motorists are eligible for licensing in these services. Communications are, in general, restricted to transmissions essential to the commercial activities of the licensees. In the Automobile Emergency Radio Service, however, reports of traffic conditions are specifically permitted.

7. The Radiolocation Service accommodates the use of radio methods for determination of direction, distance, speed, or position for purposes other than navigation. This service differs substantially from the other Private Radio Services in that the eligibility criteria are very broad and the communications are not typically voice. Licensees are engaged in commercial, industrial, scientific, educational, and local government activities. Licensees are grouped together in this service because of their common desire for radiolocation information, as opposed to the other Private Radio Services where licensees are grouped according to their business or official activities.

Discussion

8. A bifurcated structure is used by the Commission in regulating land mobile radio systems. Land mobile common carriers are regulated under Part 22 of the Commission's rules. They are required to offer service indiscriminately to the public. (See 47 CFR 22.0(a).) Private radio systems are restricted to providing radio service to specific groups of "eligibles" and are regulated under Part 90 of the Commission's rules. (See 47 CFR 90.1(b).) Accordingly, applicants who seek authorization in the private services must first demonstrate eligibility to be licensed in one of the particular Private Radio Services involved. Once a license is granted, the present rules restrict the communications of these licensees to transmissions specifically related to official or business activities. This has at times placed a burden on both licensees and the Commission to resolve issues as to what is and is not "a

permissible communication". After considering this matter, it appears unnecessary and inefficient to continue to restrict completely the types of communications private radio licensees may transmit over their radios. In light of these factors, we propose to relax these restrictions.

9. Historically, the permissible communications rules have been regarded as a means of curtailing spectrum use by licensees. The theory has been that if each licensee is restricted in use on the channel for which licensed, more licensees can be accommodated in this limited resource. Moreover, spectrum has been allocated to the private services based solely on the perceived demand for communications related to the "official or business activities" of the licensees. However, it is clear that restrictions on communications capabilities can result in inefficiencies. Licensees may find that the communications permitted in a particular service satisfy only part of their needs.³ It may become necessary for licensees to employ multiple frequencies or duplicate radio systems and, in some cases, to request authorization in more than one radio service to meet their needs.⁴

10. The Commission received formal guidelines for managing the spectrum made available to the Private Land Mobile Radio Services when, on September 13, 1982, the "Communications Amendments Act of 1982" was signed into law.⁵ Section 331 (47 U.S.C. 332) of the Communications Act now provides that:

(a) In taking actions to manage the spectrum to be made available for use by the private land mobile services, the Commission shall consider, consistent with section 1 of this Act, whether such actions will—

(1) Promote the safety of life and property;

(2) Improve the efficiency of spectrum use and reduce the regulatory burden upon spectrum users, based upon sound engineering principles, user operational

³ A recurrent example is the Fire Radio Service where announcements of tests or meetings are "official" communications, but announcements of funeral services or fund raising efforts are not.

⁴ Many licensees in the Private Land Mobile Radio Services have inquired whether they can transmit personal communications. Because the rules regarding permissible communications forbid personal communications, these licensees must apply for authorizations in the General Mobile Radio Service, where both personal and business communications are permitted. Only eight frequency pairs are available in this service. See 47 CFR 95-1 and 95-55.

⁵ "The Communications Amendments Act of 1982," Pub. L. 97-259, 96 Stat 1087, September 13, 1982.

requirements, and marketplace demands;

(3) Encourage competition and provide services to the largest feasible number of users; or

(4) Increase interservice sharing opportunities between private land mobile services and other services.

We believe that this proposal, which allows licensees increased flexibility in their communications, is consistent with these new statutory guidelines. The present rules regarding permissible communications appear to be an unnecessary regulatory burden on spectrum users.

11. We propose to eliminate the present restrictions regarding permissible communications in the Private Land Mobile Radio Services. Specific rule amendments are detailed in the attached Appendix. We do not intend to alter the basic nature of these services. The primary goal of these services has been and will continue to be to provide for communications related to the official and business activities of licensees. We simply propose to remove the blanket prohibitions on all other types of communications. We expect most communications in these services will continue to relate to business and official activities. We propose to allow licensees, however, the discretion to determine for themselves the proper mix of business and non-business communications because we recognize that the ability of a licensee and its employees to send and receive messages which are not, strictly speaking, business related can have a direct impact on the efficient operation of the licensee's business.

12. Our proposal to eliminate the permissible communications restrictions from our rules does not alter the eligibility criteria set forth in the individual radio services. These criteria allow us to group together licensees with common goals and interests. This is especially important on shared radio systems where all licensees must co-exist peacefully. All communications, however, would no longer be required to be restricted solely to those essential or necessary to the activities by which licensees have established eligibility.

13. Under our proposal, it will be necessary for all licensees to exercise additional self-discipline when operating their radios. If licensees abuse the additional flexibility we are proposing, we will consider enforcement action under Section 90.173(b) of our rules. This rule requires licensees to cooperate in the use of frequencies in

order to make the most effective use of their facilities. We could restrict the communications of licensees on a case by case basis if necessary to ensure effective use of Private Radio Service frequencies.

14. This proposal does not alter the present prohibition on transmitting program material for use in broadcasting or rendering a communications common carrier service in the Private Radio Services.⁶ The Commission has provided for these activities in spectrum dedicated to the broadcast and common carrier services and they will not be duplicated in the Private Radio Services.

15. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

I. Reason for Action: This proposal would allow private radio licensees to judge for themselves which communications would contribute to the effective operation of their businesses. We believe this will allow licensees to improve their business efficiency. We also recognize that by enhancing each licensee's ability to send those communications it considers desirable for its efficient business operation, we may be increasing the amount of difficulty licensees will experience in securing a clear channel on a shared frequency. Nevertheless, we believe on a balance that adverse effect must give way to the licensees' need for greater flexibility in the use of their private radio systems.

II. Objective: The Commission is advancing this proposal in order to increase the flexibility of Private Radio Service licensees in the use of their communications systems, to reduce current costs to licensees in that service, and to reduce the current administrative burden upon the Commission.

III. Legal Basis: The proposed action is authorized under Sections 4(i), 303(r), and 331(a) of the Communications Act of 1934, as amended, which authorize the Commission to make such rules and regulations as may be necessary to carry out its function and reduce the regulatory burden upon Private Land Mobile Radio Service licensees.

IV. Description, Potential Impact and Number of Small Entities Affected: While it is conceivable that this proposal, if adopted, may increase congestion among licensees sharing a frequency, the cost associated with that problem is not readily quantifiable. We believe our willingness to consider licensees' abuses that result in extreme congestion on a case-by-case basis will ameliorate the potential problem. Furthermore, any adverse economic

effects should be balanced against the benefits which will accrue to the licensees, both large and small entities, from these proposed changes. Beyond this we are unable to quantify the potential effects on small entities. Accordingly, we are serving a copy of this proposal on the Small Business Administration and invite specific comments on this point by interested parties.

V. Reporting, Recordkeeping and other Compliance Requirements: No new requirements will be imposed upon Private Land Mobile Radio Service licensees.

VI. Federal Rules which Overlap, Duplicate or Conflict with the Rule: None.

VII. Significant Alternatives: There are no significant alternatives which would accomplish our stated objective of increasing the communications flexibility afforded Private Radio Service licensees. Additionally, in our view retaining the *status quo* represents a continuing burden on those licensees.

16. For purposes of this non-restricted notice and comment rule making, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communications (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of the presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231.

17. This action is taken pursuant to Section 4(i) and 303(r) of the

Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Interested persons may file comments on this proposal on or before May 11, 1984 and reply comments on or before June 11, 1984. All relevant and timely comments filed in accordance with Sections 1.415 and 1.419 of our rules and regulations (47 CFR 1.415 and 1.419) will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the Commission's reliance on such information is noted in its final decision.

18. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy of their comments without regard to form (as long as the docket number is clearly stated in the heading). All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

19. For further information concerning this rule making contact Michael D. Kennedy of the Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C., (202) 634-2443.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—[AMENDED]

§ 90.405 [Removed]

A. Section 90.405 of Part 90 of the Commission's Rules and Regulations is proposed to be removed in its entirety.

B. In the following sections the references to permissible communications would be removed by specific amendments in each section:

Section 90.17 (a) and (c)(1), § 90.19(a), § 90.21(a),

Section 90.23(a), § 90.25(a), § 90.33,

§ 90.35(a),

Section 90.37(a), § 90.39(a), § 90.41(a),

§ 90.43(a),

Section 90.45(a), § 90.63, § 90.65(a),

§ 90.67(a),

⁶47 CFR 90.415.

Section 90.69(a), § 90.71(a), § 90.73(a) and (b).

Section 90.75(a), § 90.79(a) and (b)(1),

Section 90.81(a) and (b), § 90.85, § 90.89(a),

Section 90.91(a), § 90.93(a), § 90.95(a) and

(b), and

Section 90.101, § 90.378, § 90.401, and § 90.645.

C. Section 90.173(b) is proposed to be amended to read as follows:

§ 90.173 Policies governing the assignment of frequencies.

* * * * *

(b) All applicants and licensees shall cooperate in the selection and use of frequencies in order to reduce interference and make the most effective use of the authorized facilities.

Licensees of stations suffering or causing harmful interference are expected to cooperate and resolve this problem by mutually satisfactory arrangements. If the licensees are unable to do so, the Commission may impose restrictions including specifying the transmitter power, antenna height, or area or hours of operation of the

stations concerned. Further, the use of any frequency at a given geographical location may be denied when, in the judgment of the Commission, its use in that location is not in the public interest; the use of any frequency may be restricted as to specified geographical areas, maximum power, premissible communications, or such operating conditions contained in this part or in the station authorization.

* * * * *

[FR Doc. 84-7197 Filed 3-20-84; 6:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 49, No. 56

Wednesday, March 21, 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

Forest Service

Deerlodge National Forest Grazing Advisory Board; Meeting

The Deerlodge National Forest Grazing Advisory Board will meet at 10:00 a.m., April 25, 1984, in Room 315 of the Federal Building, corner of Copper and Main in Butte, Montana.

The purpose of the meeting will be a discussion of the distribution of range betterment funds and proposed projects on the Deerlodge National Forest.

The Advisory Board meeting is open to the public. Any member of the public who wishes to be on the agenda may submit a written statement and should contact Tom Griffith at the Deerlodge National Forest Supervisor's Office.

Dated: March 12, 1984.

Frank E. Salomonsen,
Forest Supervisor.

[FR Doc. 84-7514 Filed 3-20-84; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Bean Creek Watershed Protection Plan, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the

Bean Creek Watershed, Hillsdale and Lenawee Counties, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contract has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This project concerns a plan for the installation and treatment of practices for watershed protection. These practices will include: conservation tillage, critical area treatment, grassed waterways, erosion control structures, diversions, sediment basins, wildlife plantings and terraces. Total financial and technical assistance cost is estimated to be \$1,478,100; \$1,110,800 Pub. L.-566 funds, and \$367,300 local funds.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be initiated until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of

Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is available)

Dated: March 12, 1984.

Homer R. Hilner,
State Conservationist.

[FR Doc. 84-7521 Filed 3-20-84; 8:45 am]

BILLING CODE 3410-16-M

Carroll County Road Bank Critical Area Treatment RC&D Measure, Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Carroll County Road Bank Critical Area Treatment RC&D Measure, Carroll County, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, Richmond, Virginia 23240, telephone 804-771-2455.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Carroll County Road Bank Critical Area Treatment RC&D Measure, Virginia

The measure concerns a plan for seeding eroding road banks in Carroll County, Virginia. The planned work will include the establishment of 73 acres of permanent vegetative cover by hydro-seeding and mulching.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental

Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Manly S. Wilder.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 12, 1984.

Manly S. Wilder,

State Conservationist.

[FR Doc. 84-7522 Filed 3-20-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL RIGHTS COMMISSION

Connecticut Advisory Committee; Meeting Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Advisory Committee to the Commission originally scheduled for March 13, 1984, at Hartford, Connecticut (FR Doc 84-4316 on page 5980, has a new convening date).

The meeting will be held on April 26, 1984. The address and time will remain the same.

Dated at Washington, D.C., March 16, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-7618 Filed 3-20-84; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Meeting Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission of Civil Rights that a meeting of the Advisory Committee to the Commission originally scheduled for March 21, 1984, at Manchester, New Hampshire (FR Doc 84-4317 on page 5980), has a new convening date.

The meeting will be on April 11, 1984. The address and time will remain the same.

Dated at Washington, D.C., March 16, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-7619 Filed 3-20-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

President's Commission on Industrial Competitiveness

AGENCY: Office of Economic Affairs, Commerce.

ACTION: Notice of meeting.

SUMMARY: This notice announces the forthcoming meeting of the Committee on Capital Resources, a subcommittee of the President's Commission on Industrial Competitiveness (Commission). The Commission was established by Executive Order 12428 on June 28, 1983 and its charter was approved on August 23, 1983. The Commission shall review means of increasing the long-term competitiveness of United States industries at home and abroad, with particular emphasis on high technology, and provide appropriate advice to the President through the Cabinet Council on Commerce and Trade and the Department of Commerce.

Time and Place: Friday, April 6, 1984, 8:30 am-5:00 pm, Sheraton Carlton Hotel, Mount Vernon Room, 923 16th Street, NW., Washington, D.C. 20006

Public Participation: The meeting will be open to public attendance. A limited number of seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT:

J. Paul Royston, President's Commission on Industrial Competitiveness, 736 Jackson Place, N.W., Washington, DC 20503, telephone: 202-395-4527 on substantive issues or Marilyn McLennan, Chief, Information Management Division, 202-377-4217, on issues regarding administration of the Commission.

SUPPLEMENTARY INFORMATION: The Capital Resources Committee will discuss problems affecting cost, supply and allocation of capital. The Committee will consider a report on reactions of economists and an outline of alternative solutions to capital problems. It also will review requirements for data comparing U.S. economic performance to other countries.

Dated: March 16, 1984.

Egils Milbergs,

Executive Director, President's Commission on Industrial Competitiveness.

[FR Doc. 84-7535 Filed 3-20-84; 8:45 am]

BILLING CODE 3510-18-M

Bureau of the Census

Census Advisory Committee of the American Economic Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee of the American Economic Association will convene on April 13, 1984, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning economic surveys and censuses; reviews major aspects of the Bureau's programs; and advises on the role of analysis within the Bureau.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m., is (1) Introductory remarks by the Director, Bureau of the Census, including staff changes and major budget program developments; (2) obtaining expert advice; (3) update on the service sector; (4) new Federal Government expenditure reports; (5) update on planning the 1990 census, including pretest plans and geographic coding update; (6) update on the Survey of Income and Program Participation; (7) valuation of non-cash benefits and their effect on poverty estimates; (8) general discussion and Committee recommendations; and (9) plans and date for the next meeting.

The meeting is open to the public, and a brief period is set aside for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Barry Rappaport, Bureau of the Census, Room 3061, Federal Building 3, Suitland,

Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5483.

Dated: March 15, 1984.

C. L. Kincannon,

Deputy Director, Bureau of the Census.

[FR Doc. 84-7617 Filed 3-20-84; 8:45 am]

BILLING CODE 3510-07-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, April 10, 1984 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C. March 13, 1984.

Charles H. Atherton,
Secretary.

[FR Doc. 84-7520 Filed 3-20-84; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting to Import Levels for Certain Cotton Textiles and Textile Products Produced or Manufactured in Brazil

March 16, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on March 22, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377-4212.

Background

The CITA directive dated March 11, 1983 (48 FR 11143), as amended, (see also 48 FR 35482), established levels of restraint for certain categories of cotton and man-made fiber textile and apparel products, including Categories 300/301, 317 and 319, produced or manufactured in Brazil and exported during the

twelve-month period which began on April 1, 1983. Under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, the United States Government is increasing the current year limits for cotton textile products in Categories 300/301 (carded and combed yarn), by the application of carryforward and in Categories 317 (twill and sateen) and 319 (carded duck) by the application of carryover. To the extent used, this carryforward will be deducted from the limits established for these categories in the agreement year which begins on April 1, 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) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 16, 1984

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

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of March 11, 1983 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1983.

Effective on March 22, 1984, paragraph 1 of the directive of March 11, 1983 is hereby further amended to adjust levels of restraint established for the following categories, according to the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, between the Governments of the United States and the Federative Republic of Brazil:¹

Category and Adjusted Twelve-Month Level of Restraint²

300/301—7,834,782 pounds
317—10,808,070 square yards
319—8,313,900 square yards

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.

¹ The bilateral agreement provides, among other things, that: (1) within the aggregate and group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings 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 minor problems arising in the implementation of the agreement.

² The levels have not been adjusted to reflect any imports exported after March 31, 1983.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-7537 Filed 3-20-84; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting the Import Limit for Certain Man-Made Fiber Products Produced or Manufactured in the Republic of the Philippines

March 15, 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 March 21, 1984. For further information contact Carl Ruths, International Trade Specialist (202) 377-4212.

Background

A CITA directive dated December 16, 1983 (48 FR 56425) established limits for certain specified categories of cotton, wool, and man-made fiber textile products, including Category 648 pt. (women's trousers), produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1984.

The 1984 limit for Category 648 pt. is being increased from 57,623 dozen to 64,276 dozen to account for the application of carryforward and swing, as provided under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982 between the Governments of the United States and the Republic of the Philippines. To the extent used in 1984, the carryforward will be deducted from the limit established for this category in 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) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 15, 1984

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 16, 1983 from the Chairman of the Committee for the Implementation of Textile

Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines and exported during 1984.¹

Effective on March 21, 1984, paragraph 1 of the directive of December 16, 1983 is hereby amended to include an adjusted level of restraint for Category 648 pt.² of 64,276 dozen.³

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

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-7536 Filed 3-20-84; 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 Under a New Bilateral Agreement

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 March 22, 1984. For further information contact Gordana Slijepcevic, 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 extending their Bilateral Wool and Man-Made Fiber Textile Agreement for two years, dating from January 1, 1984 and extending through December 31, 1985. The extended agreement establishes a specific limit of 19,000 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, 1984, and a sub-limit of 8,200 dozen for Category 443 exported during the same time period.

¹ The agreement provides, in part, that: (1) specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits 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.

² In Category 648, all TSUSA numbers except 383.1955, 383.2250, 383.8146, and 383.9071.

³ The level of restraint has not been adjusted to reflect any imports exported after December 31, 1983.

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 643/443 in excess of the designated limits.

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.

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) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 16, 1984

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

This directive cancels and supersedes the directive of December 22, 1983 which directed you to prohibit entry of certain specified categories of wool and man-made fiber textile products, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported during the fifteen-month period which began on January 1, 1983 and extends through March 31, 1983.

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 and Man-Made Textile Agreement of February 21 and 27, 1984, 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 March 22, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 643/443, produced or manufactured in the Socialist Federal Republic of Yugoslavia, and exported during the twelve-month period which began on January 1, 1984, in excess of the following limits:

Category and Twelve-Month Limit¹

643/443—19,000 dozen of which not more than 8,200 dozen shall be in Cat. 443

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in the Socialist

¹ The limits have not been adjusted to reflect any imports exported after December 31, 1983.

Federal Republic of Yugoslavia, which have been exported to the United States on and after January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the following limits:

Category and Adjusted Twelve-Month Level of Restraint²

643/443—18,864 dozen of which not more than 9,750 dozen shall be in Cat. 443

In the event the foregoing limits have been exhausted by previous entries, such goods shall be subject to the limits established for goods exported during 1984.

Textile products in Category 643/443 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.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of February 21 and 27, 1984 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 limit 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) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

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 Socialist Federal Republic of Yugoslavia and with respect to imports of wool and man-made fiber textile products from Yugoslavia have been determined by the Committee for the Implementation of Textile 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*.

Sincerely,

Ronald I. Levin,

Acting, Chairman Committee for the Implementation of Textile Agreements.

[FR Doc. 84-7539 Filed 3-20-84; 8:45 am]

BILLING CODE 3510-DR-M

² The limits have not been adjusted to reflect any imports exported after December 31, 1982.

DEPARTMENT OF DEFENSE**Office of the Secretary****Public Information Collection
Requirement Submitted to OMB for
Review**

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

Revision

Personnel Security Clearance Change Notification.

The Defense Investigative Service (DIS) administers the DOD Industrial Security Program on behalf of all DOD components and other User Agencies. In accomplishment of this mission, defense contractors are required to keep the DIS apprised of status changes of cleared personnel, i.e., employment termination, transfer, change in name, etc. DISCO Form 562 is used by participating defense contractors to report these changes.

Participating cleared defense contractors: 12,285 responses, .2 hours.

Forward comments to Edward Springer, OMB Desk, Room 3235, NEOB, Washington, DC 20503, and Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Fred Schonert, DIS, HQ Administrative Services Division, 1900 Half Street, SW, Washington, DC 20324, telephone (202) 693-0881.

Dated: March 16, 1984.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-7524 Filed 3-20-84; 8:45 am]

BILLING CODE 3810-01-M

**Public Information Collection
Requirement Submitted to OMB for
Review**

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

New

Department of Defense Security Agreement.

The Defense Investigative Service (DIS) is responsible for administering the Industrial Security Program on behalf of DoD components and other User Agencies.

The Department of Defense Security Agreement (DD Form 441) is used by DIS to establish the initial contractual legal obligation between government and industry and is the basis for all subsequent security requirements imposed upon industry. These requirements are essential in order to preserve and maintain the security of the United States by preventing the loss and compromise of classified information pertaining to the national defense.

Respondents: (Participating cleared DoD contractors) 12,498.

Forward comments to Edward Springer, OMB Desk, Room 3235, NEOB, Washington, DC 20503, and Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Fred Schonert, DIS, HQ Administrative Services Division, 1900 Half Street, SW, Washington, DC 20324, telephone (202) 693-0881.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-7525 Filed 3-20-84; 8:45 am]

BILLING CODE 3810-01-M

**Public Information Collection
Requirement Submitted to OMB for
Review**

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

New

Questionnaire for Conscientious Objectors.

The Defense Investigative Service (DIS) requests that each individual who is cleared or who is in the process of being cleared and who has indicated an unwillingness to work on classified work verify this objection by completing a Questionnaire. Completion of this form serves not only as verification of this objection, but serves as a basis for further determination of continued access to classified information.

Individuals contacted: Approximately 120 respondents annually, 30 hours.

Forward comments to Edward Springer, OMB Desk, Room 3235, NEOB, Washington, DC 20503, and Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Fred Schonert, DIS, HQ Administrative Services Division, 1900 Half Street, SW, Washington, DC 20324, telephone (202) 693-0881.

Dated: March 16, 1984.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-7526 Filed 3-20-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Nuclear Agency (DNA); Scientific Advisory Group on Effects (SAGE); Meeting

The Scientific Advisory Group on Effects (SAGE) will meet in closed session May 1 and May 2, 1984 at the National Defense University, Fort McNair, Washington, DC.

Agenda: May 1-2 (0830-1700): Presentations, Discussions and Executive Sessions on Issues Related to the Strategic Defense Initiatives. The presentations and discussions in the above cited agenda will focus on current and planned activities of the Defense Nuclear Agency (DNA) and others in support of the President's Strategic Defense Initiatives, with emphasis on the Lethality and Target Hardening Project. Executive sessions will be held for the primary purpose of advising the Director, DNA, as to the adequacy of ongoing and planned activities. All planned presentations, discussions, and executive sessions may include classified defense information; therefore, under the provisions of Sections 552b(c) (1) and (3), Title 5, U.S.C., this meeting is closed to the public. Any additional information concerning the meeting may be obtained from Lt Col Robert A. Rissell, USAF, Scientific Secretary, SAGE, Headquarters, Defense Nuclear Agency, ATTN: DDST, Washington, DC 20305.

Dated: March 15, 1984.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 84-7523 Filed 3-20-84; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for a Proposed Flood Control Project for the City of Laurel, Mississippi

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. Description of proposed action: The proposed action is to prepare a DEIS relative to flood control alternatives to reduce flood damages in Laurel, Mississippi. The study area will encompass a portion of Tallahala and Tallahoma creek drainage basins in Jones county, Mississippi.

2. Alternatives to the Proposed Action: The US Army Corps of

Engineers has available four alternatives. These are: no action, non-structural solution, structural solution, or a combination of non-structural and structural measures. Specific alternatives will be identified and included in the draft report scheduled for completion in September, 1985.

3. Description of the Scoping Process: Public participation in the development of the preliminary survey report will be initiated by a public workshop meeting scheduled for August 1984. Local news media will be provided public notices and information concerning public meetings and workshops for dissemination within the study area.

The DEIS will undergo the public review process as required by the National Environmental Policy Act. Significant issues to be addressed will be possible impacts of the proposed action and alternatives to air quality, drainage, water quality, general environment, cultural resources, and human safety of the project area and outlying areas. A public hearing may be held upon completion of the DEIS, if interests indicate that a public hearing will improve the decision making on this action. A notice informing the public as to time and location will be issued at least 30 days prior to such hearing.

4. Scope Meeting: No additional scoping meetings are scheduled.

5. DEIS Preparation: It is estimated that the DEIS will be available to the public in September 1985.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Tommy Lightcap, PD-ES, US Army Engineer District, Mobile, Post Office Box 2288, Mobile, AL 36628.

Dated: March 12, 1984.

Patrick J. Kelly,
Colonel, CE, District Engineer.

[FR Doc. 84-7517 Filed 3-20-84; 8:45 am]

BILLING CODE 3710-C-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/37; PH-FRL 2543-5]

Dicofol; Special Review of Pesticide Products Containing Dicofol

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Special Review.

SUMMARY: This Notice announces that EPA is initiating a Special Review of all pesticide products containing the active ingredient dicofol [1,1-bis(chlorophenyl)-2,2,2-trichloroethanol]. EPA has determined that dicofol is contaminated with DDT and chemically related

compounds and that use of pesticides containing dicofol poses a risk to nontarget wildlife, particularly bird populations. The Special Review will be conducted under EPA's regulations in 40 CFR 162.11(a). During the Special Review process, EPA will carefully examine the risks and benefits of using dicofol products and will determine whether such use should be restricted or cancelled.

DATE: Comments, evidence to rebut the conclusions in this Notice, and other relevant information must be received on or before May 7, 1984.

ADDRESS: Written comments by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT:

By mail: Bruce A. Kapner, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711-I, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7400).

SUPPLEMENTARY INFORMATION: EPA has determined that a Special Review will be conducted for all products containing dicofol. The term "Special Review" is the name now being used by EPA for the process previously called the Rebuttable Presumption Against Registration (RPAR) process. This name and associated modifications in the process will be proposed in regulations in the near future. The present Special Review will adhere to RPAR procedures now in effect.

Issuance of this Notice means that potential adverse effects associated with the use of dicofol have been identified and will be examined further to determine their extent and whether or not, in light of the benefits of dicofol, such risks are unreasonable.

A document entitled "Guidance for the Reregistration of Pesticide Products Containing Dicofol as the Active Ingredient" (Guidance Document) has been issued and is available to the public from the previously mentioned contact person. The Guidance Document explains the basis of EPA's decision to start this Special Review and also contains references, background information, data requirements, and other information pertinent to the

reregistration of pesticides containing dicofol. The exclusion of indoor uses of dicofol from the Special Review by the Guidance Document was based on general criteria for testing requirements. The persistence and mobility of DDT, however, dictate against excluding indoor uses from the Special Review.

I. Initiation of a Special Review

A. General

Issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136-136y), 49 CFR 162.11 provides that an RPAR (Special Review) shall be conducted if EPA determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in 40 CFR 162.11(a)(3). In making this determination, EPA is guided by section 3(c)(8) of FIFRA which directs EPA to begin an RPAR (Special Review) only if it is based on a "validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or the environment." If such a determination is made, the registrant(s) will be notified by certified mail and afforded an opportunity to submit evidence in rebuttal to EPA's presumption. In addition, any registrant may voluntarily petition EPA to cancel the registration of its product(s).

Following the initiation of the Special Review, the pesticide use or uses of concern will enter the public discussions stage of the Special Review process. Upon request, public discussions will be held in an effort to resolve risk issues through voluntary actions by the registrants. Requests for such meetings should be made in accordance with directions described in Unit V, below.

If risk issues cannot be resolved through voluntary actions, EPA would proceed to evaluate the risks and benefits of dicofol and to propose a regulatory solution in a Position Document 2/3 (PD 2/3). After obtaining comments from the Scientific Advisory Panel, the Secretary of Agriculture, registrants, and the public on PD 2/3, EPA would issue a Position Document 4 (PD 4) containing EPA's final regulatory position. If EPA determines that the risks of use exceed the benefits, EPA would issue a notice of intent to cancel the registration of products intended for such use. The notice may identify for specific uses certain changes in the composition, packaging, and/or labeling of the product which would reduce the risks to levels that EPA would consider acceptable. Cancellation would become effective unless within 30 days of issuance of the notice, the registrant

either requests a hearing to challenge the cancellation or submits an application to amend his product's registration in a manner prescribed in the notice of intent to cancel.

It is emphasized that a Notice initiating a Special Review is not a notice of intent to cancel the registration of a pesticide, and a Special Review may or may not lead to cancellation. Ordinarily, EPA issues a notice of intent to cancel only after carefully considering the risks and benefits of a pesticide and determining that the pesticide may generally cause unreasonable adverse effects on the environment. Commenters may also submit for consideration data on benefits which they believe are relevant to registration or continued registration of dicofol products.

B. Presumption

EPA has determined that registrations and applications for registration of pesticide products containing dicofol meet or exceed the risk criteria in 40 CFR 162.11(a)(3)(ii)(C). That section provides that an RPAR (Special Review) shall be conducted if the use of a pesticide "[c]an reasonably be anticipated to result in significant local, regional, or national population reductions in nontarget organisms, or fatalities to members of endangered species." On the basis of the scientific studies and information summarized in the dicofol Guidance Document, EPA has concluded that this risk criterion has been exceeded by certain registrations of pesticide products containing dicofol and has no present basis to conclude that other uses do not meet the same risk criterion.

Specifically, EPA has determined that products containing dicofol are contaminated with significant amounts of DDT and related compounds, which together are designated as DDT. These related compounds are the o,p' and p,p' isomers of DDT, DDD, DDE, and a compound known as "extrachlorine" DDT [o,p' and p,p' bis(chlorophenyl)tetrachloroethane]. The amount of these contaminants is in the order of 10 percent in the technical dicofol products. When dicofol products are used these DDT contaminants are released into the environment and bioaccumulate through food chains. There is a significant body of literature which documents the movement of DDT and its metabolites and their adverse effects on fish and wildlife. The factual basis and conclusion of law in the 1972 Opinion and Order, as published in the *Federal Register* of July 7, 1972 (37 FR 13369), cancelling the registrations of DDT products remain valid in 1984. To

the extent that the current review of dicofol raises the same issues, e.g., the ecological effects, oncogenicity, and persistence of DDT, EPA may rely on these findings and conclusions to support its regulatory actions.

Based on an extensive knowledge of the fate of DDT in the environment and the levels found in current dicofol products, EPA used a model to predict the environmental transport and accumulation of these contaminants in the Arroyo Colorado river basin. This river basin was chosen because of the high level of dicofol used on citrus crops and the important aquatic bird habitats in the drainage area. EPA estimated through the model that dicofol containing 10 percent DDT would result in accumulated levels of DDT of 9 ppm in the bodies of fish in that river. This level would be much greater than that known to cause adverse reproductive effects in certain aquatic birds. The specific data on which this model is based, as well as the various parameters and assumptions used in this model, can be found in the Guidance Document.

A major reproductive effect is the capability of DDT to cause eggshell thinning in certain species of birds, thus impairing their reproductive capacity. Based on the vast body of knowledge about the adverse effects of DDT and related compounds on the environment, and based on the results of the model, EPA is concerned about DDT at levels below the minimum amounts currently known to be in technical dicofol products. Because current dicofol products contain much more DDT than that judged to cause adverse effects from certain uses, EPA has determined that the risk criterion for chronic wildlife effects has been met for all uses, a position that is consistent with the 1972 cancellation order.

EPA is requiring registrants to indicate the level of DDT in their current products and to provide information on their manufacturing methods. EPA may then determine the extent to which the contamination can be reduced or eliminated, conceivably resolving the Special Review for some uses.

C. Rebuttal Criteria

All registrants, applicants for registration, and other interested members of the public are invited to submit evidence either to support or to rebut the presumption (as listed in Unit I.B. of this Notice) that the use of dicofol products containing DDT will cause adverse ecological effects such as eggshell thinning and other reproductive impairment. Under 40 CFR

162.11(a)(4)(ii) the presumption triggering a Special Review must be rebutted by sustaining the burden of proving, in the case of the chronic wildlife toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects."

D. Benefits Information

An estimated 2 to 3 million pounds of dicofol active ingredient are used annually as an acaricide in the United States. The major use sites are citrus crops and cotton, which accounted for an estimated two-thirds of the dicofol usage during the 1980-1981 period. Other use sites include fruits, vegetables, seed crops, ornamentals (indoor and greenhouse), lawn and turf grasses, around building foundations, and indoors for such uses as treating house plants.

EPA has done an initial review of the use of dicofol usage on citrus crops and cotton. The farm level value of the U.S. orange, grapefruit, and lemon production was approximately \$1.8 billion for the 1980-1981 citrus season. Dicofol is used throughout the citrus-growing regions for control of mites. Uncontrolled mite populations reduce yield and quality of citrus and increase the average cost of citrus production. Although alternative acaricides to dicofol are available, dicofol's widespread use suggests that alternatives are considered to be less cost effective than, or less preferable to dicofol for control of mite populations under specific circumstances.

The farm level value of U.S. cotton production is approximately \$4 billion annually. Dicofol is used for mite control primarily in the State of California, which produces approximately \$1 billion worth of cotton annually. Uncontrolled damage due to spider mites would increase the average unit cost of cotton. As in the case of citrus, although alternative acaricides to dicofol are available, dicofol's use, particularly in the San Joaquin valley of California, suggests that alternatives are considered to be less cost effective than, or less preferable to dicofol for control of mite populations under specific circumstances.

In addition to submitting evidence to rebut the presumptions of risk in the Special Review, 40 CFR 162.11(a)(5)(iii) provides that a registrant or applicant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the presumption of risk is

not rebutted, the benefit evidence submitted by registrants, applicants, and other interested persons will be considered by the Administrator when determining the appropriate regulatory action.

Registrants, applicants, or other interested persons who desire to submit benefit information should consider submitting information on the following subjects along with any other relevant information they desire to submit:

1. Identification of the economically important uses of dicofol, including market studies and estimated quantities applied for those uses.
2. Identification of alternative chemical and non-chemical methods for controlling mites for uses set forth in item 1 above.
3. Determination of the change in costs to dicofol users of obtaining equivalent pest control with available substitute products or crop management techniques.
4. Assessment of the expected changes in level of pest damage (if any) associated with the use of alternative pest control measures. Changes in pest damage can be measured in terms of yield and/or quality of commodities.
5. If changes in control costs or level of pest control are significant, an assessment can be made of the impact of dicofol's cancellation on the production and price of affected commodities.

II. Additional Grounds for Review

In 1972, the Administrator's Order and Opinion cancelling the registration of most products containing DDT concluded that "DDT is a potential human carcinogen," and "DDT presents a carcinogenic risk" (37 FR 13375). EPA also is aware of some data associating dicofol with oncogenic effects. However, exposure data and the analyses currently available, relative to this effect, are not the basis for the Special Review at this time.

The potential oncogenicity of dicofol *per se* is unknown due to the unavailability of adequate studies. A study conducted by the National Cancer Institute in 1978 suggests the possibility of oncogenicity in male mice, but the study is unacceptable due to the reported decomposition of the test material during the study. Because of the limitations of the data base, EPA is requiring all registrants of dicofol products to provide additional data on human toxicity and dietary exposure. All comments, information and related analyses received with respect to this potential adverse effect may serve as a basis for a supplemental Special Review and will, in any event, be included in

EPA's final decision on registering pesticides containing dicofol.

In addition, EPA is requiring, through the Guidance Document, that additional testing of the toxicological, ecological, crop residue, and environmental fate properties of dicofol be conducted.

III. Rebuttal Submission Procedures

All registrants and applicants for registration are being notified by certified mail of the Special Review being initiated on their products containing dicofol.

The registrants and applicants for registration will have 45 days from the date this Notice is sent or until May 7, 1984 to submit evidence in rebuttal to the Agency's presumption. EPA is interested in a prompt resolution of this Special Review and therefore will not grant an extension of the comment period unless a good cause is shown.

A registrant or applicant for registration may claim that part or all of the material being submitted in response to this Notice is trade secret or confidential business information. If a commenter makes such a claim, the commenter should clearly identify the information claimed to be confidential by placing on the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential," or by marking allegedly confidential portions of otherwise nonconfidential documents clearly. If a confidentiality claim is asserted, the information covered by the claim will be disclosed by the Agency only to the extent and by means of the procedures issued under 40 CFR Part 2, Subpart B published in the *Federal Register* of September 1, 1976 (41 FR 36906). If the information is not accompanied by a confidentiality claim at the time it is received, the Agency will place it in the public comment file where it will be available for public inspection.

A registrant or applicant who asserts a confidentiality claim for some, but not all, of the information submitted in rebuttal should furnish two copies of the information to the Agency. The first copy should contain all of the evidence submitted in rebuttal, with information claimed to be confidential clearly identified. The second copy should be identical to the first except that all information claimed as confidential should be deleted. The second copy will be placed in the public comment file. The first copy will be treated in accordance with the procedures set out above.

IV. Duty To Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding adverse effects on man or the environment which comes to their attention at any time, pursuant to section 6(a)(2) of FIFRA. Registrants of dicofol products must immediately submit any published or unpublished information, studies, reports, analyses, or reanalyses regarding any dicofol residues, adverse effects in animal species or humans, and claimed or verified accidents to humans, domestic animals, or wildlife which have not been previously submitted to EPA. Registrants should notify EPA of any studies currently in progress, their purpose, the protocol, the approximate completion date, and a summary of all results observed to date.

V. Public Comments, Inspections, and Requests for Meetings

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this Notice and on the material in the Guidance Document for reregistration are solicited from the public. In particular, any documented episodes of adverse effects on humans or domestic animals, and information as to any laboratory studies in progress or completed should be submitted to the Agency as soon as possible. Specifically, information on the fate and effects of dicofol, its DDT impurities, metabolites, and degradation products is solicited. Similarly, submission of any studies or comments on the benefits from the use of dicofol is requested. All comments and information received, as well as any other relevant information and analysis thereof which comes to the attention of EPA, may serve as a basis for final determination pursuant to 40 CFR 162.11(a)(5).

All comments and should be sent to the address given above, preferably in triplicate, to facilitate the work of EPA and others interested in inspecting them. The comments and information should bear the identifying notation "OPP-30000/37." Comments received after the specified time will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii).

During the rebuttal comment period, interested members of the public or registrants may request a public meeting to discuss the risk issues and methods of reducing risks. Requests for such meetings should be directed to the contact person listed in this Notice. Any records pertaining to such meetings,

including minutes, agendas, and comments received, will be filed in Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, under docket number OPP-30000/37.

Dated: March 4, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84-6781 Filed 3-20-84; 8-45 am]

BILLING CODE 6560-50-M

(PF-371; PH-FRL 2547-4)

Certain Companies; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: By mail submit comments identified by the document control number [PF-371] and the petition number, attention Product Manager (PM) 25, at the following address: Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Information Services Section (TS-757C), Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A sanitized copy of any material containing Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

Robert Taylor, PM-25, Registration Division (TS-767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis

Hwy., Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA has received pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals and their metabolites in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filings

1. **PP 4F3041.** Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611. Proposes amending 40 CFR 180.227 by: a. Establishing tolerances for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the commodities as follows:

Commodities	Parts per million (ppm)
Corn, fodder	300.0
Corn, forage	300.0
Corn, grain	2.0
Barley, grain	1.0
Barley, straw	8.5
Grass, forage	700.0
Grass, hay	600.0
Wheat, grain	1.0
Wheat, straw	8.5

b. Establishing tolerances for the combined residues of dicamba and its 3,6-dichloro 2-hydroxybenzoic acid metabolite in or on the commodities as follows:

Commodities	Parts per million (ppm)
Cottonseed	4.0
Soybean	4.0
Soybean, fodder	200.0
Soybean, forage	200.0
Soybean, hay	200.0

The proposed analytical method for determining residues is gas chromatography with Ni-63 electron capture detector.

2. **FAP 4H5428.** Velsicol Chemical Corp. Proposes amending 21 CFR 561.427 by establishing a regulation permitting residues of the herbicide dicamba and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the commodity cottonseed meal at 8.0 ppm.

3. **PP 4F3042.** American Cyanamid Company, Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.361 by establishing tolerances for the combined residues of the herbicide pendimethalin [*N*-(ethylpropyl)-3,4-

dimethyl-2,6-dinitrobenzenamine) and its metabolite [4-[[1-ethylpropyl]amino]-2-methyl-3,5-dinitrobenzyl alcohol] in or on the commodity tomatoes at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography with a Ni-63 electron capture detector.

4. **PP 4F3019.** Union Carbide Agricultural Products Company, Inc., P.O. Box 12014, T.W. Alexander Dr., Research Triangle Park, NC 27709. Proposes amending 40 CFR 180.324 to reflect residues of the herbicide bromoxynil resulting from the application of phenol, octanic or butyric acid esters of bromoxynil in or on sorghum fodder, forage, and grain and residues of bromoxynil in corn fodder, forage, and grain. The proposed analytical method for determining residues is gas chromatography with Ni-63 electron capture detector.

5. **PP 4F3020.** Atlantic & Pacific Research Inc., P.O. Box 14545, North Palm Beach, FL 33408. Proposes amending 40 CFR 180.1042 by establishing an exemption from the requirement of a tolerance for the plant growth regulator aqueous extract of seaweed derived from *laminaria digitata*, *laminaria hyperborea*, *Fucus serratus*, *ascophyllum nodosum* in or on the commodity bananas. The proposed analytical method for determining residues in bean hypocotyl test.

(Secs. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)) and 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: March 8, 1984.

Douglas D. Campt,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 84-7430 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

[PF-369; PH-FRL 2547-3]

Certain Companies; Pesticide, Feed, and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, feed, and food additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS:

By mail submit written comments to: Program Management and Support Division (TS-757C), Attn: Product Manager (PM) 12, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number [PF-369]. All written comments filed in response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, PM-12, CM #2, Rm. 205 (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA has received pesticide, feed, and food additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filings

1. **FAP 4H5422.** Union Carbide Corp., T.W. Alexander Dr., Research Triangle Park, NC 27709. Proposes amending 21 CFR Part 193 by establishing a regulation, in conjunction with an experimental use permit, permitting residues of the insecticide thiodicarb (dimethyl *N,N*-(thiobis((methylamino)carbonyloxy)) bis (ethanimidothioate)) and its metabolite methomyl [*S*-methyl *N*-(methylcarbonyloxy)thioacetimidate] in or on the commodity tomato paste at 5.0 parts per million (ppm).

2. **PP 4F3009.** FMC Corp., 2000 Market St., Philadelphia, PA 19103. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the insecticide carbosulfan (2,3-dihydro-2,2-dimethyl-7-benzofuranyl [(dibutylamino) thio] methylcarbamate) and 2,3-dihydro-2,2-dimethyl-benzofuranyl-*N*-methylcarbamate (carbofuran), its carbamate metabolites 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and 2,3-dihydro-2,2-dimethyl-3-keto-7-benzofuranyl-*N*-methylcarbamate; its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol and its metabolite di-*n*-butylamine in or on the following commodities:

a. Apples and pears: 4.3 total, of which 2.0 ppm is carbosulfan *per se*, 1.0 ppm is carbamate metabolites, 0.3 ppm phenolic metabolites, and 1.0 ppm of the dibutylamine metabolite.

b. Kidney and liver of cattle, goats, hogs, horses and sheep: 1.5 ppm total, of

which no more than .02 ppm is carbosulfan and its cholinesterase inhibiting metabolites, .08 ppm is phenolic metabolites, and 1.4 ppm is the dibutylamine metabolite.

c. Milk: 1 ppm total, of which no more than .02 ppm is carbosulfan *per se* and its cholinesterase inhibiting metabolites, 0.18 ppm is its phenolic metabolites, and 0.8 ppm is the dibutylamine metabolite.

d. Meat, fat and meat byproducts (except kidney and liver) of cattle, goats, hogs, horses and sheep: 0.2 ppm total, of which no more than .02 ppm is carbosulfan and its cholinesterase inhibiting metabolites, .03 ppm is phenolic metabolites, and 0.15 ppm is the dibutylamine metabolite.

The proposed analytical method for determining residues is gas chromatography.

3. **FAP 4H5420.** FMC Corp. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide carbosulfan in or on the following commodities:

a. Apple pomace dry: 51.0 ppm total, of which 25 ppm is carbosulfan *per se*, 11.0 ppm is carbamate metabolites, 2.0 ppm is phenolic metabolites, and 13.0 ppm is the dibutylamine metabolite.

b. Apple pomace wet: 15.5 ppm total, of which 7.0 ppm is carbosulfan *per se*, 2.5 ppm is carbamate metabolites, 1.0 ppm is phenolic metabolites, and 5.0 ppm is the dibutylamine metabolite.

(Secs. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)) and 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: March 8, 1984.

Douglas D. Campt,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 84-7427 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66107; PH-FRL 2547-1]

Certain Pesticide Products; Intent to Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the names of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended Distribution or sale of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: April 20, 1984.

ADDRESS: By mail, submit comments to:
Information Services Section, Program
Management and Support Division
(TS-757C), Office of Pesticide
Programs, Environmental Protection
Agency, 401 M St., SW., Washington,
D.C. 20460.

In person, bring comments to: Rm. 236,

CM#2, 1921 Jefferson Davis Highway,
Arlington, VA.

FOR FURTHER INFORMATION CONTACT:
By mail: Lela Sykes, Registration
Division (TS-767C), Office of Pesticide
Programs, Environmental Protection
Agency, 401 M St., SW., Washington,
D.C. 20460.

Office location and telephone number:
Rm. 718C, CM#2, 1921 Jefferson Davis
Highway, Arlington, VA. (703-557-
2126).

SUPPLEMENTARY INFORMATION: EPA has
been advised by the following firms of
their intent to voluntarily cancel
registration of their pesticide products.

Registration number	Product name	Registrant	Date registered
100-523	Tolban 4E Herbicide	Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409	Nov. 1, 1974
239-2111	Ortho Phaltan Sulfur 7.5-10 Dust	Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804	July 12, 1965
239-2329	Ortho Phaltan Rose Black Spot Control	do	Sept. 24, 1971
279-1850	Niagara Niacide M7 G-3 Dust	FMC Corporation, 2000 Market St., Philadelphia, PA 19103	Sept. 27, 1961
279-2075	Niagara M7 Ethion 4 Dust	do	Aug. 6, 1963
524-89	Randox	Monsanto Co., 1101 17th St., NW., Washington, DC 20036	Feb. 8, 1956
524-104	Monsanto Granular Randox	do	May 11, 1959
524-311	Polaris	do	Mar. 10, 1975
524-312	Randox Technical	do	Sept. 25, 1974
524-317	Glyphosine Technical Grade	do	Apr. 28, 1975
528-55	Amsco's Penta Treat Ready to Use Wood Preserver	Union Oil Company of California, 1900 East Golf Road, Schaumburg, IL 60195	Dec. 24, 1975
541-203	Pzazz Bacteriostatic Cream Cleanser	Puritan/Churchill Chemical Co., 916 Ashby St., NW., Atlanta, GA 30318	Apr. 30, 1969
595-292	Diazinon Dust No. 2	Haviland Agricultural 1845 Sterling, NW., Grand Rapids, MI 49502	July 11, 1966
655-17	Prentox 50% Chlordane Wettable Powder	Prentiss Durg and Chemical Co., Inc., C.B. 2000, 21 Vernon St., Floral Park, NY 11011	Aug. 25, 1949
655-26	Prentox 4 pounds Chlordane Emulsifiable Concentrate	do	Aug. 28, 1952
655-46	Prentox 40% Chlordane Dust Concentrate	do	Jan. 21, 1954
655-47	Prentox 40% Chlordane Wettable Powder	do	Jan. 21, 1954
644-48	Prentox 8 pounds Chlordane Emulsifiable Concentrate	do	Jan. 21, 1954
655-92	Prentox 50% Chlordane Dust Concentrate	do	Feb. 13, 1956
655-277	Prentox 2 pounds Heptachlor Emulsifiable Concentrate	do	Apr. 18, 1966
655-506	Prentox 8 pounds Emulsifiable Concentrate Insecticide	do	Aug. 12, 1975
655-611	Prentox Poison Ivy Brush Killer	do	July 23, 1968
2342-836	Poison Ivy Killer	Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, OK 73125	Mar. 4, 1967
2749-167	Chloropropylate 2E	Aceto Agricultural Chemicals Corp., 126-02 Northern Blvd., Flushing, NY 11368	Dec. 4, 1972
3743-199	Royal Brand Herban 62	Southern Agricultural Chemicals Inc., P.O. Box 527, Kingstree, SC 29556	July 14, 1967
4185-124	Smith Douglass Mangle Brush Killer	Smith-Douglass, Inc., P.O. Box 419, Norfolk, VA 23501	Oct. 15, 1963
4185-126	Smith Douglass 2,4,5-T 4 pounds Low Volatile Ester Brush Killer	do	Oct. 17, 1963
4185-354	Ongaro's Weed and Feed 20-5-5	do	Dec. 13, 1967
4185-404	Nutro Dandelion and Weed Killer	do	Aug. 13, 1968
4185-441	Nutro New Weed and Feed 22-6-6	do	Jan. 29, 1970
4221-16	2,4,5-T P Acid	Gallard-Schlesinger Corp., 584 Mineola Ave., Carle Place, Long Island, NY 11514	July 17, 1958
5185-32	Bio-Guard 120-140	Bio-Lab Inc., P.O. Box 1489, Decatur, GA 30031	Aug. 9, 1960
5185-106	Bestall Germicidal Detergent	do	Mar. 22, 1966
5185-118	Guardall X-185 Bactericide, Fungicide, Virucide (Water Soluble)	do	Mar. 31, 1967
5185-231	Bio-Guard WS 222 Farm Premise Disinfectant	do	Dec. 4, 1974
5185-232	Bio-Guard Kontrol Bactericide, Fungicide, Virucide	do	Mar. 31, 1975
7185-6	Destun 50 WP Cotton Herbicide	Medical Products Division/3M, 3M Center, Bldg. 230-3, St. Paul, MN 55144	Feb. 24, 1976
10350-6	Grouting Compound with Root Inhibitor Type 200	3M Company Product Toxicology, 3M Center, Bldg. 220-2E, St. Paul, MN 55101	Nov. 12, 1975
12130-9	Farmchem EPN Methyl 24	Farm Chemicals, Inc., P.O. Box 456, Aberdeen, NC 28315	Mar. 12, 1973
15091-2	MB 98-2 Preplant Soil Fumigant	V-J Growers Supply, R. R. #1 Box 1115, Boynton Beach, FL 33437	May 26, 1976
39027-1	Sodium Hypochlorite 9.0% Solution	Miramir Hardware Inc., 6832 SW. 37th St., Miramar, FL 33023	Apr. 25, 1979
48084-2	Lindane Borer and Leaf Miner Spray	Stewart Industries, Inc., P.O. Box 8658, Fort Worth, TX 76112	Oct. 5, 1981
45084-10	Dursban Lawn Spray	do	July 29, 1981
45084-11	Diazinon 25% EC Lawn and Garden Insect Control	do	Aug. 18, 1981
45084-14	Sevin 5% Dust	do	July 29, 1981
48111-1	Adepticide-W	Adept Water Engineering Co., 1800 West Haicher, Suite B, Phoenix, AZ 85021	Aug. 13, 1982
48111-2	Adepticide-N	do	Oct. 18, 1982

The Agency has agreed that each cancellation shall be effective April 20, 1984 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling

registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Sale or distribution of any quantity of any of these products produced after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued may be submitted in triplicate to the Registration Support and Emergency Response Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Comments may be filed regarding this

notice. Written comments should bear a notation indicating the document control number "[OPP-66107]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in Rm. 236, CM#2, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended, 86 Stat. 973, 89 Stat. (751, 7 U.S.C. 136))

Dated: March 9, 1984.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

[FR Doc. 84-7429 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180638; PH-FRL 2547-2]

Emergency Exemptions**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the thirteen States listed below. Also listed is a quarantine exemption granted to the U.S. Department of Agriculture.

DATES: See each specific and quarantine exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT:

See each specific and quarantine exemption for the name of the contact person. The following information applies to all contact people:

By mail: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office Location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-1191).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arizona Commission of Agriculture and Horticulture for the use of fenamiphos on non-bearing palm trees to control reinform nematodes; January 11, 1984 to January 1, 1985. Arizona had initiated a crisis exemption for this use. (Jim Tompkins)

2. California Department of Food and Agriculture for the use of 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on sugarbeets to control grassy weeds; February 1, 1984 to June 15, 1984. (Jim Tompkins)

3. Louisiana Department of Agriculture for the use of methiocarb on rice seed to control depredating birds; January 16, 1984 to November 30, 1984. (Jack E. Housenger)

4. Michigan Department of Agriculture for the use of permethrin on asparagus to control dark-sided cutworms; January 16, 1984 to June 30, 1984. (Gene Asbury)

5. North Dakota Department of Agriculture for the use of methalaxyl on sunflower seeds to control downy mildew; January 24, 1984 to June 15, 1984. (Jack E. Housenger)

6. U.S. Department of Agriculture for the use of chlorpyrifos on ornamental sod to control the imported fire ant in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas; February 9, 1984 to December 31, 1984. (Jack E. Housenger)

A quarantine exemption was granted to the U.S. Department of Agriculture

(APHIS) for the use of malathion and diazinon on host sites in California to eradicate the Mexican fruit fly; January 19, 1984 to January 19, 1985. The U.S. Department of Agriculture had initiated a crisis exemption for this use. (Jack E. Housenger)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: March 9, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84-7428 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

[FRL-2548-1]

Issuance of General Civil Penalty Policy**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of availability.

SUMMARY: This notice announces the availability of the EPA's new General Civil Penalty Policy. The new penalty policy sets out criteria which EPA should consider in pursuing penalties against violators of environmental requirements. These criteria should be considered regardless of the statute or regulation involved. This policy will probably be of significant interest to members of the regulated community and the public in general. We are therefore issuing this notice so that those interested will become aware of the policy's existence and availability.

DATE: This policy became effective February 16, 1984.

ADDRESS: Jonathan D. Libber, Acting Chief, General Policy and Review Branch (LE-130A), Office of Enforcement and Compliance Monitoring, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202/426-7503).

SUPPLEMENTARY INFORMATION: EPA's new "Policy on Civil Penalties" explains the Agency's three primary goals in civil penalty assessment. Those three are: deterring future violations, resolving existing violations quickly and promoting equity within the regulated community. The policy identifies criteria which EPA should apply in pursuing these goals sets out guidance for each program to follow in developing statute-specific penalty assessment policies which build on the general policy.

The new Civil Penalty Policy consists of two documents. The first, "Policy on Civil Penalties," presents the philosophical basis for deciding on how large a civil penalty to pursue. The second document, "A Framework for Statute-Specific Approaches to Penalty

Assessments," provides detailed guidance for the development of program-specific penalty policies.

Copies of this policy are available upon request. Pursuant to 40 CFR 2.120, EPA may charge a reasonable fee for each copy it provides.

Dated: March 12, 1984.

Courtney M. Price,

Assistant Administrator for Enforcement and Compliance Monitoring.

[FR Doc. 84-7540 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

[Docket No. ECAO-HA-78-3; ORD-FRL 2548-2]

Draft Health Assessment Document for Tetrachloroethylene (Perchloroethylene)**AGENCY:** Environmental Protection Agency.

ACTION: Revision Clarifying the Carcinogenicity Conclusions of the Draft Health Assessment Document for Tetrachloroethylene (Perchloroethylene), and Reopening of Public Comment Period.

SUMMARY: The External Review Draft of the EPA document, Draft Health Assessment Document for Tetrachloroethylene (Perchloroethylene), EPA-600/8-82-005B dated December 1983 was announced on December 23, 1983 in the Federal Register as being available for public review and comment from January 5, 1984 through March 5, 1984. On February 3, errata for pages 1-4 and 9-45 were distributed to all parties who had requested a copy of the document from EPA and inserted in all undistributed copies.

Because of a need to further clarify the conclusion regarding the carcinogenicity findings, the Agency is issuing a revised statement of these conclusions. This statement replaces the last four lines on page 1-3 and all of page 1-4, and also replaces the Conclusion section 9.4.3 on page 9-45. The revised statement is as follows:

Tetrachloroethylene has been demonstrated to induce malignant tumors of the liver in both male and female mice of the B6C3F1 strain. This constitutes a signal that tetrachloroethylene might be a carcinogen for humans. The technical adequacy and the strong nature of the positive response in the 1977 NCI tetrachloroethylene bioassay study makes it likely that a repeat bioassay would also be positive. In fact, a recent National Toxicology Program (NTP)

study, currently under audit, showed similar positive results. This bioassay study, if validated, would strengthen the evidence for carcinogenicity of tetrachloroethylene.

It should be recognized that there is a substantial body of opinion in the scientific community to the effect that the mouse liver overreacts to chlorinated organic compounds in contrast to that of the rat, and that the induction of liver cancer in the mouse represents only a promoting action for spontaneous liver tumors which normally occur with substantial incidence. Furthermore, this promoting action might be related to liver damage associated only with high liver exposures to chlorinated agents such as tetrachloroethylene. However, the evidence is inconclusive either for this restrictive position on the mouse liver carcinogenic response to chlorinated organics or to the position that the mouse liver is as good as any other mammalian indicator of carcinogenicity for these compounds.

According to a literal interpretation of the criteria of the International Agency for Research on Cancer (IARC), the animal data supporting the carcinogenicity to tetrachloroethylene might be classified as limited. Also, since existing human epidemiologic data for tetrachloroethylene are inconclusive, its overall IARC ranking might be classified as Group 3, meaning, according to IARC language, the perchloroethylene cannot be classified as to its human carcinogenicity.

It should be recognized that Group 3 covers a broad range of evidence: From inadequate to almost sufficient animal data. Because of the strength of the mouse liver cancer response, tetrachloroethylene is at the upper end of this range. Hence, the classification of the carcinogenicity of tetrachloroethylene under the IARC criteria for animal evidence could be limited or almost sufficient depending on the nature of the bioassay evidence as it exists today and on the differing current scientific views about the induction of liver tumors in mice by chlorinated organic compounds. Therefore, the overall IARC ranking of tetrachloroethylene is Group 3 but close to Group 2B, i.e. the more conservative scientific view would regard tetrachloroethylene as being close to a probable human carcinogen, but there is considerable scientific sentiment for regarding tetrachloroethylene as an agent that cannot be classified as to its carcinogenicity for humans.

In consideration of the above action, the public comment period will be reopened for 30 days beginning March

23, 1984 and ending April 23, 1984. In addition to this notice, copies of this revision will be forwarded to those who have already received copies of the draft health assessment document and errata from the ORD Publications Office, Center for Environmental Research Information (CERI), in Cincinnati. During the 30-day public comment period, requesters may obtain copies of these materials, as follows:

- Single copies will be available from ORD Publication—CERI-FRN, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, Ohio 45268. Tel. (513) 684-7562.

- These documents also will be available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Comments on the revision should be submitted in writing by close of business on April 23, 1984 to: Project Officer for Tetrachloroethylene (Perchloroethylene), Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT:
Ms. Diane Chappell, 919/541/3637.

Dated: March 16, 1984.

Bernard D. Goldstein,
Assistant Administrator for Research and Development.

[FR Doc. 84-7680 Filed 3-20-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket Nos. 84-272 and 84-273; File Nos. BP-821021AF and 830502AK]

Cortland Broadcasting Co., Inc., and Geri Taczak Media, Inc.; Hearing Designation Order

In the Matter of Applications of Cortland Broadcasting Company, Inc., Cortland, Ohio, Req: 830 kHz, 1 kW, D (MM Docket No. 84-272, File No. BP-821021AF); Geri Taczak Media, Inc., WOKG, Warren, Ohio, Has: 1570 kHz, 0.5 kW, DA-D, Req: 830 kHz, 5 kW, DA-D (MM Docket No. 84-273, File No. 830502AK) For Construction Permit.

Adopted: March 5, 1984.

Released: March 15, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications.

2. The applicants are qualified to construct and operate as proposed. However, since the proposals are

mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

3. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural services to such areas and populations.

(2) To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(3) To determine in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

4. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

5. It is further ordered, that pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 84-7502 Filed 3-20-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 84-259 and 84-260; File
Nos. BPCT-830328KJ and BPCT-830429KF]

**George E. Gunter; and Midwest
Television Inc.; Hearing Designation
Order**

In the Matter of Applications of George E. Gunter, Springfield, Illinois, (MM Docket No. 84-259, File No. BPCT-830328KJ) and Midwest Television, Inc., Springfield, Illinois, (MM Docket No. 84-260, File No. BPCT-830429KF) For Construction Permit.

Adopted: February 29, 1984.

Released: March 15, 1984.

By, the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it: (1) The above-captioned mutually exclusive applications of George E. Gunter (Gunter) and Midwest Television, Inc. (MTI) for authority to construct a new commercial television station on Channel 49, Springfield, Illinois; (2) a petition to deny filed by Springfield Independent Television Company, Inc., (SITCI), licensee of station WRSP-TV, Springfield, Illinois against Gunter; (3) a comment on petition to deny, filed by Gunter and (4) a reply to comments on petition to deny filed by SITCI.

2. SITCI claims standing as a party in interest pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, on the grounds that if Gunter's application were granted, the new station would compete for audience and revenue with SITCI's station WRSP-TV, Channel 55, Springfield, Illinois. We find that SITCI has standing, *FCC v. Sanders Brothers Radio Station*, 309 U.S. 470 (1940).

Financial Qualifications

3. Petitioner alleges that the certifications contained in Gunter's application cannot support a finding that he possesses the financial qualifications to implement each of his pending proposals. (Gunter is an applicant for six other television stations.) Petitioner states that Commission policy requires

that an applicant with more than one pending proposal must be able to show his ability to finance each pending proposal, citing *Sawnee Broadcasting Co.*, 7 RR 2d (1966). This case was, of course, decided well before the Commission changed the application form to permit an applicant to certify as to its financial qualifications. It does not, therefore, stand for the proposition that an applicant with several co-pending applications may not certify that it is financially qualified.

4. The Commission has not modified its requirement that an applicant have the financial ability to construct and operate its proposed facility for three months. The revised Section III (Financial Qualifications) of FCC Form 301 allows an applicant to certify that it is financially qualified. Gunter has certified that he is financially qualified. He has, therefore, done all that is required by the Commission. Petitioner's allegations are speculative and lack specificity. Petitioner has not supplied any information or documentation to indicate that the certifications are false. Consequently, we find that the allegations do not warrant the addition of a financial issue.

Staffing Proposal

5. Petitioner further alleges that Gunter's proposal to employ less than 5 full-time persons is inherently unreasonable and is incapable of effectuation. Petitioner notes that the Commission has not hesitated in the past to insure that staffing proposals are somewhat realistic and it should not hesitate to find Gunter's proposal defective. Petitioner points out that its own station, WRSP-TV, Springfield, Illinois, has a staff of 13 full-time and 3 part-time employees.

6. The Commission has no rigid rules or standards prescribing personnel or staffing requirements; there is only a general policy that there be a reasonable likelihood that an applicant can effectuate its proposed operation with its staff. *Bisbee Broadcasting, Inc.*, 48 FCC 2d 291, 292-293 (1974). George Gunter proposes to operate the television station with less than five full-time employees. He proposes to operate 126 hours per week, of which 7 hours (5.95%) will be local programming. Based on a 7-day week, this means that the station would be in operation 18 hours per day, of which 1 hour would be local programming. An 18-hour day would appear to require at least two shifts. This would mean that the station must be operated by no more than two full-time employees per shift. The petitioner, moreover, commissioned a study of comparable stations in comparable

markets to determine the staffs required. This study indicates that a station operating as many hours as proposed here (including 1 hour, 10 minutes per day of local programming) requires between 27 and 49 full-time employees. While we recognize that petitioner's study cannot be taken to mean that the applicant cannot effectuate its proposal with far fewer people than the study indicates, we believe it raises a valid question regarding Gunter's staffing proposal which warrants exploration in the hearing. Accordingly, an appropriate issue will be specified.

7. The proposed antenna for Gunter is to be mounted on the tower of AM radio station WTAX, Springfield, Illinois. Consequently, any grant of a construction permit to Gunter will be conditioned to ensure that WTAX's radiation pattern is not adversely affected by the construction of the proposed station.

8. MTI intends to operate the proposed facility as a satellite of its commonly owned station, WCIA-TV, Champaign, Illinois. Further, the Grade B contours of WCIA-TV and the proposed station will overlap over an area of 1560 sq. miles. The overlap area represents approximately 48% of the Grade B coverage area of the proposed station. George E. Gunter does not propose a satellite operation. Accordingly, an issue will be specified with respect to the need for a satellite operation.²

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.³ Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are

² The issue to be specified as to whether circumstances exist which make the "satellite" form of operation necessary in Springfield will be a qualifying issue, for if it is resolved in the negative, the application proposing a satellite operation can not be granted.

³ We note that MTI is the licensee of KFMB-TV, San Diego, California. There are two complaints pending before the Fair Employment Practices Commission of California and the Superior Court of California for the County of San Diego arising out of the operation of KFMB-TV. Accordingly, any grant of MTI's application will be without prejudice to such action as the Commission may deem appropriate as a result of the outcome of these proceedings.

¹ Gunter filed an amendment on September 7, 1983, the "B" cut-off date, which was accompanied by a request for leave to amend. Since the amendment contains information required by the staff to complete its processing of Gunter application, the petition for leave to amend is granted and the amendment is accepted for filing. However, Gunter shall not receive any comparative credit as a result of the amendment.

designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine, with respect to Midwest Television, Inc., whether circumstances exist which justify the operation of a satellite in Springfield, Illinois.

(2) To determine with respect to George E. Gunter:

(a) The size, composition, duties and hours of the staff proposed by the applicant.

(b) In light of the evidence adduced pursuant to the foregoing, whether there is a reasonable likelihood that the applicant can effectuate its proposal with the staff proposed.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, that the petition to deny the application of George Gunter, filed by Springfield Independent Television Company, Inc. is granted, to the extent indicated and otherwise is denied.

12. It is further ordered, that Springfield Independent Television Company, Inc. is made respondent.

13. It is further ordered, that in the event of a grant of the application of George Gunter, the construction permit shall be conditioned as follows:

During installation of the antenna authorized herein, AM station WTAX shall determine operating power by the indirect method. Upon completion of the installation, antenna impedance measurements on the AM antenna shall be made and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission (along with a tower sketch of the installation) in an application for the AM station to return to the direct method of power determination.

14. It is further ordered, that to avail themselves of the opportunity to be heard, the applicant and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, filed with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

15. It is further ordered, that the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice

of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-7503 Filed 3-20-84; 8:45 am]

BILLING CODE 6712-01-M

New FM Stations; Application for Consolidated Hearing; Women's Coalition for Better Broadcasting, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM stations:

Applicant, city, and State	File No.	MM Docket No.
A. Frances R. McClure and Carolyn L. McClure d.b.a. Women's Coalition for Better Broadcasting; Charleston, WV.	BPH-820827AC.....	84-262
B. CLW Communications Group; South Charleston, WV.	BPH-830124AT.....	84-263
C. William A. Clark d/b/a Communicast; Charleston, WV.	BPH-830124AU.....	84-264

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. City Coverage, A.
2. Air Hazard, A.
3. 307(b) A, B, C.
4. Contingent Comparative, A, B, C.
5. Ultimate, A, B, C.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919

M Street, NW., Washington, D.C. 20554, Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84-7500 Filed 3-20-84; 8:45 am]

BILLING CODE 6712-01-M

New FM Stations; Applications for Consolidated Hearing; Marcell's Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Marcell's Inc.; Glendale, AZ.	BPH-811211AJ.....	84-244
B. Arizona Number One Radio, Inc.; Glendale, AZ.	BPH-820514AP.....	84-245
C. Interstate Broadcasting System of Arizona, Inc.; Glendale, AZ.	BPH-820521AN.....	84-246
D. Hector P. Torres and Adib Eden, Sr. d/b/a Arizona Family Radio Ltd.; Glendale, AZ.	BPH-820618AP.....	84-247
E. Newmountain Broadcasting Corporation; Glendale, AZ.	BPH-820621AK.....	84-248
F. Compadres Communications Corporation; Glendale, AZ.	BPH-820622AD.....	84-249
G. Diana M. Greenlee; Glendale, AZ.	BPH-820623AM.....	84-250
H. Lemrat, Inc.; Glendale, AZ.	BPH-820623AO.....	84-251
I. Glendale Broadcasting Company, Inc.; Glendale, AZ.	BPH-820624AD.....	84-252
J. Jane M. Hawkins and Edith M. Blazier d/b/a Dove Enterprises of Glendale, Glendale, AZ.	BPH-820624AK.....	84-253
K. MCB Broadcasting of Arizona, Inc.; Glendale, AZ.	BPH-820624AM.....	84-254
L. Continental Broadcasting Corporation of Arizona, Inc.; Glendale, AZ.	BPH-820624AN.....	84-255
M. Lee Optical & Associated Companies Retirement & Pension Fund Trust; Peoria, AZ.	BPH-820624AT.....	84-256
N. Turner-Flinton-Winslow Broadcasters, Inc.; Glendale, AZ.	BPH-820624BJ.....	84-257
O. Elaine N. Boros et al. d/b/a Thunder Radio; Peoria, AZ.	BPH-820624BT.....	84-258

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below

to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix) A.
2. Air Hazard A, B, C, E, H, I.
3. 307(b) A through O.
4. Contingent comparative A through O.
5. Ultimate A through O.

3. If there is any non-standardized issue(s) in this proceeding, the full text of this issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

*Assistant Chief, Audio Services Division,
Mass Media Bureau.*

Appendix—Issue(s)

To determine with respect to the following applicant(s) whether, in light of the evidence adduced concerning the deficiency set forth above in paragraph 8, the applicant(s) is financially qualified: A (Marcell)

[FR Doc. 84-7501 Filed 3-20-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

BKLA Bancorp; Formation of Bank Holding Co.

The company listed in this notice has applied for the Board's approval under sections 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares and/or assets of a bank. The factors that are considered in action on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. Interested persons may express their views in writing to the address indicated for the application. 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.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BKLA Bancorp*, Los Angeles California; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Los Angeles County, Los Angeles, California. Comments on this application must be received not later than April 13, 1984.

Board of Governors of the Federal Reserve System, March 16, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7531 Filed 3-20-84; 8:45 am]

BILLING CODE 6210-01-M

**City National Bancorp, Inc.;
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 (49 FR 794) 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 April 12, 1984.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *City National Bancorp, Inc.*, Fulton, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The City National Bank of Fulton, Fulton, Kentucky.

2. *First State Capital Corporation*, Holly Springs, Mississippi; to become a bank holding company by acquiring 100

percent of the voting shares of First State Bank, Holly Springs, Mississippi.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Franklin Bancorp, Inc.*, Winnsboro, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Franklin State Bank & Trust Company, Winnsboro, Louisiana.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Valley National Corporation*, Forest Grove, Oregon; to become a bank holding company by acquiring 100 percent of the voting shares of Valley National Bank of Oregon, Forest Grove, Oregon.

Board of Governors of the Federal Reserve System, March 16, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7532 Filed 3-20-84; 8:45 am]

BILLING CODE 6210-01-M

**The Bank of New York Company, Inc.;
Acquisitions of Companies Engaged in
Permissible Nonbanking Activities**

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (49 FR 794) 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 (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the

¹ Paragraph 8 reads as follows: The material submitted by the applicant(s) below does not demonstrate its financial qualifications. Accordingly, an issue will be specified concerning the following deficiency—Applicant(s): A (Marcell). Deficiency: Failure to verify availability of committed loan. Failure to file financing loan commitment and balance sheet for Syncom Capital Corporation.

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 each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than April 12, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Bank of New York Company, Inc.*, New York, New York, and B.N.Y. Holdings (Delaware) Corporation, Wilmington, Delaware; to acquire Union Financial Services Corporation, New Haven, Connecticut, and thereby engage in the activity of issuing as agent Mastercard travelers cheques, serving the state of Connecticut.

2. *Chemical New York Corporation*, New York, New York; to acquire Brown & Company Securities Corporation, Boston, Massachusetts, and thereby engage in discount brokerage services, including executing purchases and sales of securities such as equities, bonds, bills and options upon the order of its customers, related securities credit activities pursuant to the Board's Regulation T and other incidental activities including but not limited to custodial services, all of which are subject to the qualifications specified in 12 CFR 225.25(b)(15). Comments on this application must be received not later than April 10, 1984.

Board of Governors of the Federal Reserve System, March 16, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7533 Filed 3-20-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 63]

Federal Procurement; Changes in Small Business Size Standards and Requirements

March 19, 1984.

1. *Purpose.* This bulletin provides interim guidance concerning revised small business size standards and determinations of the U.S. Trade Representative concerning the dollar thresholds and covered agencies under the Trade Agreements Act of 1979.

2. *Expiration date.* This bulletin expires December 31, 1984, unless revised or superseded sooner.

3. Background.

a. Small business.

(1) The Small Business Administration (SBA) has prescribed detailed definitions for small business concerns (size standards) in 13 CFR Part 121 as authorized by the Small Business Act (15 U.S.C. 632).

(2) On February 9, 1984, the SBA published revised small business size standards regulations in the **Federal Register**. The revisions made to 13 CFR Part 121 by the SBA are intended to:

(a) Deal with the effects of inflation by adjusting the size standards so as to return to the status quo of 1975 when the last inflationary adjustment was made;

(b) Provide one set of standards for both the SBA procurement and financial assistance programs; and

(c) Address longstanding problems of defining small business in certain industries.

(3) The SBA size standards and related regulations are set forth in Subpart 1-1.7 of the FPR. Section 1-1.701 states that the size standards are based on the governing regulations of SBA. Therefore, the interim guidance set forth in paragraph 4 below is provided until the details of the revised SBA regulations can be incorporated into applicable procurement regulations.

b. Purchases under the Trade Agreement Act of 1979.

(1) Executive Order 12260 provides that the U.S. Trade Representative shall determine, from time to time, the dollar equivalent of 150,000 Special Drawing right units.

(2) Sections in the FPR that contain a reference to this dollar threshold include the following: 1-6.1601(b), 1-6.1601(e), 1-6.1603(b), 1-6.1603(c), 1-6.1603(d), 1-6.1605-(a), and 1-6.1609(a).

(3) Section 1-6.1613 lists agencies covered by the Agreement on Government Procurement.

4. Agency guidance.

a. Small business size standards.

After the March 12, 1984, effective date of the revised SBA small business size standard regulations, and pending their incorporation into the Federal Acquisition Regulation, agencies should follow the revised provisions of 13 CFR Part 121 (see 49 FR 5023, February 9, 1984).

b. Purchases under the Trade Agreements Act of 1979.

(1) Effective January 1, 1984, the U.S. Trade Representative has determined that, with respect to the Agreement on Government Procurement, the dollar equivalent of 150,000 Special Drawing Right units is \$161,000 (48 FR 44790).

(2) Effective December 29, 1981, the status of the Peace Corps changed from an agency within the Action agency to an independent agency by the International Security and Development Cooperation Act of 1981 (22 USC 2501-1).

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 84-7641 Filed 3-20-84; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a national consumer exchange meeting, chaired by Mark Novitch, M.D., Acting Commissioner of Food and Drugs.

DATE: Wednesday, April 11, 1984, 1:15 p.m. to 3:15 p.m.

ADDRESS: Hubert Humphrey Bldg. Auditorium, 200 Independence Ave. S.W., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT:

Alexander Grant, Associate Commissioner for Consumer Affairs, Food and Drug Administration, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006; TTY (for the deaf) 301-443-1818.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for consumers and FDA officials to exchange views and to relay information on vital health and policy issues. Proposed topics of discussion at this meeting will be Sulfiting Agents in Foods and Drugs, Ethylene Dibromide (EDB), and the Federal Register Proposal on Irradiated Foods (49 FR 5714; February 14, 1984).

Dated: March 15, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-7505 Filed 3-20-84; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made

of the following National Advisory body scheduled to meet during the month of April 1984:

Name: National Council on Health Planning and Development.

Date and Time: April 5-6, 1984, 8:30 a.m.

Place: Room 800, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The entire meeting is open.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to: (1) The development of national guidelines under section 1501 of Public Law 93-641, (2) the implementation and administration of Title XV and XVI of Public Law 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: The Council will deliberate on a prospective payment system for capital. The Department of Health and Human Services is required to report to Congress by October 1984 on how capital should be treated under the Diagnostic Related Groups prospective payment system. This Council meeting will serve as a public forum for all the proposals that have surfaced at this time. The Council will consider these proposals and forward a recommendation to the Secretary.

On April 5, a number of presentations will be made to overview the various methods of treating capital and to summarize the resultant impact on the consumer, hospital and investment banking communities. In addition, several invited organizations will present their proposals and perspectives on the issue. On April 6, the Council will hear status reports from officials of the Health Resources and Services Administration, and conduct other Council business.

A public comment period will be provided each day. A detailed agenda may be obtained after March 20, 1984 by writing or telephoning Mrs. Diane A. McMenamin.

Anyone requiring information regarding the subject Council should contact Mrs. Diane A. McMenamin, Executive Secretary, National Council on Health Planning and Development, Room 9-A-18, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, telephone 301-443-6377.

Agenda items are subject to change as priorities dictate.

Dated: March 15, 1984.

George T. Lewis,
Acting Advisory Committee Management
Officer, HRSA.

[FR Doc. 84-7506 Filed 3-20-84; 8:45 am]

BILLING CODE 4150-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 630]

California; Filing of Plat of Survey

March 12, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, San Diego County

T. 10 S., R. 3 E.

T. 10 S., R. 4 E.

T. 11 S., R. 3 E.

T. 11 S., R. 4 E.

2. This plat representing the dependent resurvey of a portion of the Rancho San Jose del Valle Boundary in Tps. 10 and 11 S., Rs. 3 and 4 E., portions of the south, east, west and north boundaries and subdivisional lines, and the subdivision of sections 20, 30, 31 and 32, the survey of the subdivision of sections 19 and 36, and the survey of section 37, T. 10 S., R. 4 E., San Bernardino Meridian, under Group No. 630, California, was accepted February 14, 1984.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This Survey was executed to meet certain administrative needs of the Bureau of Indian Affairs and this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,
Chief, Records and Information Section.

[FR Doc. 84-7510 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-40-M

[Group 630]

California; Filing of Plat of Survey

March 12, 1984.

1. This plate of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, Riverside County

T. 9 S., R. 4 E.

T. 10 S., R. 5 E.

T. 11 S., R. 4 E.

2. This plat, representing the following:

a. Dependent resurvey of portions of the west boundary and subdivisional lines of T. 9 S., R. 4 E., San Bernardino Meridian.

b. Dependent resurvey of portions of the north and south boundaries and the subdivisional lines in T. 10 S., R. 5 E., San Bernardino Meridian.

c. Dependent resurvey of a portion of the subdivisional lines of T. 11 S., R. 4 E., San Bernardino Meridian, under Group No. 630, California, was accepted February 14, 1984.

e. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs and this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,
Chief, Records and Information Section.

[FR Doc. 84-7509 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-40-M

[Group 792]

California; Filing of Plat of Survey

March 8, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Mariposa County

T. 4 S., R. 18 E.

2. This plat, representing the dependent resurvey of a portion of the subdivision lines and Mineral Survey No. 5897, and the survey of the subdivision of Section 10, T. 4 S., R. 18 E., MDM, under Group No. 752, California, was accepted February 15, 1984.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 84-7506 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-40-M

[Group 739]

California; Filing of Plat of Survey

March 12, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Shasta County
T. 31 N., R. 8 W.

2. This plat, representing the dependent resurvey of portions of the Sixth Standard Parallel North, on the south boundary, west boundary and subdivision lines, and the survey of the subdivisional sections 10, 14, 22, 26, 28, and 35, T. 31 N., R. 8 W., Mount Diablo Meridian, under Group No. 739, California, was accepted February 17, 1984.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 84-7507 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-40-M

Suspension of Approval of Record Title Assignments of Oil and Gas Leases

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of suspension of approval of record title assignments of oil and gas leases.

SUMMARY: The Bureau of Land Management is reviewing the policy of

approving small acreage oil and gas lease record title assignments in Alaska and the lower 48 States. A recent trend has developed whereby assignments of record title interests of oil and gas leases are fragmenting larger lease acreages into parcels of smaller undevelopable size which is counter-productive to the intent of the Mineral Leasing Act of 1920 and the Fiscal Year 1981 Department of the Interior Appropriations Acts which is the timely development of reserves and production of the resources on Federal lands.

For noncompetitive nonproducing lands under lease for oil and gas, approval of record title assignments of less than 640 acres in the lower 48 States is hereby suspended until further notice. This suspension also includes competitive and noncompetitive lands under lease for oil and gas of less than 2,560 acres in Alaska. Where diligent operations on a lease are likely to occur, exceptions will be made (a) where the record title assignment is for 100 percent of the original lease size or (b) where the assignee transmits a request for approval of the assignment together with evidence of diligent development, that is, an approvable application or request for a legitimate proposal, as follows:

1. Evidence that an Application for Permit to Drill with all attachments has been filed with the proper BLM office, see 43 CFR 3160;

2. Request for approval of a Cooperative or Unit Agreement, see 43 CFR 3180;

3. Request for approval of a Communitization or Drilling agreement, see 43 CFR 3105.2;

4. Request for approval of Operating, Drilling or Development Contracts, see 43 CFR 3105.3; or

5. Justification in special unique cases not meeting the above exceptions that is submitted to the authorized officer for consideration at the same time as submittal of the request for approval of an assignment. Such a justification must demonstrate that the assignment will advance diligent development of the leased resources.

Applicants with record title assignments now pending approval may qualify under the second exception by submitting to the proper Bureau of Land Management office one of the above documents. Reference must be made on the document of the lease serial number of the assignment pending approval.

This suspension also extends to processing record title assignments of an undivided interest where the average undivided interest holding in the lease is less than 10 percent. Assignments of

operating rights or royalty interests are unaffected by this suspension.

EFFECTIVE DATE: March 21, 1984.

FOR FURTHER INFORMATION CONTACT:

Gloria J. Austin, Division of Fluid Mineral Leasing, Bureau of Land Management (620), 18th and C Streets, NW., Washington, D.C. 20240, telephone (202) FTS 653-2228.

Dated: March 15, 1984.

Garrey E. Carruthers,

Assistant Secretary.

[FR Doc. 84-7497 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-84-M

[C-09957 R/W]

Temporary Closure Order Canceled; Waterton Canyon, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary closure order cancelled—Waterton Canyon, Colorado.

SUMMARY: Notice of temporary closure, published in the *Federal Register* of September 7, 1979 at pages 52344 and 52345, temporarily closed the following public lands to all public use for the protection of public health and safety during the construction of the Denver Water Board's Strontia Springs reservoir, dam, conduit, tunnel and related facilities:

Sixth Principal Meridian, Colorado

T. 7 S., R. 69 W.,

Sec. 5, NE $\frac{1}{4}$ and S $\frac{1}{2}$;

Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$;

Sec. 17, E $\frac{1}{2}$ E $\frac{1}{2}$;

Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$.

Project construction is now complete; the need for the closure to public use no longer exists. Accordingly, the closure order is hereby canceled, effective 10 a.m., April 21, 1984.

Dated: March 9, 1984.

H. Robert Moore,

Acting State Director.

[FR Doc. 84-7513 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-JB-M

Salt Lake District; Proposed Amendment to Randolph Management Framework Plan

AGENCY: Bureau of Land Management.

ACTION: Notice of proposed amendment of Randolph Management Framework Plan.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM), Salt Lake District, intends to amend the

forestry portion of the Management Framework Plan (MFP) for the Randolph Planning Unit, Rich County, Utah.

Recommendations and decisions in the Randolph MFP call for managing forestry products by issuing permits for posts, poles, and firewoods to meet local needs only. The plan does not provide for commercial cutting of woodland products.

BLM is now preparing a forestry management plan for the Bear River Resource Area, including Rich County. Information in the forestry management plan has demonstrated a need for reassessment of the MFP to allow for possible commercial cutting of woodland products. The public demand for firewood has been steadily increasing due to rising heating costs and the trend toward energy efficient stoves. As a result, indiscriminate theft of all types of woodland products has increased proportionately in the Randolph Planning unit. In addition, a serious mountain pine beetle infestation has developed in the area; therefore, an increasing percentage of susceptible lodgepole pine have become infected. The U.S. Forest Service has been involved in an intensive program to control the reinfestation of forest lands in adjacent areas; therefore, there has been considerable pressure on other landowners to attempt a beetle control program. Long-term, sustained-yield management, including identifying cutting areas for commercial and personal use, has been identified by BLM as a possible solution to these existing forestry management problems in the area.

An environmental assessment evaluating impacts of the proposed action and alternatives will be prepared. Up to 5,000 acres of public land in Rich County could be affected by this MFP amendment. The following issues will be considered in the amendment: wildlife habitat, livestock grazing, recreation opportunities, watershed and potential erosion, and socioeconomics.

ADDRESS AND DATES: Comments, including issues to be considered in the proposed MFP amendment, should be sent by April 22, 1984 to Wayne Richards, Area Manager, Bear River Resource Area, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119.

Dated: March 12, 1984.

Frank W. Snell,

District Manager.

[FR Doc. 84-7511 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-84-M

Dickinson District Advisory Council Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: The citizen advisory council for the Bureau of Land Management's Dickinson District will meet April 24, 1984, in Dickinson, North Dakota. There will be three topics for the Council to consider: BLM land pattern adjustment through exchanges; BLM-Forest Service grazing fee study; and tract delineation and leasing level for the second round of leasing in the Fort Union Coal Region. In addition, the Council will be briefed on the BLM oil and gas conference to be held in Bismarck in May; temporary wild horse adoption center in West Fargo; the environmental impact statement covering grazing on BLM lands in North Dakota; status of the McKenzie-Williams and Southwest North Dakota management framework plans; and future land use planning efforts in the state.

The Council is chartered by the Secretary of the Interior to give citizen advice to the Dickinson District Manager regarding planning and management of public lands and resources.

The meeting is open to the public, and members of the public will be given the opportunity to make statements before the Council. Persons wishing to submit a written statement to the Council should send it to the Dickinson District Manager.

Location, Date, and Time

April 24, 1984, from 8:30 a.m. to approximately 4:00 p.m. Mountain Daylight Time; Community Room (Basement) of the Gate City Building, 204 Sims Street, Dickinson, North Dakota.

FOR MORE INFORMATION CONTACT:

Mel Ingeroi, Public Affairs Specialist; P.O. Box 1229; Dickinson, North Dakota 58602; Telephone (701) 225-9148.

William F. Krech,

Associate District Manager.

[FR Doc. 84-7570 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-84-M

Ukiah District, California, Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Ukiah District Advisory Council will be held on Thursday, April 19, 1984.

The meeting will begin at 10:00 a.m. in the Bureau of Land Management

conference room, 555 Leslie Street, Ukiah, California.

The agenda will include the King Range and Chemise Mountain wilderness study areas. An environmental impact statement on the two WSAs will be released for public review in October 1984.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the council's consideration. Opportunity for public comment will be provided at 1:00 p.m., April 19, 1984.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

Dated: March 14, 1984.

Van W. Manning,

District Manager.

[FR Doc. 84-7569 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permits; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Miami Metrozoo, Miami, FL, APP# 584467.

The applicant requests a permit to import ten radiated tortoises [*Geochelone (=Testudo) radiata*] from Jersey Wildlife Preservation Trust, Channel Islands, Great Britain for enhancement of propagation.

Applicant: Kenneth L. DeCroo, Wild Animal Training Center, Riverside, CA, APP# 153266.

The applicant requests a permit to export and re-import one captive-bred male jaguar (*Panthera onca*) for educational purposes.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: March 16, 1984.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[ER Doc. 84-7594 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-07-M

Management of Charles M. Russell National Wildlife Refuge; Availability of Draft Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of DEIS and cancellation of 1980 DEIS.

SUMMARY: This notice cancels the 1980 draft environmental impact statement (DEIS) for the Charles M. Russell National Wildlife Refuge (CMR), Montana, and advises the public that the Fish and Wildlife Service's (Service) new DEIS to implement a master plan for the operation of CMR is available for review and comment. By administrative decision occasioned by litigation, the preparation of the earlier EIS was halted in June 1981. Litigation has now been completed. This notice informs the public that, due in part to the litigation and delay between draft and final EIS, a new CMR DEIS has been prepared. The new DEIS considers five alternative management options for CMR: Alternative A, No Action (continue management unchanged); Alternative B, Enhanced Wildlife Habitat Management (proposed action); Alternative C, Intensive Wildlife Management; Alternative D, Multiple Use; and Alternative E, No Grazing. Public comments and suggestions regarding this new DEIS are requested.

DATE: Comments on this DEIS must be submitted on or before (60 days from date of publication).

ADDRESS: Written comments should be sent to Galen Buterbaugh, Regional Director, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Fries, Refuge Manager, Charles M. Russell National Wildlife Refuge, Post Office Box 110, Lewistown, Montana 59457, telephone: 406-538-8706. Individuals wanting copies of this DEIS for review should immediately contact either Mr. Fries or the Denver Regional Office (addresses above). Copies have been sent to all agencies and individuals who participated in the preparation of and/or commented on the earlier EIS.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to advise the public that the Service has prepared a new DEIS for the management of the

Charles M. Russell National Wildlife Refuge, Montana, and that it is available for review and comment. This notice also advises of the cancellation of the previous DEIS for CMR, issued in 1980.

In the Federal Register, dated September 27, 1979, the Service published a Notice of Intent to prepare an EIS for a proposal to implement a master plan for the operation of CMR. From the beginning of the planning effort in January 1978, a comprehensive public involvement and scoping program was initiated. During August 1980, the DEIS was distributed to interested parties for comment. Public meetings regarding the DEIS were held in Washington, D.C., and in Lewistown, Clatsop, and Missoula, Montana, during late 1980. Public comments were solicited and 396 letters were received.

Publication of the final EIS was delayed as a result of court action concerning administration of the CMR (*Schwenke, et al., v. Secretary of the Interior, et al.*). On January 14, 1982, the U.S. District Court in Billings, Montana, ruled: "We have decided that the ranchers are entitled to have grazing declared a co-equal priority with wildlife conservation * * * and * * * thus we must conclude that CMR must still be administered under the Taylor Grazing Act."

The district court's decision was appealed to the U.S. Ninth Circuit Court of Appeals. On October 14, 1983, the appellate court overturned the district court and ruled that:

(1) Wildlife has priority in access to the forage resources of the range up to the limits specified in Executive Order 7509;

(2) Beyond those limits, wildlife and livestock have equal priority in access to the resources of the Range;

(3) The Range is to be administered under the "Wildlife Refuge Act (sic)."

Due to the court actions and the resultant delay of over three years since publication of the original DEIS, the Service has decided to cancel the earlier DEIS. Although the five alternative management strategies in the new DEIS remain basically the same as those described in the 1980 DEIS, three major changes distinguish the new DEIS from the previous one. First, the entire economic analysis has been reevaluated, and the description of the anticipated economic effects of proposed action and its alternatives is more accurately depicted. Second, the proposed action has been clarified regarding prescription grazing by allotment. Finally, the planning process and methodology used to develop grazing recommendations are explained

in great detail to facilitate understanding and review.

The DEIS considers five alternative management options for the 1,904,301-acre refuge and identifies five management elements of operation: endangered or unique species, habitat management, forage allocation, range developments, and recreation and cultural resources. Each of the five alternative management options contains various levels of probable operations in each element.

Alternative A is the "No Action" alternative, and represents unchanged management of the refuge.

Alternative B is the "Proposed Action" and is designed to reach and maintain the refuge objectives. Reintroductions of peregrine falcons, black-footed ferrets, and swift fox would be made in certain refuge areas as animals became available. In addition, bighorn sheep would be introduced at selected sites. A habitat management plan for each allotment would be prepared by 1990, identifying specific wildlife habitat programs and providing specific management actions to correct the problems. Periodic habitat evaluations would be made to determine whether wildlife objectives were being met. The most significant management actions to achieve habitat objectives would be reductions of livestock grazing, changes in seasons of livestock use, and habitat treatment practices such as prescribed burning. Cooperative farming and haying would be phased out in the bottoms along the Missouri River to restore natural river bottoms. Livestock grazing would be reduced to 40,482 federal AUMs, which represent a 33% average reduction from present federally-licensed AUMs. Prescription grazing would be employed as a management tool to provide certain habitat conditions to benefit a particular wildlife species. Range improvements would include some fencing to keep livestock numbers within authorized levels, and some new water developments would be constructed. No soil ripping would occur. There would be more opportunities for wildlife recreation due to improvement of habitat and expected increases in wildlife populations. A new boat access site would be established at Fourchette Bay. Private cabins would not be affected. Interpretive programs would be emphasized, and access to recreational areas and facilities would be improved.

Alternative C, Intensive Wildlife Management, would allocate livestock grazing only as needed for vegetative manipulation to benefit wildlife.

Intensive wildlife habitat manipulations would occur, private cabins would be removed, and inholdings would be purchased to control grazing. Approximately two-thirds of the refuge boundary would be fenced.

Alternative D, Multiple Use, would not be possible to implement unless Congress changed CMR from a national wildlife refuge to a multiple-use management area. Livestock would receive approximately one-half the allocated forage. Range improvements such as fencing, water development, or mechanical soils treatment would be based upon allotment needs. More recreational facilities and opportunities would be provided than those outlined in the preferred alternative. Limited reintroduction of unique or endangered species would occur.

Alternative E, No Grazing, would not be in compliance with Executive Order 7509, which requires that excess forage be allocated to livestock.

The earlier scoping process and the numerous verbal and written suggestions received during preparation and review of the first DEIS were considered in the preparation of the new draft. All previous comment letters with the Service's responses are included as an appendix to the new DEIS. Comments on the new DEIS are encouraged.

The final EIS and Record of Decision are anticipated to be completed in early 1985.

Dated: March 9, 1984.

Bob Shields,

Acting Regional Director.

[FR Doc. 84-7515 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulfur Operations on the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell California Production Inc. has submitted a supplemental development and production plan describing the activities it proposes to conduct as operator of the Beta Unit, offshore California. The purpose of this Notice is to inform the public that the Minerals Management Service (MMS) is considering approval of the plan and

that it is available for public review and comment.

DATES: The plan may be reviewed weekdays, 8:00 a.m. to 3:00 p.m. Written comments must be received or postmarked by May 25, 1984.

ADDRESS: The plan is available for public review at the Office of the Regional Manager, Pacific OCS Region, Minerals Management Service, Room 160, 1340 West Sixth Street, Los Angeles, California 90017. Written comments may be mailed or hand-delivered to the same address.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas W. Dunaway, Regional Supervisor, Field Operations Office, Pacific OCS Region, (213) 688-2083.

SUPPLEMENTARY INFORMATION: Section 25 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1351, requires the MMS to make development and production plans available for public review. Regulation 30 CFR 250.34 provides for the publication of a Notice that such a plan is available for review.

William E. Grant,

Regional Manager, Pacific OCS Region.

[FR Doc. 84-7551 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

George Washington Memorial Parkway, Virginia, Spout Run Parkway to Theodore Roosevelt Memorial Bridge Section; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meetings

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare environmental impact statement and conduct scoping meetings.

SUMMARY: The National Park Service intends to prepare an Environmental Impact Statement (EIS) concerning potential alterations to a section of the George Washington Memorial Parkway between the Theodore Roosevelt Bridge (I-66) and Spout Run Parkway, including Spout Run Parkway to its western terminus at Lee Highway (29-211). The EIS will be developed in cooperation with Federal, state and local agencies.

The George Washington Memorial Parkway is part of a large "park, parkway, and playground" system serving the Nation's Capital. Built as a scenic memorial approach to Washington, D.C., the Parkway has become a major commuter route now carrying traffic volumes characteristic of the major Northern Virginia arterials. The morning and evening traffic volumes exceed the design capacity of

the roadway, creating congestion which is further aggravated by the inadequate capacities of the Key and Roosevelt Bridges.

Due to this inadequacy, the eastbound off-ramp to Key Bridge and Rosslyn is closed during the morning rush hour period to prevent incapacitating backups onto the George Washington Memorial Parkway.

Congestion on Spout Run Parkway begins at the Lorcom Lane intersection because of the left turn demand from Lorcom Lane to eastbound Spout Run. This necessitates the closing of westbound traffic in the morning.

The peak rush hour volume at the merge of Spout Run Parkway and the George Washington Memorial Parkway eastbound greatly exceeds the capacity of the roadway and results in long backups on both parkways.

Because of high westbound traffic volumes on roadways east of the Potomac River leading to the Roosevelt Bridge, evening rush hour traffic congestion is created on the bridge, on the on-ramp to the George Washington Memorial Parkway, and on the westbound George Washington Memorial Parkway. Severe congestion also occurs at the on-ramp from Key Bridge because of the high volume of merging and weaving traffic. The peak hour volume of 4,500 vehicles per hour between Key Bridge and Spout Run greatly exceeds roadway capacity.

The EIS will identify construction and non-construction alternatives to reduce or eliminate congestion in a way that protects and enhances the values for which the parkway was established. The effects and consequences of these alternatives on the environment will be analyzed and a proposed action identified.

A broad range of impact issues will be addressed during development and analysis of alternatives. These issues include:

- Effects on the human safety;
- Social and economic effects on the community;
- Effects on the visual qualities of the parkway;
- Effects on recreation activities such as pleasure driving, bicycling, scenic viewing, and sightseeing;
- Effects on historic and archeological resources;
- Effects of floodplain and wetlands; and
- Potential mitigation issues;
- Effects on environmental quality.

Public scoping workshops will be held between April 25 and May 2 in Virginia, the District of Columbia and Maryland.

Exact meeting locations, dates, and times will be published in the **Federal Register** and local newspapers at a later date. The purpose of the workshops will be to inform the public about the study and to identify, through the public's involvement, additional concerns or issues which need to be addressed in the EIS.

The public is also welcome to submit its concerns and issues in written form to the Superintendent of the George Washington Memorial Parkway.

FOR FURTHER INFORMATION CONTACT: Mr. John Byrne, Superintendent, George Washington Memorial Parkway, Turkey Run Headquarters, McLean, Virginia 22101.

Dated: March 14, 1984.

Manus J. Fish,

Regional Director, National Capital Region.

[FR Doc. 84-7554 Filed 3-20-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-209 (Final)]

Carbon Steel Wire Rod From Spain

AGENCY: International Trade Commission.

ACTION: Institution of final countervailing duty investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: February 24, 1984.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Spain of carbon steel wire rod, provided for in item 607.17 of the Tariff Schedules of the United States (TSUS), are being subsidized by the Government of Spain within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671), the United States International Trade Commission hereby gives notice of the institution of investigation No. 701-TA-209 (Final) under section 705(b) of the act (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

The Department of Commerce will make its final subsidy determination in this case on or before May 1, 1984, and the Commission will make its final injury determination by June 22, 1984 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Larry Reavis, (202-523-0296), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On January 9, 1984, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of carbon steel wire rod from Spain. The preliminary investigation was instituted in response to a petition filed on November 23, 1983, by Atlantic Steel Co., Continental Steel Co., Georgetown Steel Corp., North Star Steel Co.-Texas, and Raritan River Steel Co.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to section 201.11(d) of the Commission's rules (19 CFR 201.11(d)). 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 (19 CFR 201.16 (c)).

Staff Report

A public version of the staff report containing preliminary findings of fact in the investigation will be placed in the public record on April 20, 1984, pursuant to section 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a public hearing in connection with this investigation beginning at 10:00 a.m. on May 7, 1984, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to

appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on April 20, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on April 26, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is May 2, 1984.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with section 207.22 (19 CFR 207.22). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on May 14, 1984.

Written Submissions

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 14, 1984. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's 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 shall 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 section 201.6 of the Commission rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR Part 207).

and part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to section 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: March 12, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-7555 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-123 (Final)]

Certain Flat-Rolled Carbon Steel Products From Brazil

Determination

On the basis of the record¹ developed in the subject investigation, the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from Brazil of certain flat-rolled carbon steel products, provided for in items 607.66, 607.94, 608.07, and 608.11 of the Tariff Schedules of the United States (TSUS),² which are being, or are likely to be, sold in the United States at less than fair value (LTFV). In addition, pursuant to section 735(b)(4)(A) of the act (19 U.S.C. 1673d(b)(4)(A)), the Commission also determines that the material injury found in this case is by reason of massive imports of the subject products over a relatively short period to an extent that, in order to prevent such material injury from recurring, it is necessary to impose the antidumping duty retroactively on these imports.³

Background

The Commission instituted this investigation effective September 7, 1983, following a preliminary determination by the Department of Commerce that imports of the subject flat-rolled carbon steel products from Brazil were being, or were likely to be, sold in the United States at LTFV within the meaning of section 731 of the act (19 U.S.C. 1673). Notice of the institution of the Commission's investigation and of a public hearing 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, D.C., and by publishing the notice in the **Federal Register** on September 28, 1983 (48 FR 44279).

Commerce was scheduled to make its final determinations in this case by November 14, 1983. However, Commerce extended its investigation and published its final affirmative determination in the **Federal Register** on January 25, 1984 (49 FR 3102). The Commission's hearing was held in Washington, D.C. on January 31, 1984. 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 March 9, 1984. A public version of the Commission's report, **Certain Flat-Rolled Carbon Steel Products From Brazil** (Investigation No. 731-TA-123 (Final), USITC Publication 1499, March 1984) contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: March 9, 1984.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-7558 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-210 and 211 (Preliminary) and 731-TA-167 and 168 (Preliminary)]

Certain Table Wine From France and Italy

Determinations

On the basis of the record¹ developed in the subject investigations, the Commission determines,² pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is no reasonable indication that an industry in the United States is materially injured, or threatened with material injury, nor is the establishment of an industry in the United States materially retarded, by reason of imports from France and Italy of certain table wine,³ provided for in item 167.30 of the Tariff Schedules of the United States (TSUS), which are alleged to be subsidized by the Governments of France (Investigation No. 70-TA-210 (Preliminary)) and Italy (Investigation No. 701-TA-211 (Preliminary)).

The Commission also determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that

there is no reasonable indication that an industry in the United States is materially injured, or threatened with material injury, nor is the establishment of an industry in the United States materially retarded, by reason of imports from France (Investigation No. 731-TA-167 (Preliminary)) and Italy (Investigation No. 731-TA-168 (Preliminary)), of certain table wine,³ provided for in item 167.30 of the TSUS, which are alleged to be sold in the United States at less than fair value.

Background

On January 27, 1984, petitions were filed with the United States International Trade Commission and the U.S. Department of Commerce by counsel on behalf of the American Grape Growers Alliance for Fair Trade (Alliance), alleging that imports of the subject merchandise are being subsidized, and are being sold in the United States at less than fair value. Accordingly, effective January 27, 1984, the Commission instituted preliminary countervailing and antidumping investigations under sections 703(a) and 733(a), respectively, of the Tariff Act of 1930 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 of such merchandise.

Notice of the institution of the Commission's investigations and of the public 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, D.C., and by publishing the notice in the **Federal Register** on February 6, 1984 (49 FR 4440). The conference was held in Washington, D.C., on February 17, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on March 12, 1984. A public version of the Commission's report, **Certain Table Wine from France and Italy** (Investigations Nos. 701-TA-210 and 211 (Preliminary) and 732-TA-167 and 168 (Preliminary), USITC Publication 1502, 1984), contains the

¹ The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

² The specific products covered by this determination are carbon steel plate in coils or cut-to-length, whether or not coated or plated with metal (TSUS items 607.66, 608.07, and 608.11); and clad plate (TSUS item 607.94).

³ The effect of this determination is that, pursuant to section 733(e)(2) of the act (19 U.S.C. 1673b(e)(2)), antidumping duties will be imposed 90 days before the date on which suspension of liquidation was first ordered (Sept. 7, 1983).

¹ The "record" is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

² Commissioner Haggast not participating.

³ Certain table wine is defined as still wine produced from grapes, containing not over 14 percent of alcohol by volume, other than wines categorized by the appropriate authorities in France or Italy as "Appellation d'Origine Contrôlée" or "Vins Délimités de Qualité Supérieure" or "Denominazione di Origine Controllata," respectively.

views of the Commission and information developed during the investigations.

Issued: March 12, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-7560 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-162]

Certain Cardiac Pacemakers and Components Thereof; Decision Not To Review Initial Determination Designating Investigation More Complicated

AGENCY: U.S. International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (ID) (Order No. 29) designating this investigation "more complicated" within the meaning of 19 U.S.C. 1337.

Authority: 19 U.S.C. 1337; 19 CFR 210.15.

SUPPLEMENTARY INFORMATION: On February 9, 1984, the Teletronics respondents filed a motion to designate this investigation "more complicated." The motion was supported by the Commission investigative attorney and opposed by complainant Medtronic Inc. On March 1, 1984, the presiding officer issued an ID granting the motion.

As a result of the "more complicated" designation, the deadline for the conduct of this investigation has been extended from September 12, 1984, to March 12, 1985.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202-523-0493

Issued: March 15, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-7563 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-160]

Certain Composite Diamond Coated Textile Machinery Components; Order

For reasons of judicial economy, administrative necessity, and pursuant to my authority as Chief Administrative Law Judge, I hereby relieve Administrative Law Judge Janet D. Saxon and designate Administrative Law Judge John J. Mathias as Presiding Officer in this investigation effective on the date of issuance of this order.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: March 9, 1984.

Donald K. Duvall,
Chief Administrative Law Judge.

[FR Doc. 84-7557 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-154]

Certain DOT Matrix Line Printers; Commission Decision Not To Review Initial Determination Terminating Investigation on the Basis of a Consent Order Agreement; Issuance of Consent Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to all parties on the basis of a consent order agreement.

Authority: 19 U.S.C. 1337, 19 CFR 210.51, 19 CFR 211.21.

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of February 23, 1984, 49 FR 6809. No petitions for review or agency or public comments were received.

Copies of all non-confidential 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: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1693.

Issued: March 14, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-7561 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-187]

Certain Glass Construction Blocks; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: March 8, 1984.

Donald K. Duvall,
Chief Administrative Law Judge.

[FR Doc. 84-7556 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-177]

Certain Film Web Drive Stretch Apparatus and Components Thereof; Commission Decision Not To Review Initial Determination Terminating Respondents on the Basis of a Consent Order; Issuance of Consent Order and Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to respondents Muller Manufacturing, Ltd. and Muller Packaging Systems, Inc., on the basis of a consent order. As these two respondents are the only respondents in the investigation, their termination terminates the investigation.

Authority: 9 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (partially codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of February 23, 1984, 49 FR 6810. No petitions for review or agency or public comments were received.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0311.

Issued: March 14, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-7562 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-140]

Certain Personal Computers and Components Thereof; Issuance of Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined that a violation of section 337 exists in the above-captioned investigation and has issued a general exclusion order.

Authority: U.S.C. 1337.

SUPPLEMENTARY INFORMATION: The presiding officer issued an initial determination in the above-captioned investigation on December 9, 1983, in which she determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the unauthorized importation and sale of certain personal computers and components thereof. As a result of its review of that initial determination, the Commission on March 9, 1984, determined that a violation of section 337 exists in the unauthorized importation and sale of certain personal computers and components thereof which infringe U.S. Letters Patent 4,136,359, U.S. Letters Patent 4,278,972, Copyright Registration No. TX 873-203, Copyright Registration No. TX 809-449 or Copyright Registration No. TX 886-569 owned by complainant Apple Computer, Inc., the tendency of which unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Copies of the Commission's Action and Order, its Opinion, 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 the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

Issued: March 9, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-7559 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-02-M

[332-170]

Competitive Assessment of the U.S. Wood and Upholstered Household Furniture Industry

AGENCY: United States International Trade Commission.

ACTION: This notice announces the location of and change in time for the hearing in connection with the Commission's investigation on the competitive assessment of the U.S. wood and upholstered household furniture industry.

EFFECTIVE DATE: March 14, 1984.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the public hearing in connection with this investigation (see FR 48, 50631, November 2, 1983) will be held at the Radisson Hotel in High Point, North Carolina, beginning at 9:00 a.m. e.s.t. on April 3, 1984, to be continued on April 4, if required. 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, D.C., not later than noon, March 27, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Rhett Leverett, or Mr. Ruben Moller, General Manufactures Division, U.S. International Trade Commission, Washington, D.C., 20436, telephone 202-724-1725 or 202-724-1732, respectively.

Issued: March 16, 1984.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-7616 Filed 3-20-84; 8:45 am]

BILLING CODE 7020-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Theater Advisory Panel Meeting

The meeting of the Theater Advisory Panel (Professional Companies Section) which is scheduled to meet on March 21-25, 1984, from 9:00 a.m.-6:00 p.m. with a scheduled open session on March 25 from 4:00 p.m.-6:00 p.m. is hereby amended to be a fully closed meeting to be held on March 21-25, 1984, from 9:00 a.m.-6:00 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 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, DC 20506, or call (202) 682-5433.

Gary O. Larson,

Acting Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-7519 Filed 3-20-84; 8:45 am]

BILLING CODE 7537-01-M

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted by April 20, 1984.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 (202-786-0233) or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, D.C. 20503 (202-395-6880).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 (202-786-0233), from whom copies of the form and supporting documents are available.

SUPPLEMENTARY INFORMATION:

Category: Revision

Title: NEH Financial Status Report

Form Number: n/a

Frequency of Collection: Occasional (at end of grant)

Respondents: All NEH Institutional Grantees, at their option

Use: Provide information on project expenditures

Estimated Number of Respondents: 3,000 maximum

Estimated Hours for Respondents to Provide Information: 1

This entry is not subject to 44 U.S.C. 3504(h).

Dated: March 16, 1984.

Victor J. Loughnan,

Director of Administration.

[PR Doc. 84-7585 Filed 3-20-84; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted to OMB for Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, NSF is posting this notice of information collection that will affect the public.

Agency clearance Officer: Herman G. Fleming, (202) 357-9421

OMB Officer: Carlos Tellez, (202) 395-7340

Title: DOE/NSF Nuclear Science Advisory Committee Survey of Manpower in Basic U.S. Nuclear Science

Affected public: Individuals, Federal agencies or employees

Number of responses: 2,000 responses; total number of burden hours—200

Abstract: The proposed survey will be the third survey in a program begun in 1978 to monitor, on a regular basis, the flow of personnel into and out of basic nuclear science. The survey, as in the past, will be conducted by the Manpower Subcommittee of the DOE/NSF Nuclear Science Advisory Committee

Dated: March 15, 1984.

Herman G. Fleming,

OMB Clearance Officer.

[PR Doc. 84-7516 Filed 3-20-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-249]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit No. 3); Order Confirming Commonwealth Edison Company's Commitments Re IGSCC Inspection

I

The Commonwealth Edison Company, (CECo, the licensee) is the holder of Facility Operating License No. DPR-25, which authorizes the licensee to operate the Dresden Nuclear Power Station, Unit No. 3 (the facility) at power levels not in excess of 2527 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Grundy County, Illinois.

II

As a result of inspections conducted at 18 operating boiling water reactor

(BWRs) in conformance with recent Office of Inspection and Enforcement Bulletins (IE Bulletin No. 82-03, Revision 1, "Stress Corrosion Cracking in Thick-Wall, Large-Diameter Stainless Steel Recirculation System Piping at BWR Plants," and IE Bulletin No. 83-02, "Stress Corrosion Cracking in Large-Diameter Stainless Steel Recirculation System Piping at BWR Plants"), a potential safety concern regarding intergranular stress corrosion cracking (IGSCC) in primary system piping was identified. These bulletins requested selected licensees to perform a number of actions regarding inspection and testing of pipe welds.

Results of these and other inspections pursuant to IE Bulletins 82-03 and 83-02 have revealed extensive cracking in large-diameter recirculation and residual heat removal system piping. In almost every case, where inspections were performed, IGSCC was discovered and, in many cases, repairs, analysis, and additional surveillance conditions were required. In view of the foregoing and the fact that the facility is similar in design to plants where IGSCC has occurred, there was significant potential for IGSCC to exist in this facility. Therefore, inspection was required to determine the extent of IGSCC and to ascertain, if necessary, the degree of remedial action.

On August 26, 1983 an Order was issued to the licensee which required that the facility be shut down by September 30, 1983 and an IGSCC inspection be performed. The facility was shut down on September 30, 1983 pursuant to Section III.B of the Order and an IGSCC inspection was performed pursuant to Section III.C of the August 26, 1983 Order.

By letter dated December 9, 1983, the licensee provided its plan for inspection and repair of welds covered by the Order of August 26, 1983. The plan provided that, to the extent practicable, the ultrasonic testing (UT) program of examination would encompass 100% of the Type 304 Stainless Steel piping welds of 4-inch and greater size in the recirculation system and the ASME Code Class 1 portions of the residual heat removal systems, core spray external to the reactor pressure vessel and the reactor water cleanup system. Specific welds which were not to be inspected were identified and explanations for their exclusion had previously been provided in the licensee's letter of October 26, 1983. On February 15, 1984, the staff met with the licensee to discuss its program and its findings, and to receive clarifying information. By letter of March 5, 1984, the licensee submitted a report on the

inspection and repair of welds covered in the Order of August 26, 1983. By letter dated March 12, 1984, the licensee provided additional information on the results of the inspection.

The NRC staff has reviewed and evaluated all the above reports and information provided by the licensee. That review is documented in our Safety Evaluation dated March 15, 1984. By letter dated March 15, 1984, the NRC notified the licensee that the facility could be returned to power.

Although the calculations performed by the licensee and evaluated by the staff indicate that the cracks in the repaired and unrepaired welds will not progress to the point of leakage during the operating cycle, and wide margins are expected to be maintained over crack growth which could compromise safety, uncertainties in crack sizing and growth rate remain. Because of these uncertainties, we have determined that the following actions should be taken:

(1) The ASME Code-required system pressure tests and nondestructive examinations on overlay repaired welds should be satisfactorily completed prior to startup.

(2) The limiting conditions for operation and surveillance requirements imposed by the August 26, 1983 Order should be continued. These enhanced surveillance measures will provide adequate assurance that possible cracks in pipes will be detected before growing to a size that will compromise the safety of the plant.

The staff also has some concern regarding the long-term growth of IGSCC cracks and its effect on the long-term operation of the plant. Therefore, we have determined that plans for inspections, corrective action and/or modification including replacement of the recirculation and other reactor coolant pressure boundary piping systems during the next refueling outage must be submitted at least 90 days before the start of the next refueling outage. In addition, the staff has determined that a justification for continued operation must be submitted to NRC for review and approval prior to startup after the next refueling outage.

By letters dated March 5 and March 9, 1984, the licensee committed to the above described conditions on leakage monitoring and early submittal of inspection and/or modification plans. I have determined that the public health and safety requires that these commitments should be confirmed by an immediately effective Order.

III

Accordingly, pursuant to section 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 1 and 50, it is hereby ordered effective immediately that:

A. Notwithstanding the current Technical Specifications for the facility the following compensatory measures shall be implemented:

1. The reactor coolant system leakage shall be limited to a 2 gpm increase in unidentified leakage within any 24 hour period (leakage shall be monitored and recorded once every 4 hours). Should this leakage limit be exceeded, the unit shall immediately start an orderly shutdown. The unit shall be placed in at least hot shutdown within the next 12 hours and in cold shutdown within the following 24 hours.

2. At least one Primary Containment sump collection and flow monitoring system shall be operable. With the primary containment sump collection and flow monitoring system inoperable, restore the inoperable system to operable status within 24 hours or immediately initiate an orderly shutdown and be in at least hot shutdown within the next 12 hours and in cold shutdown within the following 24 hours.

B. Plans for inspection, corrective actions, and/or modification, including replacement of the recirculation and/or coolant pressure boundary piping systems, during the next refueling outage which is currently expected to begin approximately April 1985 shall be submitted at least three months before the start of that outage.

C. At least one month prior to startup of the facility after its next refueling outage, a justification for continued operation shall be submitted for NRC review and approval.

D. The Director, Division of Licensing, may, in writing, relax or terminate any of the above provisions upon written request from the licensee, if the request is timely and provides good cause for the requested action.

IV

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the matters set forth in Section II of the Order, the licensee should comply with the requirements set forth in Section III of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 15th day of March 1984.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-7597 Filed 3-20-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 84 to Facility Operating License No. DPR-39 and Amendment No. 74 to Facility Operating License No. DPR-48, issued to commonwealth Edison Company (the licensee), which revised the Technical Specifications for operation of the Zion Station, Unit Nos. 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as to the date of issuance.

The amendments will allow performing extensive preventive maintenance on the diesel generator shared between the two units. These one-time changes will extend the present seven-day period to forty-five days during which, with one unit in cold shutdown, only two diesel generators would be required to satisfy the standby AC on-site power requirements.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in these license amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Prior Hearing in connection with this action was published in the **Federal Register** on January 12, 1984 (49 FR 1595). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has determined that the issuance of these amendments will

not result in any significant environmental impact and that pursuant to 10 CFR 51.1(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to the action see (1) the application for amendments transmitted by letters October 14, and December 22, 1983, (2) Amendment No. 84 to License No. DPR-39 and Amendment No. 74 to License No. DPR-48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., and at the Zion-Benton Public Library District, 2600 Emmans Avenue, Zion, Illinois 60039. A copy of items (2) and (3) may be obtained upon request addressed to U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 12th day of March 1984.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 84-7598 Filed 3-20-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas & Electric Corp.; Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation (the licensee) for operation of the R.E. Ginna Nuclear Power Plant located in Wayne County, New York.

The proposed amendment to the Technical Specifications (TS) would incorporate certain provisions to permit a planned fuel design change from Exxon Nuclear Company (ENC) fuel to the Westinghouse 14x14 9-grid Optimized Fuel Assembly (OFA) fuel with core loadings ranging from approximately a 15% OFA and 85% ENC fueled core to a core fueled entirely with OFA. The proposed changes to the TS would allow (1) a positive moderator temperature coefficient (MTC) (+5 pcm/°F) up to 70% power, (2) a reduction

in shutdown margin at EOC from 1900 pcm to 1800 pcm, (3) a change in the F_{NH} limits at less than 100% power, (4) a change in the core protection limits (OT T and OP T setpoint equations), and (5) a deletion of the limits on Target Axial Offset. The changes to the core physics parameters and thermal characteristics are required to account for increased enrichment and improved neutronic characteristics of the fuel and control assemblies.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The 14x14 OFA design meets the same basic requirements and criteria which were approved by the NRC for the 17x17 OFA design in May 1981. In addition there are four 14x14 7-grid demonstration assemblies that have completed two cycles of operation (establishing burnup 20,000 MWD/MTU). Post-test examination at the completion of the first cycle of irradiation indicated no abnormalities. However, one demonstration assembly at the end of the second cycle of irradiation was damaged and removed. It was concluded that the cause of the damage was an isolated event and not a generic OFA design problem (see Letter Report IT-83-222, "Failure Investigation of Point Beach Unit 2 OFA Rods," July 1983). The demonstration assemblies will have experienced approximately 35,000 MWD/MTU of burnup in 1984.

A safety analysis was prepared which used parameters which will bound those to be experienced during the transition which will apply to subsequent cycles with the OFA. The safety analysis was composed of a summary of the mechanical, thermal-hydraulic and accident analysis and detailed results of the non-LOCA and LOCA analysis. Those analyses incorporated the proposed changes to the Technical Specifications and showed that the applicable design criteria for the Exxon and OFA were satisfied.

Based on the results of evaluation/analyses and tests it was concluded that: (1) The Westinghouse OFA's are mechanically and hydraulically compatible with the ENC fuel assemblies, control rods, and reactor internals interfaces. All NRC approved design criteria for the Westinghouse OFA's are satisfied. (2) Generally changes in the nuclear characteristics because of the transition from ENC to OFA fuel will lie within the cycle-to-cycle variations observed for past fuel reload design. The moderator temperature coefficient is the most

significant exception to this. Since the Hydrogen/Uranium ratio is larger for OFA, the moderator temperature coefficient is more positive than observed in past Westinghouse fueled R.E. Ginna cores. This has been accounted for in the accident evaluations. (3) Demonstration experience with Westinghouse OFAs containing Zircaloy grids provides reason to expect satisfactory operation from OFA Zircaloy grids. (4) The proposed technical specifications changes are applicable to cores containing any combination of OFA and ENC fuel and plant operating limitations will be satisfied with these proposed changes. (5) A reference was established upon which to base future cycle safety evaluations for Westinghouse OFA reload fuel.

Four mixed oxide assemblies (MOX) will remain in the core for Cycle 14. These assemblies are mechanically identical to the Westinghouse HIPAR design used as reload fuel to Ginna prior to Cycle 8. Exxon previously has performed a safety analysis and concluded on a best estimate basis that in a mixed core configuration the flow to each assembly was within one percent of the core average. Applying a DNBR penalty equivalent to a decrease in one percent of flow to the minimum DNBR for Exxon fuel calculated by Westinghouse indicates that sufficient margin to the design DNBR limit exists.

The Commission has provided guidance concerning the application of standards for making a no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). The requested action does not fall within the scope of the examples of such actions. Thus the bases for considering that the no significant hazards consideration determination, as specified in 10 CFR 50.92, have been met are delineated below.

Moderator Temperature Coefficient (MTC)

The present Technical Specifications (TSs) require that the MTC be negative or positive at all times when the reactor is critical. The proposed TS allows a +5 pcm/°F MTC below 70% of rated power, changing to a 0 pcm/°F MTC at 70% power and above. The MTC is only a portion of the overall temperature coefficient. Other factors which contribute to the overall temperature coefficient compensate for the positive MTC at power levels below 70% thus maintaining the overall temperature coefficient negative at all times.

The MTC is incorporated as an assumption into the analysis of Design

Basis Events. These events assume certain transients occur which challenge the safety systems of the plant. A change in the MTC has no effect on the probability of such event. Westinghouse has demonstrated that the results of these transients satisfy the acceptance criteria, therefore, the consequences of the accident are unchanged.

The possibility of a new accident is not created by the change in core physics parameter such as MTC.

Westinghouse analysis has shown that the limiting transients for which the assumption of positive MTC is conservative are those initiated from 100% power. However, the proposed TSs state at this condition the MTC must still be negative which is unchanged from previous analyses. Westinghouse has incorporated the positive MTC into their transient analysis and has demonstrated that appropriate margin exists between the results and the acceptance criteria. Therefore, there is no significant reduction in the margin of safety.

Reduction in EOC Shutdown Margin

The EOC shutdown margin was incorporated into the Westinghouse transient analysis. The limiting Design Basis Accident affected by the EOC shutdown margin is the Large Steam Break at 0% power. A change in this parameter has no effect on the probability of this event. Westinghouse has demonstrated that the results of this transient satisfy the acceptance criteria. Therefore, the consequences of the event are unchanged.

The change in the EOC shutdown margin is a small change in a known quantity and does not involve the possibility of a new or different kind of accident from any accident previously evaluated.

The Westinghouse transient analysis has incorporated the change in shutdown margin into the Large Steam Break. The results satisfy the acceptance criteria for Condition IV events. Therefore, there is no reduction in the margin of safety.

Change in the F_{NH} Limits at Less than 100% Power

The limit of F_{NH} has been increased and the equation format changed to be continuous over all power ranges. The modification of the F_{NH} limit for partial power, a 0.3 multiplier in the equation, has similarly been previously reviewed and approved by the NRC for other facilities. The proposed change does not significantly increase the probability or consequences of an existing accident,

create a new accident, or significantly reduce the margin of safety.

Change in Core Protection Limits (OT T and OP T)

Westinghouse has updated the correlations for the core protection limits using current methodology. The new limits were incorporated into their analysis of Design Basis Events. The results of these analyses show that the acceptance criteria was satisfied. Therefore, the consequences of accidents previously evaluated are not increased.

The possibility of a new accident being created is not created by a change in core protection limits.

Westinghouse has incorporated these new protection limits into their transient analysis and the results satisfy the acceptance criteria. The purpose of these limits are unchanged, i.e., to protect against fuel centerline melting and Departure from Nucleate Boiling. This change does not involve a significant reduction in the margin of safety.

A Deletion in the Limits of Target Axial Offset (TAO)

Westinghouse assumes that the worst case power distributions for their transient analysis that they predict would bound any that would occur during operation. For every reload design, Westinghouse assures that the potential worst case power distribution for that reload does not exceed those assumed in the transient analysis. Therefore, a limitation on TAO is unnecessary. Based on the above aforementioned, this change has no effect on either the probability or consequences of an accident. This change does not create the possibility of a different kind of accident.

Since Westinghouse evaluates the worst case power distribution for every reload to assure it is bounded by those assumed in the transient analysis, and the transient analysis results show that the acceptance criteria is met, there is no significant reduction in the margin of safety.

For the foregoing reasons the Commission's staff proposes to determine that operating the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the staff

proposes to determine that the proposed license amendment would involve no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By April 20, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the

Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing

after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Dennis M. Crutchfield: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue NW., Suite 1100, Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Dated at Bethesda, Maryland, this 15th day of March 1984.

For the Nuclear Regulatory Commission,
Dennis M. Crutchfield,
Chief, Operating Reactors Branch No. 5,
Division of Licensing.

[FR Doc. 84-7600 Filed 3-20-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

**Wisconsin Electric Power Co.;
Consideration of Issuance of
Amendment to Facility Operating
License and Proposed No Significant
Hazards Consideration Determination
and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-24 and DPR-27, issued to Wisconsin Electric Power Company (the licensee), for operation of the Point Beach Nuclear Plant Units 1 and 2 located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendment would revise the surveillance interval for evaluating the leakage integrity of post-accident recovery systems outside containment in accordance with the licensee's application for amendment dated December 23, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

On July 2, 1980 all pressurized water reactor licensees were sent guidance in the form of model technical specifications in order to provide reasonable assurance that facility operation would be maintained within the limits determined acceptable following implementation of the TMI-1 Lessons Learned Category "A" items. In part, these model technical specifications included the surveillance requirement for integrated leak testing of systems outside containment that would or could contain highly radioactive fluids during a serious transient or accident "at a frequency not to exceed refueling cycle intervals." The Commission's guidance took into account that several licensees' refueling cycle intervals were at 18 month intervals.

The normal refueling interval for the Point Beach Nuclear Plant Units 1 and 2 is approximately 12 months. Wisconsin Electric Power Company (licensee) proposed a yearly surveillance frequency for evaluating the integrity of post accident recovery systems outside containment. Slight deviations ($\pm 25\%$) from the yearly surveillance interval were allowed by previously existing technical specifications to accommodate small changes in the annual refueling outage dates. At the time the licensee's proposed technical specifications were reviewed and approved, the licensee did not anticipate conducting extended refueling outages which might exceed the normal five-week duration. Subsequent to the issuance of the technical specifications for evaluating the integrity of post-accident recovery systems outside containment, the licensee has begun an extended refueling outage (six-months duration) on Point Beach Unit 1. This also creates the need for Unit 2 to remain in a greater than 12 month operating cycle so as not to have both units shutdown simultaneously. Because of this, the licensee has requested changes to the wording of the surveillance frequency for evaluating the integrity of post-accident recovery systems to an inspection interval of "each refueling cycle." While the interval between inspections may, in unique situations (such as following an extended refueling outage), exceed the current yearly inspection interval, it is clearly within the guidelines proposed by the Commission in their July 2, 1980 letter to all licensees of pressurized water reactors. For this reason, the staff proposes to determine that the amendments do not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By April 20, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the

proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to

participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to James R. Miller, Chief, Operating Reactors Branch #3, Division of Licensing: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal

Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C., 20036, attorney for the licensee.

Nontimely filings petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C., and at the Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Bethesda, Maryland this 9th day of February 1984.

For the Nuclear Regulatory Commission,
James R. Miller,
Chief, Operating Reactors Branch #3,
Division of Licensing.

[FR Doc. 84-7599 Filed 3-20-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co.; Exemption

I

The Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operating License Nos. DPR-53 and DPR-69 which authorize operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located in Calvert County, Maryland.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR 50 regarding fire protection features of nuclear power plants (45 FR

76602). The revised section 50.48 and Appendix R became effective on February 17, 1981. Appendix R, section III.G.2.a, requires that cables, equipment, and associated circuits of redundant systems and components important to safe shutdown be separated by 3-hour rated fire barriers.

By letter dated November 21, 1983, the licensee requested an exemption from section III.G of Appendix R to 10 CFR 50 to the extent that it requires approved fire door assemblies for the protection of personnel access openings in 3-hour rated fire boundaries. As an alternative, the licensee has proposed the use of non-rated watertight doors and water curtains in specified plant areas.

The Unit 1 and Unit 2 service water pump rooms are located on the 5 foot elevation of the auxiliary building and are separated by greater than 400 feet. The waterweight door in each pump room provides access to the adjacent penetration rooms, thus permitting a path for fire to spread from one service water pump room through the two adjacent penetration rooms to the second service water pump room.

By letter dated March 19, 1981, the licensee requested an exemption for similarly designed watertight doors. This exemption was granted on August 16, 1982 based upon our evaluation of test data which indicated that these water-tight doors would perform adequately as three-hour rated fire doors (the ASTM E-119 test).

Although the doors referenced in the November 21, 1983 letter are approximately one-half the size of the doors tested per ASTM E-119, we conclude that the size difference would not appreciably affect the test results.

With regard to the water curtains, the licensee's November 21, 1983 letter proposes installation of a dedicated sprinkler head (water curtain) to provide three-hour protection for an unrated metal emergency hatch between Corridor No. 110 (Elev. 10'0" and Reactor Coolant Make-Up Pump Room No. 216A (Unit 2, Elev. 5'0") Room 216A is presently provided with sprinkler protection. This sprinkler system will supply a dedicated sprinkler head on the Room 216A side of the hatch. On the Corridor No. 110 side of the hatch, a dedicated sprinkler head will be supplied from the Room No. 116 sprinkler system.

In an Exemption dated August 6, 1982, the staff approved the use of water curtains for specific locations at Calvert Cliffs. This approval was based upon our evaluation of ASTM E-119 test results which indicated that the proposed fire curtain designed provided an equivalent level of fire protection as

the required 3-hour rated fire door assemblies, and will provide reasonable assurance that a postulated fire will not propagate to redundant trains. The hydraulic capacity of the sprinkler systems supplying the dedicated heads referenced in the licensee's November 21, 1983 letter is sufficient to ensure a water curtain density on both sides of the hatch consistent with that used in the ASTM E-119 tests and is therefore adequate.

Based upon the above, we conclude that the level of fire protection provided by the watertight doors and water curtains is equivalent to the level of protection required by the technical requirements of Appendix R to 10 CFR 50, and therefore, the licensee's request to be exempted from the requirement to provide 3-hour fire rated barriers for the areas described in Attachment 1, herein, should be granted.

An Exemption has also been requested from section III.G of Appendix R to the extent it requires the installation of automatic suppression throughout a protected area.

Fire Area 10 is located on the minus 10 foot elevation of the auxiliary building and includes a corridor and a charging pump room. There are four additional rooms in Fire Area 10 that contain water processing equipment. Four rooms do not contain fixed fire suppression (sprinklers). The remainder of Fire Area 10 is provided with automatic suppression and detection. The combustible loading in the area is negligible.

Fire Area 11 is on the 5 foot through 69 foot elevations of the auxiliary building. Automatic fire suppression and detection are provided on the 5 foot elevation; however, the automatic sprinkler system does not extend to the 69 foot elevation. The floor/ceiling assembly between the 45 and 69 foot elevations is a 3-hour rated barrier except for a rolling steel fire door. The door is approved as a 3-hour rated barrier when installed vertically, but as installed in the floor, its fire resistance capability is uncertain. The ceiling height in both areas is greater than 20 feet. The combustible loading is negligible. Cables for the diesel generators are located on the 45 foot elevation at the ceiling level; however, they are located greater than 20 feet above the floor and are adequately protected by automatic sprinklers.

Redundant cables are located in a corridor on the 69 foot elevation behind the spent fuel pools approximately 40 feet away. The corridor construction is unrated.

Fire Areas 10 and 11 consist of large areas containing negligible amounts of

combustible materials. Sprinklers are provided in portions of the areas where minor quantities of combustibles exist. Detection systems are provided throughout the areas. If a fire occurred in a non-sprinklered portion of either area, the early warning provided would alert the fire brigade. The configuration of the areas combined with the response of the fire brigade would prevent a fire from growing to a size which would overwhelm the partial sprinkler systems. The addition of more sprinkler coverage would not significantly enhance safety.

Based on our evaluation, we conclude that the protection provided for the Fire Areas 10 and 11 provide a level of fire protection equivalent to the technical requirements of section III.G. The exemption should, therefore, be granted.

With regard to RCP oil collection, the licensee has requested an exemption from Appendix R Section III.O to the extent that it requires an oil collection tank sized to hold the lube oil inventory of all four RCP motors.

Each Calvert Cliffs reactor coolant system has four reactor coolant pumps, with an oil collection system which drains to two vented closed collection tanks (two pumps per tank). The quantity of lubricating oil in each pump is 225 gallons. The capacity of each oil collection tank is 275 gallons. The components, except for the collection tank, have been designed so that they are capable of withstanding a safe shutdown earthquake (SSE). The collection tanks are arranged such that, if a failure of more than one RCP motor lube system occurred, the oil collection tank would overflow onto the lower containment floor. The lubricating oil used in the RCP motors has a flash point greater than 400°F. There are no ignition sources at the floor level of the lower containment.

The RCP motor lube oil system does not comply with section III.O because the oil collection tank is not sized to contain the entire lube oil system inventory. The RCP motor lube oil system is capable of withstanding the safe shutdown earthquake. The oil collection tank is provided with sufficient capacity to hold the total lube oil inventory of one reactor coolant pump with margin and is designed so that any overflow will be drained to a safe location. This combination of features is acceptable.

Based on the above, the existing RCP motor lube oil collection system provides a level of safety equivalent to the technical requirement of section III.O and, therefore, the exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemptions with respect to the requirements of Appendix R to 10 CFR Part 50:

• Section III.G—"Fire protection of safe shutdown capability."

(1) The licensee may utilize the proposed alternatives to the requirement for maintenance of 3-hour fire rated barriers. The proposed alternatives and locations of their use are contained in Attachment 1 hereto.

(2) The licensee need not install fixed fire suppression systems in Fire Areas 10 and 11 in addition to that described

in the licensee's November 21, 1983 submittal.

• Section III.O—"Oil collection system for reactor coolant pump."

The existing oil collection tank capacity for Calvert Cliffs Units 1 and 2 is adequate.

The NRC staff has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 15th of March 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhower,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—CALVERT CLIFFS UNITS 1 AND 2, ALTERNATIVE FIRE BARRIERS

Unit No.	Door No.	Between rooms	Type
1	Emergency hatch 3	226 and 227	Watertight.
2	Emergency hatch 4	205 and 206	Do.
2	Escape hatch	216A and 110	Water curtain.

[FR Doc. 84-7596 Filed 3-20-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Information Collections for OMB Review

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed information collections submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act 1980 (Title 44, U.S.C. Chapter 35), this notice announces a proposal to collect information from the public. SF 2800, Application for Death Benefits, is completed by survivors of employees and annuitants to apply for survivor benefits as provided by the Civil Service Retirement System (Title 5, U.S.C. Chapter 83). SF 2803, Application to Make Deposit or Redeposit, is completed by Federal employees or former Federal employees to apply to make a deposit or redeposit of contributions to the Civil Service Retirement System (Title 5, U.S.C. Chapter 83). SF 2808, Designation of Beneficiary Under the Civil Service Retirement System, is completed by Federal employees and annuitants to

designate beneficiaries under the Civil Service Retirement System (Title 5, U.S.C. Chapter 83). SF 2809 (overprint) is completed by annuitants and survivor annuitants who choose to elect, cancel or change health benefits under the Federal Employees Health Benefits Program (Title 5, U.S.C. Chapter 89). SF 2823, Designation of Beneficiary—FEGLI Program, is completed by Federal employees and annuitants to designate beneficiaries under the Federal Employees' Group Life Insurance Program (Title 5, U.S.C. Chapter 87). BRI 49-204, Financial Resources Questionnaire, is completed by debtors to the Civil Service Retirement System. OPM determines if a waiver should be granted or periodic payments should be accepted (Federal Claims Collection Act, 80 Stat., Section 309). BRI 41-167, Representative Payee Questionnaire, is completed by individuals who apply to be a fiduciary for a payee entitled to benefits under the Civil Service Retirement System (Title 5, U.S.C. Chapter 83). BRI 80-32, Request to Disability Annuitant for Information on Physical Condition and Employment, is completed by disability annuitants to determine if disability annuity should continue (Title 5, U.S.C. Chapter 83). BRI 49-263, Request for Social Security Number, is completed by annuitants and survivor annuitants when the social security number is incorrect or missing

from the Civil Service Retirement System (Executive Order 9397). BRI 46-305, Survivor Annuity Information, is completed by annuitants who elect survivor benefits when a marriage occurs (Title 5, U.S.C. Chapter 83). BRI 46-305-A, Survivor Annuity Information, is completed by annuitants who elect survivor benefits when a remarriage occurs (Title 5, U.S.C. Chapter 83). BRI 49-219, Reinstatement of Disability Annuity Previously Terminated, is collected by OPM to determine if a disability annuity which was terminated because the individual was restored to earning capacity should be reinstated. For copies of these proposals, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW, Room 6410, Washington, DC 20415; and Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William J. Washington, on (202) 254-7052.

U.S. Office of Personnel Management.
Donald J. Devine,
Director.

[FR Doc. 84-7527 Filed 3-20-84; 8:45 am]

BILLING CODE 8325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Cogeneration Options Task Force; Regular Meeting

AGENCY: Cogeneration Options Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Needs of developers (K. Canon, ICNU),
- Other Business,
- Public Comment.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Cogeneration Options Task Force.

DATE: Thursday, March 29, 1984. 9 a.m.

ADDRESS: The meeting will be held at the Council Hearing Room at 700 SW. Taylor; Suite 200, in Portland, Oregon.

FOR FURTHER INFORMATION, CONTACT: Tom Foley, (503)222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-7506 Filed 3-20-84; 8:45 am]

BILLING CODE 0000-00-M

Options Steering Committee; Regular Meeting

AGENCY: Options Steering Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Bonneville Authority to Acquire Options.
- NEPA Process Related to Options.
- Timing of Section 6(c) activities in Options Acquisition Process.
- Discussion of Non-major Resources.
- Options Process Implication to BPA Budget.
- Other Business.
- Public Comment.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Options Steering Committee.

DATE: Friday, April 20, 1984, 11 a.m.

ADDRESS: The meeting will be held at the Council Hearing Room at 700 SW. Taylor; Suite 200, in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Tom Foley, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-7504 Filed 3-20-84; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 23247; 70-6930]

Consolidated Natural Gas Co., et al; Proposed Change in Introsystem Financing

In the matter of Consolidated Natural Gas Co., #100 Broadway, New York, New York, 10005, CNG Producing Co., Consolidated Gas Supply Corp., Consolidated Gas Transmission Corp., The East Ohio Gas Co., The Peoples Natural Gas Co., West Ohio Gas Co., Notice of Proposed Change in Introsystem Financing.

March 16, 1984.

Consolidated Natural Gas Company ("Consolidated"), a registered holding

company, and its subsidiary companies listed above have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(b)(2), 45, and 50(a)(3) promulgated thereunder.

By order dated January 17, 1984 (HCAR No. 23201) in File No. 70-6937, Consolidated Gas Supply Corporation ("Supply Corporation") was authorized to transfer to Consolidated Gas Transmission Corporation ("Transmission") all of its assets and related liabilities, other than its natural gas utility business in the State of West Virginia. By order dated December 28, 1983 (HCAR No. 23186) in this proceeding, the Commission authorized, during 1984, the temporary prepayment by Supply Corporation of not in excess of \$50,000,000 of its long-term notes held by Consolidated as excess cash accumulates, together with the making of cash advances by Consolidated as required by Supply Corporation.

It is anticipated that the transfers of Supply Corporation's assets and related liabilities authorized in the order of January 17, 1984, in File No. 70-6937, will be completed shortly. Therefore, it is proposed that the \$50,000,000 of temporary prepayments from excess cash and cash advances allowed to Supply Corporation in the order of December 28, 1983, be rescinded as to Supply Corporation and such authorization be granted in its place and stead to Transmission.

The post-effective amendment to the application-declaration and any further amendments 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 April 12, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact 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 application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-7610 Filed 3-20-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13826; 812-5720]

Dresdner Bank Aktiengesellschaft, and Dresdner U.S. Finance Inc.; Filing of Application for an Order

March 15, 1984.

Notice is hereby given that Dresdner Bank Aktiengesellschaft ("Bank") Jurgen-Ponte-Platz 1, 6000 Frankfurt/Main 11, Germany, a commercial bank organized under the laws of the Federal Republic of Germany, and Dresdner U.S. Finance Inc. ("Issuer"), 60 Broad Street, New York, New York, 10004, a Delaware corporation wholly-owned by the Bank (collectively, "Applicants"), filed an application on December 5, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants 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, and to the Act for the complete text of the applicable provisions thereof.

According to the application, the Bank, the second largest bank in Germany, provides, directly or through its subsidiaries, a wide range of commercial, retail and investment banking services to individuals, businesses and governments throughout Germany and internationally which, in addition to traditional retail banking services, includes services in the areas of currency exchange, securities brokerage, portfolio administration and custodial services. In addition to an agency, two branches and two representative offices in the United States, the Bank also holds a 75% equity ownership interest in ABD Securities Corporation, a Delaware corporation, registered as a broker-dealer and investment adviser. The application states that, as of December 31, 1982, deposits with the Bank (including demand, time and savings deposits and bonds and notes) totaled approximately 92% of the Bank's total liabilities (including capital) of \$35,168,151,000 (at the rate of exchange prevailing on that date) and that the aggregate principal amount of loans extended by the Bank constituted approximately 55% of the

Bank's total assets of \$35,168,151,000 as of the same date.

The application indicates that the Issuer is a Delaware corporation, incorporated on October 13, 1983, all of whose outstanding capital stock is owned by the Bank and whose sole business will consist of issuing and selling the Issuer's commercial paper notes ("Commercial Paper Notes") and advancing ("Advances") the net proceeds of sale thereof to the Bank through its Grand Cayman Branch pursuant to an operating agreement ("Operating Agreement") to be entered into by the Issuer and the Bank, as well as issuing and selling the Issuer's other debt securities and advancing or loaning the net proceeds of the sale thereof to the Bank in a manner similar to the Advances. The application further states that, in the future, there will be no public offering of the Issuer's capital stock or of any other equity security of the Issuer; substantially all of the Issuer's assets will consist of the Issuer's rights to receive repayments from the Bank of the Bank's indebtedness arising from the Advances made by the Issuer from the net proceeds of sales of the Commercial Paper Notes or other debt securities.

The application states that the Bank is extensively regulated by German banking authorities, including supervision by the German Federal Banking Supervisory Authority and the German Central Bank; reports are periodically required to be made to either or both of those entities. The Bank, moreover, must be audited annually to ensure compliance with principles of valuation and the correct disclosure of assets, liabilities, income and expenses. The application further represents that the Bank's United States banking activities are subject to extensive federal supervision and regulation under the International Banking Act of 1978; the Bank's agency and branches are also subject to state regulation substantially similar to that of domestic banks.

The application indicates that the Issuer proposes to enter into an arrangement with the Bank pursuant to which the Bank may request the Issuer to make Advances; the Issuer, in order to obtain funds to make the Advances, proposes to issue and sell its short-term negotiable promissory notes which will be exempt from the registration requirements of the Securities Act of 1933 ("1933 Act") by virtue of Section 3(a)(3) thereof and will be sold in minimum denominations of \$100,000, will have maturities not exceeding 270 days, and will neither be payable on demand prior to maturity nor eligible for

any extension, renewal, or automatic "rollover" at the option of either the holders or the Issuer. It is estimated by Applicants that the face amount of Commercial Paper Notes outstanding in the first year of issuance will not exceed \$150,000,000. The application further states that the Issuer undertakes not to market any Commercial Paper Notes prior to receiving an opinion of counsel to the effect that the proposed offering is exempt from the registration requirements of the 1933 Act by virtue of Section 3(a)(3) thereof; the Issuer does not request Commission review or approval of counsel's opinion, and the Commission expresses no opinion concerning availability of any such exemption. Applicants represent that, prior to their issuance, the Commercial Paper Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that Issuer's United States counsel shall have certified that the rating was received.

Applicants represent that the Commercial Paper Notes will be offered publicly, through one or more major dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the commercial paper market. The application also states that the Issuer undertakes to insure that each dealer in the Commercial Paper Notes will furnish to each offeree memoranda describing the businesses of the Bank and the Issuer and providing the most recent annual audited financial statements for the Bank, together with a description of the material differences between German accounting principles utilized in the preparation of the financial statements of the Bank and generally accepted accounting principles as applied in the United States. The application represents that the memoranda prepared by each dealer will be updated as promptly as practicable to reflect material adverse changes in the financial status of the Issuer or the Bank and will be at least as comprehensive as memoranda customarily used in offering commercial paper in the United States.

The application states that the Issuer will select a major commercial bank ("Depository") to act as issuing and paying agent for the Commercial Paper Notes and that the Bank will consent to the appointment of the Depository. The application further states that the Bank will unconditionally agree to pay to the Issuer amounts necessary to satisfy the Issuer's obligations under the Commercial Paper Notes and other

liabilities of the Issuer with respect to the transaction and will expressly consent to the enforcement of those obligations directly by the holders of the Commercial Paper Notes or by the Depository on behalf of the holders of the Commercial Paper Notes. The Applicants maintain that the obligation of the Bank will be the functional equivalent of a guarantee by the Bank of the Issuer's obligations with respect to the Commercial Paper Notes and that the Bank's obligations with respect to its liabilities to the Issuer (including its liabilities with respect to the Issuer's obligations under the Commercial Paper Notes) will rank *pari passu* and equally with all deposit liabilities and other unsecured, unsubordinated indebtedness of the Bank and superior to any subordinated indebtedness of the Bank and to claims of holders of the Bank's capital stock.

The Applicants represent that, in connection with the Operating Agreement, the Bank will submit to the jurisdiction of any State or Federal Court in The City of New York, and will authorize an agent in The City of New York to accept service of process in any action based upon its obligations to the Issuer. Applicants further represent that this consent to jurisdiction and appointment of an authorized agent to accept service of process will be irrevocable until all amounts due and to become due with respect to the Advances and all obligations of the Bank to the Issuer have been paid by the Bank.

The application indicates that the Issuer and the Bank will enter into the Operating Agreement by which the Issuer will agree to make Advances to the Bank solely from the net proceeds of the sale of the Commercial Paper Notes. Applicants represent that the Issuer will advance to the Bank all of the proceeds from sales of the Commercial Paper Notes (after deduction from the proceeds of amounts necessary to pay certain of the Issuer's liabilities in connection with the transactions contemplated by the Operating Agreement, including a commission payable to any commercial paper dealer used by the Issuer on account of its services in connection with the purchase and sale of the Commercial Paper Notes). The application states that the Bank will use the proceeds of the Advances in the ordinary course of its banking business for "current transactions" within the meaning of Section 3(a)(3) of the 1933 Act.

The Applicants state that the Bank will be obligated to repay to the Issuer on the maturity date of each Advance

the principal together with interest payable from time to time in an amount sufficient to enable the Issuer to satisfy its liabilities in connection with the transaction. Applicants further state that each Advance will have the same maturity date as that of the Commercial Paper Notes issued by the Issuer; the Bank will be unconditionally obligated to pay amounts as are necessary to satisfy the Issuer's obligations under the Commercial Paper Notes and other liabilities of the Issuer with respect to the transaction; and the Bank will consent to the enforcement of the agreement directly by the holders of the Commercial Paper Notes and by the Depository on behalf of those holders.

Applicants may, from time to time, offer their debt securities other than the Commercial Paper Notes for sale in the United States, the proceeds of which would, in the case of debt securities of the Issuer, be loaned or advanced to the Bank in a manner similar to the Advances and, in the case of debt securities issued by the Bank, utilized directly by the Bank or one of its branches in its banking operations. The application states that the Issuer's obligations with respect to any such debt securities it issues may be supported by the Bank's guarantee or by such other unconditional obligation on the part of the Bank to pay the obligations of the Issuer in connection with those debt securities as would be the functional equivalent of a guarantee of those debt securities. Applicants undertake that, prior to their issuance, any future issue of Applicants' debt securities other than the Commercial Paper Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that the Applicants' United States counsel shall have certified that the rating was received; provided, however that no rating need be obtained with respect to any such issue if, in the opinion of Applicants' United States counsel (counsel having taken into account for the purposes there of the doctrine of "integration" referred to in Rule 502 under the 1933 Act and relevant "no-action" letters made public by the Commission) an exemption from registration is available under Section 4(2) of the 1933 Act or Regulation D thereunder.

The Applicants undertake that they will not issue or sell in the future any of their debt securities in the United States unless the Applicants have received an opinion of United States counsel or a "no-action" letter issued by the Commission to the effect that the

proposed offering is in compliance with, or entitled to an exemption from, the registration requirements of the 1933 Act. The Applicants also undertake that any future offering will be effected on the basis of disclosure documents at least as comprehensive in their description of the Issuer or the Bank or both, as the case may be, their businesses and their financial statements as the commercial paper dealer memoranda referred to above, and that in the case of an offering made pursuant to a registration statement under the 1933 Act, the offering will be made on the basis of disclosure documents appropriate for such registration.

The Applicants represent that the Bank will, in connection with any future offering of its debt securities in the United States and in connection with any future offering of the Issuer's debt securities in the United States, appoint an agent to accept service of process in any suit, action or proceeding brought against the Bank on its obligations under its debt securities or its obligations under its guarantee (or functionally equivalent obligation) of the debt securities of the issuer, and instituted in any State or Federal court by the holder of any debt securities and will expressly submit to the jurisdiction of any State or Federal court located in The City of New York with respect to any such suit, action or proceeding. The Applicants further represent that such appointment of an agent for service of process and consent to jurisdiction shall be irrevocable until all amounts due and to become due in respect of such issuance of debt securities have been paid.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 9, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses 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.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7801 Filed 3-20-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13823; 812-5760]

RC Apartment Partners Limited Partnership, et al.; Application for an Order for Exemption

March 15, 1984.

Notice is hereby given that RC Apartment Partners Limited Partnership and RC Commercial Partners Limited Partnership (respectively, the "Residential Partnership" and the "Commercial Partnership," and collectively, the "Partnerships"), 225 Franklin Street, Boston, Massachusetts 02110; Maryland limited partnerships, and their managing general partner, "Winthrop Financial Co., Inc. ("Winthrop Financial" or the "Managing General Partner" and, together with the Partnerships, collectively referred to hereinafter as "Applicants"), filed and application of January 30, 1984, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Partnerships 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, and to the Act for the text of the applicable statutory provisions.

Applicants state that the Partnerships were formed under the Maryland Revised Uniform Limited Partnership Act as vehicles for equity investment in a project including government-assisted rental housing in accordance with the policies and objectives of Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). Applicants state that the Partnerships will operate as "two-tier" entities, that is, the Partnerships, as limited partners, will invest in River City Apartment Associates and River City Commercial Associates (together, the "Operating Partnerships"), which in turn, will engage in the acquisition, development, construction, ownership and operation of a project containing 446 units of housing, of which 339, or approximately 76% are for moderate income persons, and commercial space developed in connection with such housing (the "Combined Project"). Applicants state that the Partnerships are organized as limited partnerships because that form of organization is the

only one that provides an investor with both liability limited to his capital investment and the ability to claim on his individual income tax return tax benefits as if he were a direct owner of the Combined Project in which the limited partnership invests.

Applicants state that the Residential and Commercial Partnerships will offer 160 and 80 units, respectively, of limited partnership interests ("Units") at a price of \$70,465 and \$76,447 per Unit, respectively, plus interest, to investors meeting certain suitability standards pursuant to Section 4(2) of the Securities Act of 1933 ("Securities Act") and Regulation D promulgated thereunder. It is estimated that the Partnerships will have as net proceeds of the offerings \$7,680,125 and \$4,921,331, respectively, available for investment in the Operating Partnerships after deductions for sales commissions, anticipated offering expenses, and certain fees and expenses. To become a limited partner ("Limited Partner") in either Partnership, an investor's subscription for Units must be approved by Winthrop Financial, and such approval will be made conditional upon representations as to suitability of the investment for each subscriber.

Applicants state that the Partnerships will be controlled by the Managing General Partner, and that the Limited Partners, consistent with their limited liability status will not be entitled to participate in the control of the Partnerships. Limited Partners owning a majority of interests in a partnership will have the right to amend the partnership agreements, dissolve the Partnerships, and remove any General Partner and elect a replacement therefor. Any amendment to either partnership agreement, however, may not allow the Limited Partners to take part in the control of the respective Partnerships business, or otherwise affect the limited liability of the Limited Partners.

Applicants represent, in addition, that under the partnership agreements, each Limited Partner is entitled to review all books and records of his Partnership at any and all reasonable times. It is stated that the Combined Project will be assisted by federal and local government agencies and will contain housing for moderate income persons and commercial space developed in connection with such housing. Applicants state that the general partner of the Operating Partnerships is River City Developers, an Illinois limited partnership, the general partners of which are Daniel N. Epstein and Bertrand Goldberg. It is further stated that Mr. Epstein has had substantial

experience in the construction and development of real estate projects and that Mr. Goldberg is an architect with extensive experience in the design, planning and development of both residential and commercial structures. It is stated that River City Developers will receive interests in the Operating Partnerships disproportionate to its capital contributions.

Applicants state further that the registered broker-dealers who are to sell the Units ("Placing Brokers") will receive commissions equal to 8% of the principal amount of the Units sold, and that the selling agent, an affiliate of the Managing General Partner, will receive an additional 1% as reimbursement for expenses of the offering. Offers and sales of the Units will be effected through the Placing Brokers and other members of the National Association of Securities Dealers, Inc. ("NASD") authorized by the Placing Brokers to sell Units.

Applicants represent that selling commissions based on 8% of the offering proceeds are customarily charged in securities offerings of this type and are consistent with the guidelines of the NASD.

Applicants further state that during the offering and organizational stage, the Managing General Partner will receive from the Residential and Commercial Partnerships non-recurring fees equal to .6% and 1.2%, respectively, of the offering proceeds, including interest ("Gross Proceeds") for organizational services, and non-recurring fees equal to .4% and .8%, respectively, of Gross Proceeds for costs incurred in obtaining professional tax advice for the Residential and Commercial Partnerships. Applicants further state that during this stage an affiliate of the Managing General Partner will receive from Continental Casualty Company ("CNA"), which will provide financial guaranty bonds insuring the payment of the Limited Partners' promissory notes, fees of up to .35% and .25% of Gross Proceeds for the Residential and Commercial Partnerships, respectively, for insurance brokerage services in arranging the CNA insurance. Applicants state that CNA may also pay a contingent fee of up to .5% and .37% of Gross Proceeds for the Residential and Commercial Partnerships, respectively, depending on the loss ratio experienced on the financial guaranty bonds.

During the Partnerships' developmental stage, Applicants state that the Managing General Partner will receive non-recurring fees equal to 13.87% and 8.7%, respectively, of Gross

Proceeds for monitoring the Partnerships' investments in their respective Operating Partnerships during the period in which the capital contributions of the Limited Partners are being paid, and non-recurring fees equal to .7% and .6%, respectively, of Gross Proceeds in consideration for obtaining advances of \$1,418,000 and \$561,000, respectively, to the Residential and Commercial Partnerships, to enable the Partnerships to make timely payment of the first portion of the initial installment of their capital contributions to the Operating Partnerships, and arranging commercial bank loans to the Partnerships in the amounts of \$7,338,509 and \$3,029,730, respectively. In consideration for these services, the Managing General Partner will also receive the amount, if any, by which the interest actually paid on the commercial bank loans is less than projected to be paid, and any interest income earned on temporary investments of Limited Partners' Capital Contributions pending payment by the Partnerships of their capital contributions to their respective Operating Partnerships.

During the Partnership's operating stage, Applicants state that the Managing General Partner will receive annual management fees from each of the Partnerships in the amount \$25,000 per year, and non-recurring fees equal to 2.2% and 2.3%, respectively, of Gross Proceeds in consideration for the agreement to make additional capital contributions of up to \$1,300,000 and \$900,000, if needed to cover certain operating deficits of the respective Operating Partnerships. Applicants state that compensation to the Managing General Partner during the liquidating stage will be in the form of distributions of the proceeds of the sale or refinancing of the Combined Project or the Partnerships' interests in the Operating Partnership, or of real or personal property of the Partnerships.

Applicants state that, in addition to the foregoing fees and interests, the Managing General Partner and affiliates that are also general partners of the Partnerships will receive in the aggregate a 1.6% interest in each Partnership's profits and losses, cash flow and, after the Limited Partners have received sale or refinancing proceeds equal to the amount of their capital contributions, 5% of the proceeds resulting from a sale or refinancing of Partnership assets.

Applicants state that the substantial fees and other forms of compensation that will be paid to the Managing General Partner and its affiliates will not have been negotiated through arm's

length negotiations. They represent, however, that terms of all such compensation will be fair and not less favorable to the Partnerships than would be the case if such terms had been negotiated with independent third parties.

Applicants state that the Limited Partners will make their capital contributions to the Residential and Commercial Partnerships in seven and eight installments over six and seven years, respectively, according to a schedule which corresponds approximately to the timing of the payments by the Partnership of its capital contributions to the Operating Partnerships.

Applicants further state that a portion of the second through seventh or eighth installments, as the case may be, will be invested for approximately two months in short-term obligations pending payment by each Partnership of its capital contributions to the appropriate Operating Partnership. Applicants state that at no time will the value of the investment from the proceeds of such installments exceed 40% of a Partnership's total assets.

Applicants state that each Partnership will distribute to Limited Partners annual audited financial statements, as well as an annual statement describing any transactions between the Partnership and any affiliate of the General Partners. Applicants state that the partnership agreements provide that the Partnerships shall indemnify any General Partner for losses sustained for any act performed within the scope of the authority granted to the General Partner by the partnership agreements if the General Partner was not guilty of fraud or gross negligence. Applicants further state, however, that insofar as indemnification for liabilities under the Securities Act may be permitted to a General Partner, the Partnerships have been advised that in the opinion of the Commission, such indemnification is contrary to public policy as expressed in the Securities Act and is therefore unenforceable.

Without conceding that the Partnerships are investment companies as defined in the Act, Applicants request that the Partnerships be exempted from the provisions of the Act pursuant to Section 6(c). Applicants assert that investment in housing projects of the nature of the Combined Project is not economically suitable for private investors without the tax and organizational advantages of the limited partnership form. It is stated that the limited partnership structure provides the only means of bringing private equity capital into government-

subsidized housing, particularly because investors typically consider investment in such housing programs as involving greater risk than real estate investment generally.

It is further represented, however, that despite the advantages it affords investors in government-assisted housing, the limited partnership form of organization is incompatible with certain fundamental provisions of the Act. Thus, an exemption from these basic provisions is necessary, and, Applicants contend, it is appropriate that such exemption be granted so as not to discourage use of the two-tier limited partnership entity. To do so, Applicants assert, would frustrate the public policy established by the housing laws.

Applicants further state that, although the interests of the Managing General Partners and its affiliates, and of the general partners of the Operating Partnerships and their affiliates, may conflict in various ways with the interests of Limited Partners are adequately protected through disclosure in the selling documents prepared in connection with the offering of Units. Further protection for the interests of Limited Partners is provided, Applicants assert, by the provisions of the partnership agreements designed to prevent overreaching by the Managing General Partner and to assure fair dealing by the Managing General Partner vis-a-vis the Limited Partners, as well as by the suitability standards established by the selling documents for prospective Limited Partners and the private offering criteria of Regulation D under Section 4(2) of the Securities Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 9, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon 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, and order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7603 Filed 3-20-84; 8:45 am]

BILLING CODE 8010-05-M

[Release No. 13825 812-5733]

**Thomson McKinnon Investment Trust,
One New York Plaza, New York, New
York, 10004; Application for Order**

March 15, 1984.

Notice is hereby given that Thomson McKinnon Investment Trust ("Applicant"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 27, 1983, pursuant to Section 6(c) of the Act, for an order of the Commission exempting Applicant from the provisions of Sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rules 22c-1 and 22d-1 thereunder to the extent necessary to permit Applicant to assess a contingent deferred sales charge on redemptions of its initial and future series of shares, and to permit Applicant to waive the contingent deferred sales 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.

Applicant states that it consists of four series and that, although it has not current intention to create any additional series, it requests that the proposed exemptive relief extend to its initial series and any future series offered on substantially the same basis. Applicant states that mutual funds sold with a sales charge have traditionally imposed a front-end load so that purchase payments are invested after the deduction of any applicable sales so that investors will have the entire amount of their purchase payments fully invested when made. However, Applicant also proposes to pay to its distributor a contingent deferred sales charge from the proceeds of certain redemptions of Applicant's shares. Applicant represents that the amount of such charges, in the aggregate, will not exceed 5% of the aggregate purchase payments made by the investor.

Applicant states that the contingent deferred sales charge would be imposed if an investor redeems an amount which causes the current value of the investor's account with Applicant to fall

below the total dollar amount of purchase payments made by the investor during the preceding five years, except that no sales charge would be imposed if the amount redeemed is derived from (1) increases in the value of the investor's account above the amount of purchase payments during the preceding five years of (2) purchase payments made more than five years prior to the redemption.

Applicant states that the imposition of the contingent deferred sales charge is to be waived on the following redemptions: (1) Redemptions following the death or disability, as defined in Section 72(m)(7) of the Internal Revenue Code (the "Code"), of a shareholder (including one who owns the shares as joint tenant with his or her spouse), provided the redemption is requested within one year of the death or initial determination of disability; (2) any partial or complete redemption in connection with certain distributions from Individual Retirement Accounts ("IRA's") or other qualified retirement plans, and (3) redemptions by the Trustees, officers and any employees of Applicant and by employees of Thomson McKinnon Securities Inc., Applicant's principal underwriter (the "Distributor"), or of Thomson McKinnon Asset Management Inc., Applicant's investment manager (the "Manager"), or of their parent corporation, Thomson McKinnon Inc., or its other existing and future subsidiaries ("Affiliated Employees"). Thomson McKinnon Inc. is a holding company which through its subsidiaries is engaged primarily in providing customers with a wide variety of financial services in connection with securities, commodities, options, corporate and public finance and related fields.

Applicant states that the contingent deferred sales charge is calculated on the basis of Applicant's current net asset value and the aggregate purchase payments (including purchase payments allocable to exchanges from other series) of the particular series from which shares are being redeemed. Applicant states that, in determining the applicability of a contingent deferred sales charge to each redemption, the amount which represents an increase in the net asset value of the investor's shares in the series from which the redemption is being made above the amount of the total payment for the purchase of shares in such series within the last five years will be redeemed first. In the event the redemption amount exceeds such increase in value, the next portion of the amount redeemed will be the amount which represents the net

asset value of the investor's shares purchased more than five years prior to the redemption and/or purchased through reinvestment of dividends or distributions. Applicant states that any portion of the amount redeemed which exceeds an amount which represents both such increase in value and the value of shares purchased through reinvestment of dividends or

distributions will be subject to a contingent deferred sales charge. Applicant states that where a contingent deferred sales charge is imposed, the amount of the charge will depend on the number of years since the investor made the purchase payment from which an amount is redeemed, according to the following table:

Year since purchase payment made	Contingent deferred sales charge as a percentage of amount redeemed (percent)
First.....	6.0
Second.....	4.0
Third.....	3.0
Fourth.....	2.0
Fifth.....	2.0
Sixth.....	None.

Applicant states that the amount of the contingent deferred sales charge is calculated by determining the date on which the purchase payment which is the source of the redemption was made, and applying the appropriate percentage to the amount of the redemption subject to the charge. Applicant states that, in determining the rate of any applicable contingent deferred sales charge, it will be assumed that a redemption is made of shares held by the investor for the longest period of time within the applicable five-year period. Applicant asserts that this will result in any such charge being imposed at the lowest possible rate.

According to Applicant, the holding period for calculation of the contingent charge payable on redemptions of shares acquired in exchange transactions will equal the aggregate time that an investor has maintained an investment in any series of Applicant. Also, in computing the charge payable on such redemptions, the purchase date will be the date of acquisition of the exchanged shares.

Applicant asserts that imposition of the contingent deferred sales charge is fair and is in the best interests of shareholders. Applicant submits that the proposed contingent deferred sales charge permits shareholders to have the advantages of greater investment dollars working for them from the time of the purchase of Applicant's shares. Applicant asserts that because the contingent deferred sales charge applies only to redemptions of amounts representing purchase payments, it does not apply to increases in the value of a shareholder's account through increases in net asset value per share, or to amounts representing reinvestment of distributions.

Applicant proposes to finance its own distribution expenses pursuant to a

distribution plan adopted pursuant to Rule 12b-1 under the Act. The proposed distribution plan requires Applicant to pay an annual fee to the Distributor for expenses related to the offering of Applicant's shares. Applicant states that its distribution fee is equal on an annual basis for each series of Applicant to 1.0% of the lesser of (1) aggregate gross sales of the shares of such series since inception of the series (excluding reinvestments of dividend or capital gain distributions and sales of shares that have been exchanged for shares of another series, but including sales of shares acquired by exchanges of shares of another series), less the aggregate dollar amount of redemptions since inception upon which a contingent deferred sales charge has been imposed or with respect to which such charge has been waived, or (2) the average daily net assets of such series.

Applicant asserts that where amounts attributable to purchase payments are redeemed (and thus no longer contribute to the annual distribution charge) it is fair (1) to impose on the withdrawing shareholder a lump sum payment reflecting approximately the amount of distribution expense which has not been recovered through payments pursuant to Applicant's 12b-1 plan and (2) to remove the assets on which the contingent deferred sales charge was imposed from the base amount on which Applicant's distribution fee is calculated.

Applicant asserts that imposition of the proposed contingent deferred sales charge will in no way restrict a shareholder from receiving his proportionate share of Applicant's current net assets, but merely defers deduction of a 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 the extent necessary to permit implementation of the proposed contingent deferred sales charge.

Applicant asserts that the contingent deferred sales charge is paid to the Distributor to reimburse it solely for expenses related to offering Applicant's shares for sale to the public, and, therefore, the contingent deferred sales charge is within the Section 2(a)(35) definition of "sales load," but for the timing of the imposition of the charge. Applicant states that the deferral of the sales charge, and its contingency upon the occurrence of an event that might not occur, does not change the basic nature of the charge, which is in every respect a sales charge. Accordingly, Applicant requests an exemption from the provisions of Section 2(a)(35) of the Act, to the extent necessary to permit implementation of the proposed charge.

Applicant states that when a redemption of Applicant's shares occurs, the price of the shares on redemption will be based on current net asset value. However, the contingent deferred sales charge will be deducted at the time of redemption in arriving at the shareholder's proportionate redemption proceeds. Accordingly, Applicant requests an exemption from the provisions of Section 22(c) of the Act and Rule 22c-1 thereunder to the extent necessary to permit implementation of the proposed contingent deferred sales charge.

Applicant requests an exemption from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to permit waiver of the contingent deferred sales charge under the circumstances described above (except where waiver of the charge is permitted by Rule 22d-1(i) under the Act). Applicant asserts that, in each situation where the charge would be waived, the redeeming shareholder is a member of a class of shareholders that is favored under the tax laws or the securities laws or for which Applicant would not incur distribution expense under its 12b-1 plan. Applicant further asserts that the proposed waiver of the contingent deferred sales charge is fair to remaining shareholders because Applicant will not be charged with any revenue lost as a result of the waiver. Applicant states that, as with redemptions subject to the contingent deferred sales charge, redemptions subject to the waiver are removed from the base of aggregate purchase payments for purposes of calculating Applicant's distribution fee.

Applicant asserts that waiver of the contingent deferred sales charge in the extraordinary circumstances of death or total disability of the investor is justified

on basic considerations of fairness. Applicant further asserts that waiving the charge on certain distributions from a qualified retirement plan is fully consistent with the policies reflected in (1) the Code provisions granting favored tax treatment to accumulations under such plans and imposing additional taxes on early distributions from IRA's and other plans, and (2) Rules 22d-1(a)(3) and 22d-1(b)(3) under the Act, which permit quantity discounts to plans qualified under Code Section 401, and Rule 22d-1(f) under the Act, which permits variations in the sales load for qualified and non-qualified employee benefit plans (which need not be based on realization of economies of scale where the plans are qualified under Section 401 of the Code).

Applicant asserts that waiving the charge with respect to redemptions by trustees, officers and employees of Applicant and Affiliated Employees is justified because of the absence of selling expenses associated with sales to such persons. Applicant further asserts that, as to Applicant's Trustees and officers and employees of Applicant or of the Distributor and Manager, such waivers are fully consistent with Rule 22d-1(i) under the Act. Rule 22d-1(j) generally permits reduction or elimination of sales loads in connection with sales of a registered investment company's shares to directors, officers and employees of the company, its investment adviser and principal underwriter.

Applicant argues that waiver of the deferred sales charge on redemptions of Applicant's shares by employees of Thomson McKinnon Inc. and its existing and future subsidiaries could be permitted by Rule 22d-1(f) under the Act because such employees are participants in an employee benefit plan (the "Plan") that offers economies of scale in sales effort and expense and would be described in Applicant's prospectus. Rule 22d-1(f) under the Act permits elimination of sales charges upon a sale of shares pursuant to a uniform offer described in the prospectus and made to employee benefit plans not qualified under Code Section 401 provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales related expenses. However, it is not clear that waiver of the deferred sales charge on redemptions by employees of Thomson McKinnon Inc. would meet the "uniform offer" requirement of Rule 22d-1(f).

Applicant states that employees of Thomson McKinnon Inc. can be expected to have a basic understanding of the nature of an investment in a

mutual fund as well as general familiarity with, and a significant degree of loyalty to, Applicant. Applicant submits that the relationship between the Distributor and Manager with the other Thomson McKinnon Inc. corporate affiliates is the basis for a unique relationship that can be expected to result in economies in sales effort and sales related expense that justifies elimination of all contingent deferred sales charges on Applicant's shares purchased by participants in the Plan without discrimination against other employee benefit plans or other purchasers of Applicant's shares.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 9, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, 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.

George A. Fitzsimmons,
Secretary

[FR Doc. 84-7802 Filed 3-20-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13824; 811-2332]

VIP Growth Fund, Inc.; Proposal To Terminate Registration Pursuant to Section 8(f) of the Investment Company Act of 1940

March 15, 1984.

Notice is hereby Given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act") to declare by order on its own motion that VIP Growth Fund, Inc. ("VIP"), Warfield Building San Francisco, California 94109 registered under the Act as an open-end, diversified management investment company, ceased to be an investment company required to be registered under the Act.

Information contained in the files of the Commission indicates that VIP, a corporation organized under the laws of

California, registered under the Act on November 13, 1972, and subsequently became inactive.

Section 8(f) provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order.

Notice is further given that any interested person wishing to request a hearing on the proposal may, not later than April 9, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon VIP 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 proposal 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.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7609 Filed 3-20-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20754; SR-CBOE-80-16]

Self-Regulatory Organization; Chicago Board Options Exchange, Inc.; Order Extending Partial Approval of Proposed Rule Change on a Summary and Temporary Basis

March 14, 1984.

I. Introduction

On June 9, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Van Buren, Chicago, IL 60605, filed with the Commission, pursuant to the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to modify its operations and procedures relating to options market makers. Among other things, the proposed rule change created a single class of market makers by eliminating supplemental appointments, increased the number of options classes in which market makers were permitted to have appointments, and established a new Exchange committee responsible for evaluating the performance of and taking disciplinary action against market makers. The proposed rule

change also prescribed minimum requirements concerning the extent to which a market maker's trading activity must be conducted in person.¹ The rule change was approved by the Commission on February 12, 1981,² but the 1981 approval order was vacated on April 5, 1982, by the United States Court of Appeals for the Seventh Circuit in *Clement v. Securities and Exchange Commission*, an action challenging the minimum requirement for in-person market maker transactions, and the matter was remanded to the Commission.³

On May 11, 1982, with extensions thereafter effective until February 10, 1984, the Commission reviewed the rule filing and summarily and temporarily approved those portions of the proposed rule change not addressed in *Clement*.⁴ During this interval, the Commission awaited certain amendments to the proposal and additional information from CBOE.⁵ The Commission also solicited and evaluated public comment upon the proposed rule change.⁶

¹ Notice of the proposed rule change was published in Securities Exchange Act Release No. 16919 (June 24, 1980), 45 FR 43914 (1980). Subsequently, on July 9, 1980, the CBOE filed an amendment to the proposed rule change excluding certain closing transactions from the calculations of transactions required to be executed in person by market makers and requiring the recording of additional information on market maker orders. Notice of the amendment to the proposed rule change was published in Securities Exchange Act Release No. 17012 (July 25, 1980), 45 FR 51325 (1980).

² Securities Exchange Act Release No. 17535 (February 12, 1981), 46 FR 13055 (1981) ("1981 Approval Order").

³ *Clement v. Securities and Exchange Commission*, 674 F.2d 641 (7th Cir. 1982).

⁴ See Securities Exchange Act Release Nos. 18727 (May 11, 1982), 47 FR 21169 (1982); 18963 (August 16, 1982), 47 FR 37020 (1982); 19203 (November 1, 1982), 47 FR 50790 (1982); 19386 (December 30, 1982), 48 FR 915 (1983); 19641 (March 29, 1983), 48 FR 14795 (1983); and 19923 (June 28, 1983), 48 FR 31133 (1983); 20082 (August 12, 1983), 48 FR 37755 (1983); 20228 (September 23, 1983), 48 FR 44962 (1983); and 20362 (November 10, 1983), 48 FR 52529 (1983); 20475 (December 13, 1983), 48 FR 56291 (1983); 20552 (January 12, 1984), 49 FR 2176 (1984); and 20637 (February 9, 1984), 49 FR 6082 (1984).

⁵ CBOE filed a substantive amendment to the proposed rule change on October 19, 1982. See Securities Exchange Act Release No. 19203 (November 1, 1982), 47 FR 50790 (1982). The Commission also received a letter from CBOE requesting approval of its proposed "in-person" rule on a pilot basis. See letter of May 10, 1983, from Anne Taylor, Secretary and Associate General Counsel, CBOE, to Richard Chase, Division of Market Regulation, Securities and Exchange Commission. File No. SR-CBOE-80-16.

⁶ The public comments received since the beginning of November 1982 are discussed in Securities Exchange Act Release Nos. 19386 (December 30, 1982), 48 FR 915 (1983); 19641 (March 29, 1983), 48 FR 14795 (1983); and 20082 (August 12, 1983), 48 FR 37755 (1983), and are available for public inspection in File No. SR-CBOE-80-16. A further letter from CBOE, noted in the preceding footnote, is discussed in Securities Exchange Act

Further information has been received from the CBOE concerning the impact of CBOE's previous in-person requirement prior to that requirement's elimination by *Clement v. Securities and Exchange Commission*.⁷ The Commission expects to act soon with respect to the proposed in-person rule. In the interim, it will be necessary for the Commission to extend for an additional 30 days its summary and temporary approval of those portions of the proposed rule change not at issue in *Clement*.⁸

Copies of the original 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 CBOE.

It is therefore ordered, that the proposed rule change referenced above, and to the extent indicated above, be, and it hereby is, approved until April 13, 1984.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7607 Filed 3-20-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20753; File No. SR-NASD-82-24]

Self-Regulatory Organizations; Filing of Proposed Rule Change by National Association of Securities Dealers, Inc.

March 14, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 2, 1982, the

Release No. 19923 (June 28, 1983), 48 FR 31133 (1983). Further letters are discussed below.

⁷ See letter of Anne Taylor, Secretary and Associate General Counsel, CBOE, to Kevin Fogarty, Division of Market Regulation, Securities and Exchange Commission, September 22, 1983. The Chicago Board of Trade also submitted its interpretation of the data provided in this CBOE letter. See letter of January 10, 1984, from Thomas R. Donovan, President, Chicago Board of Trade, to George A. Fitzsimmons, Secretary. File No. SR-CBOE-80-16.

⁸ CBOE has consented to this extension of partial approval.

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. 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. 19382, December 29, 1982) and by publication in the *Federal Register* (48 FR 1137, January 10, 1983). One comment was received. The NASD filed an amendment to the proposed rule change on August 18, 1983. The Commission is publishing this notice to solicit comments on the amendment to the proposed rule change from interested persons.

The proposed rule change would amend Part I of Schedule C of the NASD's By-Laws to adopt standards and procedures that NASD staff members will follow when discussing membership with an applicant ("pre-membership interview" or "Interview"). The amendment to the proposed rule change modifies some of the procedures relating to these Interviews. In general, the proposal provides that once an applicant has been interviewed by the NASD's District Office, the District Office will make a preliminary determination and advise the applicant in writing of whether it may become an NASD member, and, if so what restrictions would be imposed on its membership. Paragraph (2)(c) was amended to provide that if the applicant does not consent to these restrictions, it may request the District Committee to make a *de novo* determination regarding what, if any, restrictions will be imposed on the member. Similarly, paragraph (2)(f) provides for *de novo* consideration by the Board of Governors of the restrictions on membership imposed by the District Committee and/or the District Office. Paragraph (3) provides for the removal of restrictions imposed as a result of the Interview. Two sections were added to paragraph (3) to indicate that modifications of restrictions are subject to review by the Board of Governors and by the Commission and to clarify that the NASD and the applicant must execute a new agreement whenever the restrictions are modified.

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-82-24.

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).

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7906 Filed 3-20-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 20756; File No. SR-OCC-84-2]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of a Proposed Rule Change by the Options Clearing Corp.

March 15, 1984.

The Options Clearing Corporation ("OCC") on February 18, 1984, submitted a proposed rule change to the Commission pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78b(1), that amends Interpretation and Policy No. 2 OCC Rule 604 relating to the maximum allowable amounts of letters of credit from non-U.S. institutions ("foreign LC's") that clearing members may pledge for OCC margin purposes. Under the proposal, OCC will calculate each clearing member's maximum allowable amount of foreign LC's on the basis of the member's aggregate OCC margin deposit, rather than on its OCC margin requirement.¹

¹Previously, the Interpretation and Policy provided that no more than 50% of a clearing member's margin requirement at any time could be met by foreign LC's in the aggregate and no more than 20% could be met by LC's issued by a single foreign institution. The proposal does not change the Interpretation and Policy's applicable percentages.

OCC believes that its clearing members will benefit from the proposal in several ways. First, clearing members will be able to exercise greater control over their allowable amount of foreign LC's by maintaining a stable margin deposit. Second, clearing members no longer will need to monitor constantly their foreign LC level, which changed daily because of fluctuations in their margin requirements, or to amend frequently their foreign letter of credit agreements. Third, the proposal conforms with clearing members' current practices. Most clearing members keep excess margin deposits to allow for fluctuating margin requirements.

OCC also believes that it will benefit from the proposal. The proposal should reduce OCC's unnecessary costs and administrative burdens incurred in monitoring the foreign LC program. In addition, the proposal should encourage clearing members to maintain higher OCC margin deposits of all types, thereby enhancing OCC's financial safeguarding systems.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the *Federal Register*. Persons desiring to make a written submission 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-OCC-84-2.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also 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.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7604 Filed 3-20-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20757; File No. SR-PSE-84-4]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Stock Exchange, Inc.

March 15, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 1, 1984, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The PSE proposes to reduce the fee which the PSE charges its affected member firms for the direct costs of the computer terminal equipment for the PSE's on-line automated options trade check system.¹ The Exchange has noted in its filing that the proposed rule change is intended to permit the Exchange to pass on to its members the benefits of the reduced costs resulting from its acquisition of different data processing equipment. The proposed rule change reflects the reduction in the Exchange's direct costs from \$130 to approximately \$70 per terminal per month. The PSE states that the proposed rule change is consistent with Section 6(b)(4) of the Act in that the Exchange has provided for the equitable allocation of reasonable fees and charges among its members.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and

arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons 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-PSE-84-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-7608 Filed 3-20-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2121]

Texas; Declaration of Disaster Loan Area

Harris County and the adjacent Counties of Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery and Waller in the State of Texas constitute a disaster area because of damage caused by below freezing temperatures on December 22-29, 1983. Applications for loans for physical damage may be filed until the close of business on May 14, 1984, and for economic injury until the close of business on December 17, 1984, at the address listed below: U.S. Small Business Administration, 2525 Murworth, Suite 112, Houston, Texas 77054, or other locally announced locations.

Interested rates for this disaster are:

	Percent
Homeowners with credit available elsewhere	12.500
Homeowners without credit available elsewhere	6.250
Businesses with credit available elsewhere	11.000
Businesses without credit available elsewhere	8.000

	Percent
Businesses (EIDL) without credit available elsewhere	8.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 212107 for physical damage and for economic injury the number is 614900.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 15, 1984.

Donald P. Young,
Acting Administrator.

[FR Doc. 84-7593 Filed 3-20-84; 8:45 am]

BILLING CODE 8025-01-M

National Advisory Council Meeting

The Small Business Administration, Office of Advisory Councils, located in the geographical area of Washington, D.C., will hold its semiannual National Advisory Council meeting from 8:30 a.m., Thursday, April 26, 1984, to 3:30 p.m., Friday, April 27, 1984, at the Washington Hilton Hotel, Connecticut Avenue at Columbia Road NW., Washington, D.C. 20009 to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Jean M. Nowak, Director, Office of Advisory Councils, U.S. Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653-6892.

Jean M. Nowak,
Director, Office of Advisory Councils.
March 16, 1984.

[FR Doc. 84-7586 Filed 3-20-84; 8:45 am]
BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 8:30 a.m. until 5:00 p.m., Friday, April 6, 1984, at the Ambassador Hotel, Boulevard Room, 3400 Wilshire Boulevard, Los Angeles, California 90010, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mr. Milton Wilson, Jr., Office of Capital Ownership Development, Small Business Administration, Room 602, 1441 L Street NW., Washington, D.C. 20416, in writing no later than April 2, 1984.

¹The Commission approved the adoption of the PSE's on-line automated options trade check system and its plan to charge each affected member firm for the direct costs of the required computer terminal equipment (SR-PSE-83-13) on August 6, 1983 (Securities Exchange Act No. 20154, 48 FR 41255 September 14, 1983).

Dated: March 14, 1984.

Jean M. Nowak,
Director, Office of Advisory Councils.

[FR Doc. 84-7592 Filed 3-20-84; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council Meeting

The Small Business Administration, Region II Advisory Council, located in the geographical area of Hato Rey, will hold a public meeting at 9:00 a.m., on Friday, April 13, 1984, at room G-59, Federal Building, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00919, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Wilfred Benitez Robles, District Director, U.S. Small Business Administration, Frederico Degetau Federal Building, Room 691, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918—(809) 753-4003.

Jean M. Nowak,
Director, Office of Advisory Councils.
March 16, 1984.

[FR Doc. 84-7587 Filed 3-20-84; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council Meeting

The Small Business Administration, Region III Advisory Council, located in the geographical area of Philadelphia, will hold a public meeting at 8:30 a.m. on Friday, May 25, 1984, at the Philadelphia District Office, Suite 400, East Lobby, One Bala Plaza, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call William T. Gennetti, District Director, U.S. Small Business Administration, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004, (215) 596-5801.

Jean M. Nowak,
Director, Office of Advisory Councils.
March 10, 1984.

[FR Doc. 84-7590 Filed 3-20-84; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council Meeting

The Small Business Administration, Region IX Advisory Council, located in the geographical area of San Francisco, will hold a public meeting at 9:30 a.m. on Tuesday May 1, 1984, 211 Main Street—5th Floor—Room 543, San Francisco, California 94105, to discuss such matters

as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Lawrence J. Wodarski, District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105, (415) 974-0642.

Jean M. Nowak,
Director, Office of Advisory Councils.
March 16, 1984.

[FR Doc. 84-7591 Filed 3-20-84; 8:45 am]

BILLING CODE 80215-01-M

Region X Advisory Council Meeting

The Small Business Administration, Region X Advisory Council, located in the geographical area of Boise, Idaho, will hold a public meeting at 9:30 a.m., on Thursday, April 12, 1984, at the Owyhee Plaza "Gold Room", 1109 Main Street, Boise, Idaho, 83702 to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Verne A. Leighton, District Director, U.S. Small Business Administration, 1005 Main Street, Boise, Idaho 83702, (208) 334-1096.

Jean M. Nowak,
Director, Office of Advisory Councils.
March 16, 1984.

[FR Doc. 84-7588 Filed 3-20-84; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council Meeting

The Small Business Administration, Region X Advisory Council, located in the geographical area of Spokane, will hold a public meeting at 9:30 a.m., on Wednesday, April 11, 1984, in Room 752 U.S. Courthouse Building, West 920 Riverside Avenue, Spokane, Washington 99210, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Valmer W. Cameron, District Director, U.S. Small Business Administration, Room 651, U.S. Courthouse Building, Post Office Box 2167, Spokane, Washington, 99210, (509) 456-3781.

Jean M. Nowak,
Director, Office of Advisory Councils.
March 16, 1984.

[FR Doc. 84-7589 Filed 3-20-84; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Career Development Committee Meeting

The Veterans Administration gives notice under the provisions of Public Law 92-463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in the Caucus Room of the Georgetown Hotel, 2121 P Street, NW., Washington, DC 20037, April 11 through 13, 1984 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration. The committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Career Development Committee (151J), Veterans Administration Central Office, Washington, DC 20420 (Phone 202-389-2317) prior to April 4, 1984.

The meeting will be closed from 9 a.m. to 5 p.m. on April 11 through 13 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of the Federal Advisory Committee Act, Public Law 92-463 as amended, in accordance with subsection (c)(6), 5 U.S.C. 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Mr. David D. Thomas, Chief, Career Development Program, Medical Research Service (151J), Veterans Administration, Washington, DC 20420, (Phone 202-389-2317).

Dated: March 13, 1984.

Rosa Maria Fontanez,
Committee Management Officer.

[FR Doc. 84-7547 Filed 3-20-84; 8:45 am]

BILLING CODE 8320-01-M

St. Cloud, Minnesota—120-Bed Nursing Home Care Unit; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the development of a 120-Bed Nursing Home Care Unit (NHCU) at the VA Medical Center in St. Cloud, Minnesota. The Assessment found that there are no anticipated long-term, adverse impacts associated with the development and subsequent operation of the proposed NHCU and, therefore, the VA concludes a Finding of No Significant Impact.

The proposed project is a single level, freestanding structure of approximately 43,500 gross square feet. The new construction would be connected to existing Building No. 51 through a corridor.

There are no identified long-term impacts associated with the project, but several temporary impacts may occur as a result of the construction process. These temporary impacts include: air pollution (dust and fumes), construction noise, and solid waste generation. The proper planning and implementation of the project will mitigate potential impacts on land use, vegetation, and cultural resources.

Construction related impacts will be mitigated through the application of the best available engineering techniques and construction specifications. The project will be in compliance with all applicable Federal, State, and local environmental regulations during construction and subsequent operation.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity as defined by the Council on Environmental Quality, (40 CFR 1508.27).

An Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based upon the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 14, 1984.

By direction of the Administrator:
Everett Alvarez, Jr.,
Deputy Administrator.

[FR Doc. 84-7546 Filed 3-20-84; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RE84-1-000]

Central Illinois Public Service Co.; Application for Exemption

March 16, 1984.

Take notice that Central Illinois Public Service Company (CIPS) filed an application on February 13, 1984 for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1984 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption CIPS states, in part, that it should not be required to file the specified data for the following reasons:

The data produced and submitted in compliance with Part 290 are for an unadjusted historical period and therefore unlikely to be useful in retail rate proceedings before the Illinois Commerce Commission (ICC) which requires numerous adjustments to historical test periods and authorizes use of both current and future test periods.

The ICC currently requires that CIPS, as part of the record in each CIPS retail rate proceeding, file both embedded/accounting cost of service studies and marginal cost of service studies in formats different from those specified in Part 290.

CIPS' current program of class load studies is more extensive than the load studies required by Part 290. The results of CIPS' ongoing research in class loads are provided to the ICC.

The ICC allows its staff and retail intervenors wide latitude to serve data requests upon CIPS for data and information that have not been provided in the initial rate case filings. These data requests are tailored to the specific issues of the rate cases, and are not satisfied by the scope of Part 290 information. CIPS is not aware of any instance where Part 290 data has reduced the number and scope of such data requests.

CIPS' costs to comply with Part 290 requirements for the 1982 filing were approximately \$11,000. Since Part 290 information has not been utilized to any

significant extent by either the ICC or intervenors in any past CIPS rate proceeding, CIPS submits that any incurrence of costs in connection with future Part 290 filings would be unjustified and that the requirements imposed by Part 290 constitute an unwarranted burden on CIPS.

The Illinois Commerce Commission supports the applicant's request for a blanket exemption from the filing requirements of PURPA Section 133 and 18 CFR Part 290 filing requirements for the June 30, 1984 filing and all subsequent filings.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period, such person must also serve a copy of such comments on: Mr. Carl Wall, Vice President, Central Illinois Public Service Company, 607 East Adams Street, Springfield, Illinois 62701.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-7575 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-33-000]

Citizens Utilities Co.; Application

March 16, 1984.

Take notice that on February 24, 1984, Citizens Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission, seeking a declaratory interpretation of the jurisdictional status, under Section 204 of the Federal Power Act, of agreements between it, a subsidiary company and unrelated third parties concerning the subsidiary's operation of proposed cogeneration facilities.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before April 9, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7576 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-253-000]

**East Tennessee Natural Gas Co.;
Request Under Blanket Authorization**

March 16, 1984.

Take notice that on February 22, 1984, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP84-253-000 a request pursuant to Section 157.205(b) of the Regulations under the Natural Gas Act (18 CFR 157.205(b)) that East Tennessee proposes to construct and operate two new delivery points for its existing customers, under authorization issued in Docket No. CP82-412-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, East Tennessee proposes to establish a new delivery point to Tennessee-Virginia Energy Corporation (Tenn-Va) located in Sullivan County, Tennessee, to serve the area of the Bristol-Kingsport-Johnson City (TriCity) airport and one delivery point to First Utility District of Maury County, Tennessee (The District) to serve the area along U.S. Highway 43, east of Mount Pleasant, Tennessee. East Tennessee states that Tenn-Va recently received authorization from the Tennessee Public Service Commission to serve Tri-City, an area which presently does not have gas service. East Tennessee further states that the new delivery point to the District would alleviate serious pressure problems encountered by the District in its service area along Highway 43. The proposed quantities of natural gas to be delivered at the new delivery points would be 27,263 Mcf and 27,754 Mcf, respectively, it is stated. All gas to be sold to Tenn-Va and The District through the proposed new delivery points would be within existing contract volumes and/or curtailment period quantity entitlements, it is explained. The estimated cost of each proposed new facility is \$35,000 and would be paid from funds on hand, it is asserted.

Any person or the Commission's staff

may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7577 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-28-000]

**El Paso Electric Co.; Amended
Application**

March 16, 1984.

Take notice that on March 7, 1984, El Paso Electric Company filed an amendment to its application with the Federal Energy Regulatory Commission (Commission) seeking authority, pursuant to Section 204 of the Federal Power Act, to issue and sell up to \$80,000,000 principal amount of first mortgage bonds in addition to up to \$50,000,000 principal amount of long-term promissory notes secured by second mortgage bonds via negotiated private placement. The proposed issuance of the notes and second mortgage bonds was previously noticed on February 6, 1984.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before April 2, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7578 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-263-000]

**Lone Star Gas Company, a Division of
ENSERCH Corp.; Request Under
Blanket Authorization**

March 16, 1984.

Take notice that on February 27, 1984, Lone Star Gas Company a Division of ENSERCH Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP84-263-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Lone Star proposes the construction and operation of a sales tap and appurtenant facilities under the authorization issued in Docket No. CP83-59-000, as amended in Docket No. CP83-59-002, pursuant to section 7 of the Natural Gas Act, to provide service to Sun Production Company (Sun), a new commercial customer in Murray County, Oklahoma, all as more fully set forth in the request on file with the Commission and open to public inspection.

Lone Star proposes to sell up to 24,000 Mcf of natural gas on an annual basis to Sun. This service would be provided through the construction of a new sales tap and metering facility on Line GD1. It is stated that Sun would purchase natural gas at Lone Star's commercial rate, which is approved by the Oklahoma Corporation Commission.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7579 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-275-000]

**Texas Gas Transmission Corp.;
Application**

March 18, 1984.

Take notice that on March 1, 1984, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP84-275-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to the City of Morgan City, Louisiana (Morgan City), for a period of two years and authorizing the construction and operation of facilities to accomplish such sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is requesting authorization with pregranted abandonment authorization to serve Morgan City up to a maximum of 6,500 Mcf of natural gas per day from its general system supply, with an annual maximum of 650,000 Mcf, for residential and commercial service. It is stated that the sale would be on a firm basis but would be subject to curtailment in the event of a gas supply shortage on Applicant's system. It is further stated that the service would be performed pursuant to Applicant's Rate Schedule G-SL which terms are asserted to be identical to those under Applicant's currently effective Rate Schedule G. The one exception is that the service would be fully curtailed by Applicant prior to the curtailment of any other existing sales customer, it is stated. Rate Schedule G-SL would describe Applicant's general service in its Southern Louisiana zone; initial rates under this rate schedule would be \$3.48 per Mcf for the monthly demand rate and 311.71 cents per Mcf for the commodity rate. Applicant asserts that the G-SL rates were determined in the settlement data for Docket No. RP82-74 approved by Commission letter order dated June 20, 1983.

Applicant additionally proposes to construct and operate a sales meter station and related facilities at the point of interconnection of Applicant's Eunice-Thibodaux 20-inch and 26-inch pipeline facilities and the facilities of Morgan City in St. Mary Parish, Louisiana. The total estimated cost of the proposed facilities is \$103,400.00 which would be reimbursed to Applicant by Morgan City, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1984, file with the Federal Energy Regulatory Commission, Washington,

D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7580 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-213-000]

United Gas Pipe Line Co.; Application

March 18, 1984.

Take notice that on January 27, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-213-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible sale of natural gas to an existing on-system, direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization in Docket No. CP84-213-000 to make deliveries for interruptible sales of natural gas to Shell Chemical Company

(Shell), an existing on-system, direct industrial customer located near LeMoyne, Alabama. Specifically, United proposes to sell up to 2,000 Mcf of gas per day above the volumes under its existing sales agreement with Shell. United further states that it intends to offer this service to Shell only on such days as its supplies of natural gas exceed the demand of its customers, for firm service, taking into account storage volumes and the requirements for storage injection. It is indicated that the proposed sale would be made under United's Rate Schedule IRS 82-109, which provides Shell to pay United the sum of 40 cents per Mcf plus the weighted average cost of gas per Mcf in United's system, calculated according to the terms and conditions of Schedule S-82.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If motions for leave to intervene are timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for United to appear or be represented at the hearings.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7581 Filed 3-20-84; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6284-001]

**Washington Electric Cooperative;
Surrender of Preliminary Permit**

March 15, 1984.

Take notice that the Washington Electric Cooperative, Permittee for the proposed Peak Shaver No. 1 Project No. 6284, requested by letter dated February 2, 1984, that its preliminary permit be surrendered. The preliminary permit was issued on September 16, 1982, and would have expired on September 30, 1984. The Permittee has decided that because of environmental and economic concerns it would not be feasible to pursue the project.

The surrender of the preliminary permit for Project No. 6284 will become effective thirty days from the date of issuance of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7582 Filed 3-20-84; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6086-001]

**Western Hydro Electric, Inc.;
Surrender of Exemption From
Licensing**

March 15, 1984.

Take notice that the Western Hydro Electric, Inc. ("WHE") Exemptee for the Smith Creek Project No. 6086, has requested that its exemption be terminated. The exemption for Project No. 6086 was issued on December 23, 1982. The project would have been located on Smith Creek in Lewis County, Washington. WHE states in its request that project construction has not commenced.

WHE filed the request on January 12, 1984. The surrender of the exemption for Project No. 6086 is deemed accepted as of January 12, 1984, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7583 Filed 3-20-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RE84-3-000]

**Alabama Power Co.; Application for
Exemption**

March 16, 1984.

Take notice that Alabama Power Company (APCO) filed an application on January 24, 1984, for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1984 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290. In addition, APCO requests a waiver of the requirement that an application for exemption shall be filed "no less than 18 months prior to the time the information would otherwise be required" (Section 290.601(a)).

In its application for exemption APCO states, in part, that it should not be required to file the specified data for the following reasons:

Section 133 data is of limited value in retail rate proceedings in Alabama because the time frame for collecting and reporting such information is not based on rate case test periods. As a consequence, Section 133 data cannot be used in rate filings before the Alabama Public Service Commission.

The collection and publication of Section 133 data impose considerable expense upon APCO and, ultimately, the consumers.

APCO periodically provides various federal and state regulatory agencies with the following documents: FERC Form 1, FERC Form 12, SEC Form 10-K, monthly operating reports, annual reports, load forecasts, rate schedules, generation expansion plans, annual budgets and forecasts, jurisdictional separation studies, retail and wholesale rate filings, cost of service studies, appliance saturation studies and other information, which to a large extent duplicate the information required by Part 290 of the FERC rules implementing section 133 of PURPA.

Copies of the application exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period, such person must also serve a copy of such comments on: Mr. Elmer B. Harris, Alabama Power Company, 600 North 18th Street, P.O. Box 2641, Birmingham, Alabama 35291.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7572 Filed 3-20-84; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6166-001]

**Banta Carbona Irrigation District;
Surrender of Generic Exemption**

March 15, 1984.

Take notice that Banta Carbona Irrigation District, Exemptee for the proposed Pumping Plant No. 6, Project No. 6166, has requested that its generic exemption be terminated. The exemption was noticed on May 5, 1982. The project would have been located on Banta Carbona Irrigation District's major water conveyance system in San Joaquin County, California. The Exemptee filed its request on February 6, 1984, and the surrender of the exemption for Project No. 6166 is deemed accepted as of February 6, 1984, and effective 30 days after the date of this notice.

Kenneth Plumb,
Secretary.

[FR Doc. 84-7573 Filed 3-20-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES84-32-000]

**Cambridge Electric Light Co.;
Application**

March 16, 1984.

Take notice that on March 7, 1984, Cambridge Electric Light Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204 of the Federal Power Act, to issue not more than \$15,000,000 on or before December 31, 1984, with maturities on or before December 31, 1985.

Any person desiring to be heard or make any protest with reference to the application should file a motion to intervene or protest on or before April 9, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7574 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-259-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

March 14, 1984.

Take notice that on February 27, 1984, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 24325-1273, filed in Docket No. CP84-259-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Stratoflex, Inc. (Stratoflex), under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to transport for one year up to 215 million Btu equivalent of natural gas per day on behalf of Stratoflex. Columbia would receive gas from Energy Management, Inc. (EMI), at existing points of receipt in Ohio and redeliver to Columbia Gas of Ohio, Inc., for ultimate delivery to Stratoflex, it is explained. Stratoflex involve certain gas supplies released by Columbia. Columbia states these supplies are subject to the ceiling price provisions of sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978.

Depending upon whether gathering facilities are involved, Columbia states that it would charge either (1) Columbia's average system-wide storage and transmission costs, exclusive of company-use and unaccounted-for gas, or (2) Columbia's average system-wide storage, transmission and gathering costs, exclusive of company-use and unaccounted-for gas. It is stated that the storage and transmission charge is currently 40.11 cents per dt equivalent and the storage, transmission and gathering charge is 44.93 cents per dt equivalent. In addition, Columbia proposes to retain 2.85 percent of the gas delivered to it for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the

Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-7571 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-M

Energy Information Administration Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective April 1, 1984. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT:
Leroy Brown, Jr., Energy Information
Administration, 1000 Independence
Avenue, SW., Room BE-034,
Washington, D.C. 20585, Telephone:
(202) 252-6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised

methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	4.02
Arizona	4.10
Arkansas	3.96
California	4.00
Colorado	4.07
Connecticut	4.39
Delaware	4.39
Florida	4.06
Georgia	4.30
Idaho	4.07
Illinois	4.24
Indiana	3.97
Iowa	4.18
Kansas	4.02
Kentucky	4.24
Louisiana	3.96
Maine	4.45
Maryland	4.39
Massachusetts	4.36
Michigan	4.24
Minnesota	4.18
Mississippi	4.30
Missouri	4.18
Montana	4.07
Nebraska	4.16
Nevada	4.10
New Hampshire	4.45
New Jersey	4.19
New Mexico	3.67
New York	4.39
North Carolina	4.30
North Dakota	4.18
Ohio	4.22
Oklahoma	3.96
Oregon	4.10
Pennsylvania	4.39
Rhode Island	4.45
South Carolina	4.30
South Dakota	4.18
Tennessee	4.27
Texas	3.96
Utah	4.07
Vermont	4.45
Virginia	4.30
Washington	4.10
West Virginia	4.24
Wisconsin	4.24
Wyoming	4.07

¹ Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM-79-21.

² Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during January 1984 was \$38.14 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high

cost natural gas, effective April 1, 1984, is \$8.55 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of November 1983, December 1983, and January 1984.¹ All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective April 1, 1984, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, November 1983, December 1983, and January 1984. Reported prices for sales in November 1983 were adjusted by the percent change in the nationwide volume-weighted average price from November 1983 to January 1984. Prices for December 1983 were similarly adjusted by the percent change in the nationwide volume-weighted average price from December 1983 to January 1984. The volume-weighted 3-month average of the adjusted November 1983 and December 1983, and the reported January 1984 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region

during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B. (1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B. (1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B. (2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of November, December 1983, and January 1984. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication

provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending March 14, 1984, and dividing that price by the corresponding weighted average price computed from prices published by *Platt's* for the month of January 1984. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B. (3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	Region B
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	Region D
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	Region F
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	Region H
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C., March 16, 1984.

Albert H. Linden, Jr.,
Deputy Administrator, Energy Information
Administration.

[FR Doc. 84-7818 Filed 3-20-84; 11:11 am]

BILLING CODE 6450-01-M

¹ Large Industrial User.—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

Sunshine Act Meetings

Federal Register

Vol. 49, No. 56

Wednesday, March 21, 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).

Office of Examination Report.

Dated at Washington, DC, March 19, 1984.

Donald E. Wilkinson,
Governor.

[FR Doc. 84-7681 Filed 3-19-84; 1:31 pm]

BILLING CODE 6705-01-M

Dated: March 16, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-7612 Filed 3-16-84; 4:48 pm]

[BILLING CODE 6210-01-M]

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1

FARM CREDIT ADMINISTRATION

Federal Farm Credit Board; Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. § 552b(e)(3)), of the forthcoming regular meeting of the Federal Farm Credit Board scheduled to be held on the first Monday of April 1984, as specified in 12 CFR § 604.325(a).

DATES AND TIMES: The regular meeting of the Federal Farm Credit Board is scheduled to be held on April 2, 1984, 8:30 a.m. to 4:30 p.m.; April 3, 1984, 8:30 a.m. to 4:30 p.m.; and April 4, 1984, 8:30 a.m. to 12:00.

ADDRESS: Farm Credit Administration, Federal Board Room, 1501 Farm Credit Drive, McLean VA 22102-5090.

FOR FURTHER INFORMATION CONTACT:

Kenneth J. Auberger, Secretary to the Federal Farm Credit Board, Farm Credit Administration, 1501 Farm Credit Drive, McLean VA 22102-5090 (703-883-4000).

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Federal Farm Credit Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. The matters to be considered at the meeting are:

Portions Open to the Public:

Reports of Board Members
Governors Report
Economic Report
Legislative Report
Report of National Committees
Other Subjects to be Determined.

Portions Closed to the Public:

Executive Session(s)
Agency Report to District Boards of Directors
Office of Supervision Report

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:00 a.m., Monday, March 26, 1984, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne,
Assistant to the Board; (202) 452-3204.

Dated: March 16, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-7611 Filed 3-16-84; 4:48 pm]

[BILLING CODE 6210-01-M]

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:30 a.m., Monday, March 26, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Consideration of issues relating to risk on large dollar transfer systems.

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.

4

LEGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE: It will commence at 10:00 a.m. and continue until all official business is completed; Friday, March 30, 1984.

PLACE: DeSoto Hilton, Pulaski Room, 15 East Liberty Street, Savannah, Georgia.

STATUS OF MEETINGS: Open [Portion of Meeting is to be closed to discuss personnel, personal, criminal, litigation, and investigatory matters under 45 CFR 1622.5(a), (d), (e), (f), and (h)].

MATTERS TO BE CONSIDERED:

- Approval of Agenda
- Approval of Minutes
—February 6, 1984
- Report from the President
—Needs Study
—New Developments
—ACCA
—IOLTA
—Legal Clinics
—Law School Clinics
- Report from the Operations and Regulations Committee Meeting
Including recommendation on Proposed Final Regulations
—1609—Fee Generating cases
—1620—Priorities in Allocation of Resources
- Report from the Office of General Counsel
—Proposed Final Regulation
1612—Restrictions on Lobbying and Other Certain Activities
—Proposed Regulations
1614—Private Attorney Involvement
1628—Recipient Fund Balance
- Report from the Office of Field Services
—Support Studies Update
- Report from the Office of Government Relations
—Congressional Hearings
—GAO Investigation
—Annual Report

CONTACT PERSON FOR MORE INFORMATION:

LeaAnne Bernstein,
Office of the President, (202) 272-4040.

DATE ISSUED: March 19, 1984.

Donald P. Bogard,

President.

[FR Doc. 84-7752 Filed 3-16-84; 8:45 am]

BILLING CODE 6820-35-M

5

**NATIONAL CREDIT UNION
ADMINISTRATION**

Notice of Previously Held Emergency Meeting

TIME AND DATE: 1:55 p.m., Friday, February 17, 1984.**PLACE:** 1776 G Street, NW., Washington, D.C., 6th Floor.**STATUS:** Closed.**MATTER CONSIDERED:**

1. Revocation of Charter.

The Board unanimously voted that the Agency business required that a meeting be held with less than seven days advance notice.

The Board voted to close the meeting under exemptions (8) and (9)(B). The General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT:

Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 84-7661 Filed 3-19-84; 12:13 pm]

BILLING CODE 7535-01-M

6

NATIONAL LABOR RELATIONS BOARD**TIME AND DATE:** 9 a.m., Tuesday, March 20, 1984.**PLACE:** Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(9)(B) (disclose information the premature disclosure of which would * * * be likely to significantly frustrate implementation of a proposed agency action * * *).

MATTERS TO BE CONSIDERED: Internal case-handling procedures.

CONTACT PERSON FOR MORE

INFORMATION: John C. Truesdale, Executive Secretary, Washington, DC 20570, Telephone: (202) 254-9430.

Dated, Washington, D.C., March 19, 1984.

By direction of the Board:

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 84-7741 Filed 3-19-84; 3:23 pm]

BILLING CODE 7545-01-M

7

NUCLEAR REGULATORY COMMISSION**DATE:** Week of March 19, 1984 (Revised) and the Week of March 26, 1984.**PLACE:** Commissioners' Conference Room 1717 H Street, NW., Washington, D.C.**STATUS:** Open and Closed.**MATTERS TO BE DISCUSSED:***Monday, March 19*

10:00 a.m.

Status of Pending Investigation on Diablo Canyon (Open/Closed—Ex. 5 & 7) (As Announced)

Tuesday, March 20

10:00 a.m.

Briefing on Grand Gulf Technical Specification Requirements (Public Meeting) (Replaces Briefing on Steam Generator Generic Requirements)

Thursday, March 22

2:00 p.m.

Briefing on Public Comments on ANPR—Role of the Staff (Public Meeting) (As Announced)

Friday, March 23

10:00 a.m.

Discussion/Possible Vote on Full Power Operating License for LaSalle-2 (Open/Closed—Ex. 5) (Postponed from March 19)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (New Item)

a. Request to Deny Renewal of Construction Permit for Seabrook 2 (Tentative)

b. Review of ALAB-724 (Tentative)

c. Earthquakes—Diablo Canyon (Tentative) (Postponed from March 16)

2:00 p.m.

Discussion of Pending Investigation—TMI (Closed—Ex. 5 & 7) (Title Change)

Week of March 26*Monday, March 26*

11:00 a.m.

Status of Pending Investigation on Diablo Canyon (Closed—Ex. 5 & 7)

2:00 p.m.

Discussion/Possible Vote on Diablo Canyon Critically and Low Power Operation (Public Meeting)

Tuesday, March 27

10:00 a.m.

Briefing on Status of Utility and NRC Compliance with TMI Action Plan (Public Meeting) (Postponed from March 23)

2:00 p.m.

Discussion of the Terms "Important to Safety" and "Safety Related" (Public Meeting)

Friday, March 30

2:00 p.m.

Discussion/Possible Vote on Full Power Operating License for WPPSS-2 (Public Meeting)

ADDITIONAL INFORMATION: Affirmation of License Fees and Hydrogen Control scheduled for March 16, *postponed*.

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634-1498.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee, (202) 6534-1410

Walter Magee,

Office of the Secretary.

[FR Doc. 84-7736 Filed 3-19-84; 8:45 am]

BILLING CODE 7590-01-M

8

PAROLE COMMISSION

Pursuant To The Government In The Sunshine Act Pub. L. 94-409 (5 U.S.C. Section 552b)

U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters.

TIME AND DATE: Thursday, March 22, 1984—2:00 p.m.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 4 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: March 16, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84-7662 Filed 3-16-84; 12:13 pm]

BILLING CODE 4410-01-M

9

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: (To be published)

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 9, 1984.

CHANGE IN THE MEETING: Deletion.

The following item will not be considered at a closed meeting scheduled for Thursday, March 22, 1984, following the 2:30 p.m. open meeting.

Opinion.

Chairman Shad and Commissioners Treadway and Cox determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: JoAnn Zuercher at (202) 272-2014.

George A. Fitzsimmons,
Secretary.

March 15, 1984.

[FR Doc. 84-7605 Filed 3-16-84; 4:48 am]

BILLING CODE 8010-01-M

10

TENNESSEE VALLEY AUTHORITY

Meeting No. 1327

"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENT: 49 FR 10220
(March 19, 1984)

CHANGE IN PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: The previously announced time and date of TVA Board meeting No. 1327 is changed to 1 p.m. (EST), March 19, 1984.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

ADDITIONAL MATTER: The following item is added to the previously announced agenda:

Action Items

Consideration of formal settlement agreement on uranium antitrust litigation.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for

information about this meeting. Call 615-632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires that this meeting be called at the time set out above, that the subject matter of this meeting be changed to include the additional item shown above, and that no earlier announcement of this change was possible.

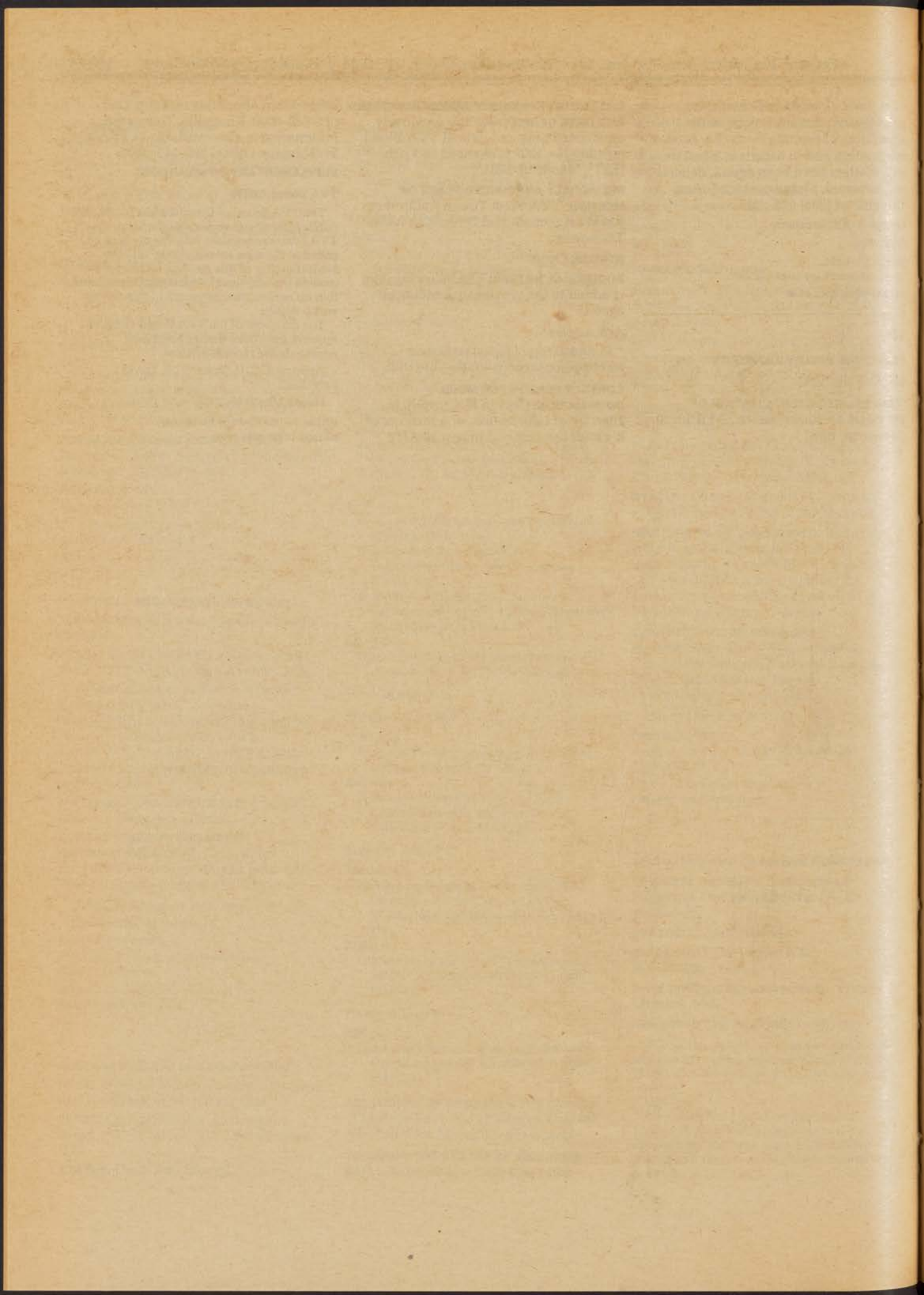
The members of the TVA Board voted to approve the above findings and their approvals are recorded below.

Approved: C. H. Dean, Jr., S. David Freeman.

Dated: March 15, 1984.

[FR Doc. 84-7687 Filed 3-19-84; 3:20 pm]

BILLING CODE 8120-01-M



Federal Register

Wednesday
March 21, 1984

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 23

Airworthiness Standards for Normal,
Utility and Acrobatic Category Airplanes;
Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 23826; Notice No. 84-2]

Airworthiness Standards; Normal, Utility and Acrobatic Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend the airworthiness requirements of Part 23 of the Federal Aviation Regulations (FAR) for single-engine, turbopropeller-powered airplanes to include whirl mode instability analysis and test as one of the dynamic evaluations associated with freedom from flutter, control reversal, and divergence. Single-engine, turbopropeller-powered airplanes are now being manufactured, and the FAA has determined such dynamic evaluations are necessary. The proposal, if adopted, will establish a level of safety for powerplant installations in single-engine, turbopropeller-powered airplanes consistent with that already established for multiengine, turbopropeller-powered airplanes.

DATES: Comments must be received on or before June 19, 1984.

ADDRESS: Comments on this notice may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23826, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 23826. Comments may be inspected in Room 916 between 8:30 a.m. and 5:00 p.m. weekdays, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: William Olson, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as

they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking further rulemaking action. Commenters wishing the FAA to acknowledge receipt of comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23826." The postcard will be date/time stamped and returned to the commenter. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, (APA-430), 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Propeller whirl flutter is an aeroelastic instability that can occur in an airplane with a flexible engine installation. While such instability was predicted as early as 1938, it was not likely to be encountered in the low-speed range and low power airplanes of that era. Consequently, designers considered, for propeller-driven airplanes, the mass of the engine-propeller combination and the natural frequencies of its suspension, but not the elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller.

During 1959 and 1960, two fatal accidents involving four-engine, turbopropeller airplanes focused particular attention on the hazards associated with aeroelastic instabilities in transport category airplanes. Subsequently, the regulations for transport category airplanes were amended to include investigations of the

various forces with the rotations in and out of the plane of the propeller in evaluating airplane freedom from flutter.

When turbopropeller engines were first installed on small, multiengine airplanes, special conditions were written to include a dynamic evaluation of whirl mode degrees of freedom. The analysis accounted for the aeroelastic stability of the plane of rotation of the propeller and significant elastic, inertial, and aerodynamic forces as well as powerplant (from propeller to airplane structure) stiffness and damping variations appropriate to the particular configuration. Then, in 1969, the rules for the type certification of small multiengine, turbopropeller-powered airplanes were amended to include these dynamic evaluations of the possible whirl mode aeroelastic instabilities in the flutter analysis to show freedom from flutter.

Turbopropeller installations are becoming increasingly common on single-engine airplanes and a turbopropeller, wherever installed on an airplane, can exhibit unstable oscillatory motion resulting from combined aerodynamic, inertial, and gyroscopic modes. Special conditions have been issued to cover these requirements for single-engine airplanes with turbopropeller engines. This Notice proposes to codify the dynamic stability evaluation now required for multiengine small airplanes to include single-engine, turbopropeller-powered airplanes, and, in so doing, end the practice of imposing this single-engine requirement by special condition.

Discussion of Proposal

Because of their unique characteristics, turbopropeller engine installations require special consideration. If damping and aerodynamic forces are not considered and the structure allows angular deflections, the spinning propeller could behave like a gyroscopic pendulum. As an example, if the system were released from an initial pitch deflection, the resulting angular velocity as the system springs back would induce a gyroscopic moment about the yaw axis. This moment would, in turn, cause the system to yaw, inducing a pitching moment, and so on. Thus, in a flexible system it is very significant that gyroscopic action of the rotating propeller couples with natural pitch and yaw modes, causing a precession motion about the axis of the undisturbed system. This gyroscopic action by itself cannot lead to a divergent type whirl mode instability because the net energy input to the system is zero. However, when the

resultant air stream is misaligned from the propeller rotation axis due to an angular displacement or a transverse linear velocity of the propeller axis, certain forces and moments are generated. As an example, if the axis is deflected in pitch, a vertical lift force together with a yawing moment is developed by the propeller which, for small deflections, is proportional to the pitch angle.

During the 1960's, several reciprocating engine-powered, single-engine airplane models were converted to turbopropeller power and were approved without a required whirl mode evaluation. These airplanes have been flying without adverse service experience with regard to flutter. More recently, however, an applicant conducted a whirl mode investigation and, based on the findings, stiffened the engine mount before certifying the airplane. This occurrence, and characteristics typical to turbopropeller engine installations, concerned the FAA because the applicable airworthiness standards did not envision the novel and unusual features associated with single-engine, turbopropeller installations. As a result, the FAA has subsequently issued special conditions to require a whirl mode evaluation on all new certification projects involving turbopropeller engine installations.

On a typical conversion from reciprocating to turbopropeller propulsion in a single-engine airplane, the lighter weight powerplant is usually moved forward to maintain the center of gravity between established limits. While the new longer engine mount could meet requirements for engine support, thrust, and torque loads, it could be more flexible than the structure it replaced, to the point where propeller whirl flutter could occur.

In like manner, the fuselage of a new single-engine tractor turbopropeller airplane could be slimmed in profile to accommodate a smaller frontal area engine, lightened in structure to support less engine weight, and made rigid enough to absorb engine thrust and torque loads, but, at the same time, be too flexible to prevent propeller whirl mode flutter.

Another area in which flutter evaluation is of concern to the FAA is the empennage of single-engine, pusher, turbopropeller-powered airplanes. Several new airplanes of this type are now under development and, in this configuration, empennage motion may

be as significantly influenced by loads from the propeller as wing motion is influenced in multiengine, turbopropeller airplanes.

The present wording of § 23.629(e)(2) of the FAR, "Engine-propeller-nacelle stiffness" places undue emphasis on engine mount and propeller hub flexibility with regard to the whirl mode analysis. In actuality, the airplane normal modes include airplane flexibility as well as flexibilities associated with the powerplant installation. Also, the word "nacelle" in § 23.629(e)(2) implies stiffness in an engine enclosure whose main purpose is reducing drag. Accordingly, a change is proposed for § 23.629(e)(2) to resolve this ambiguity by referring to propeller, engine, engine mount, and airplane structure stiffness for the required dynamic evaluation.

Present § 23.629(e) limits whirl mode requirements to multiengine, turbopropeller-powered airplanes. Accordingly, it is proposed to amend § 23.629(e) to include all turbopropeller powered airplanes.

Economic Evaluation

In compliance with Executive Order 12291, 46 FR 13193 (1981), the FAA has determined that this proposal, if adopted, will not be a "major rule" having an annual effect on the economy of \$100 million or more because it only codifies dynamic stability requirements of § 23.629 that the FAA has been imposing by special conditions. It will not result in a major increase in costs or prices for consumers, individual, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

In addition to the reasons discussed earlier, the regulatory impact of showing compliance with this proposed requirement is minimal in that the whirl mode evaluation only has to be conducted once for a specific airplane model and the expected cost is less than that considered significant on an annual basis, and the final rule is not expected to have subsequent secondary or incidental effects on a substantial number of small entities.

Because this proposed rule, if adopted, will not have a significant impact on a substantial number of small entities, a Regulatory Flexibility Analysis will not be prepared.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Air transportation, Tires.

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Part 23 of the Federal Aviation Regulations (14 CFR Part 23) as follows:

By revising § 23.629(e) introductory text and paragraph (e)(2) to read as follows:

§ 23.629 Flutter.

(e) For turbopropeller-powered airplanes, the dynamic evaluation must include—

(2) Propeller, engine, engine mount, and airplane structure stiffness and damping variations appropriate to the particular configuration.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423) and 49 U.S.C. 106(g) (Revised Pub. L. 97-449, Jan. 12, 1983) and 14 CFR, Sec. 11.45)

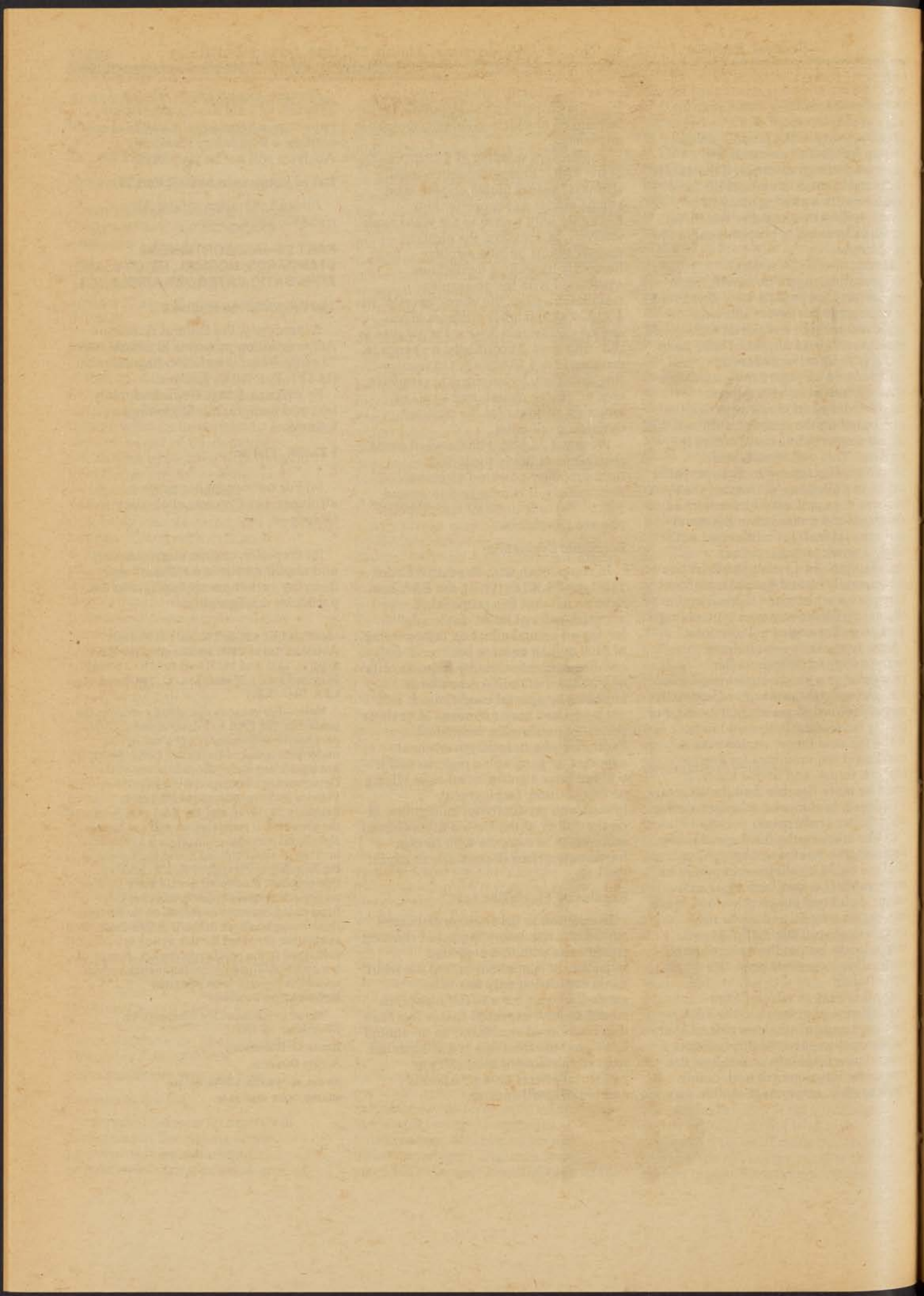
Note.—For reasons discussed earlier in the preamble, the FAA has determined that this proposed requirement is not a major rule under provisions of Executive Order 12291, is not significant under the provisions of the Department of Transportation Regulatory Policies and Procedures [44 FR 11034; February 26, 1979], and the FAA certifies that the proposal, if promulgated will not have a significant economic impact on a substantial number of small entities under provisions of the Regulatory Flexibility Act. In addition, this proposal if adopted, would have little or no impact on trade opportunities for U.S. firms doing business overseas, or for foreign firms doing business in the U.S. The draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person under the caption "FOR FURTHER INFORMATION CONTACT".

Issued in Kansas City, Missouri, on November 18, 1983.

James O. Robinson,
Acting Director.

[FR Doc. 84-7498 Filed 3-20-84; 8:45 am]

BILLING CODE 4910-13-M



29 CFR Part 6

Wednesday
March 21, 1984

Part III

Department of Labor

Office of the Secretary

29 CFR Part 6

Rules of Practice for Administrative
Proceedings Enforcing Labor Standards
in Federal and Federally Assisted
Construction Contracts and Federal
Service Contracts; Final Rule

DEPARTMENT OF LABOR**Office of the Secretary****29 CFR Part 6****Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts****AGENCY:** Office of the Secretary, Labor.**ACTION:** Final rule.

SUMMARY: This document provides the final text of procedural regulations resulting from the Administration's reexamination of the regulations applicable to Federal and federally assisted construction contracts and Federal service contracts under the Davis-Bacon and Service Contract Acts.

It is intended to provide for administrative proceedings in enforcement matters and questions of substantial interest, and substantial variance and arm's-length proceedings under Section 4(c) of the Service Contract Act. These revisions are designed to make such proceedings as uniform as possible.

EFFECTIVE DATE: This final rulemaking becomes effective on March 21, 1984.

FOR FURTHER INFORMATION CONTACT: Gail V. Coleman, Counsel for Trial Litigation, Fair Labor Standards Division, Office of the Solicitor, U.S. Department of Labor, Room N2716, Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, Phone (202) 523-7626.

SUPPLEMENTARY INFORMATION: On April 22, 1980, a proposal was published in the *Federal Register* (45 FR 27400) to make revisions to 29 CFR Part 6, Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts. As stated in the proposal, its purpose was primarily to make more uniform the proceedings for enforcement under the various labor standards statutes and to provide more expedited hearings under Section 4(c) of the Service Contract Act.

On January 16, 1981, the regulation was published in the *Federal Register* (46 FR 4398) as a final rule with a scheduled effective date of February 17, 1981. However, pursuant to the President's Memorandum of January 29, 1981, the Department published notices on February 6, 1981 (46 FR 11253), and thereafter, delaying implementation of this regulation until August 15, 1981, in order to reconsider the rule pursuant to

Executive Order 12291. See 46 FR 18973 (March 27, 1981); 46 FR 23739 (April 28, 1981); 46 FR 33514 (June 30, 1981); 46 FR 36140 (July 14, 1981).

On January 16 and 19, 1981, the Department also published final rules under the Davis-Bacon and Related Acts, the Contract Work Hours and Safety Standards Act (29 CFR Parts 1 and 5; 46 FR 4306 and 4380), and the Service Contract Act (29 CFR Part 4; 46 FR 4320 and 4886). However, these rules were also delayed pursuant to the President's Memorandum in order to fully reconsider the rules as required by Executive Order 12291.

During this period, the Department conducted a thorough review of these regulations which led to significant new proposals which on August 14, 1981, were published for comment in the *Federal Register*. Interested persons were afforded the opportunity to submit comments to the Office of the Solicitor on or before October 13, 1981. The effective dates of the regulations published in January 1981 were postponed until action could be taken on these proposals.

Comments on or pertaining to the August 14, 1981 publication of Part 6 were received from four interested parties, namely the National Aeronautics and Space Administration (NASA), the Department of Energy (DOE), the Laborers' International Union of North America, AFL-CIO-CLC, and the International Association of Machinists and Aerospace Workers.

Subsequent to the publication in the *Federal Register* on August 14, 1981 of this rulemaking, the Department published (48 FR 32538, July 15, 1983) as a final rule (to be codified at 29 CFR Part 18) rules of practice and procedure for administrative hearings before the Office of Administrative Law Judges. As explained in the preamble to 29 CFR Part 18, its provisions generally govern administrative hearings before ALJ's, and are intended to provide maximum uniformity in the conduct of administrative hearings. However, in the event of an inconsistency or conflict between the provisions of 29 CFR Part 18 and a rule or procedure required by statute, executive order or regulation, the latter controls. The Department has reviewed the provisions of 29 CFR Part 6 as published on August 14, 1981 *vis-a-vis* the provisions of 29 CFR Part 18, and has determined that certain of the provisions in the former are no longer necessary since they are adequately covered by the latter. Thus, deleted in their entirety were provisions in Subpart A of the proposed Part 6 on the following specific matters: computation of time; motions and requests;

depositions; witnesses and fees; prehearing conferences; hearing; and transmission of record. Other revisions to proposed Part 6 were made which, while they did not result in the deletion of specific provisions, incorporated certain of the provisions of 29 CFR Part 18 into Part 6. An intended effect of these revisions to Part 6 is to facilitate the uniformity established by 29 CFR Part 18 and to harmonize the provisions of Parts 6 and 18.

Subsequent to the publication on August 14, 1981, of this proposed Part 6, the Department issued final rules for implementing the Equal Access to Justice Act which became effective on October 1, 1981; those rules are codified at 29 CFR Part 16. Therein at § 16.104(a)(2), the Department listed those proceedings involving the Employment Standards Administration which were found to be subject to the provisions of the Equal Access to Justice Act; none of the proceedings covered by this Part 6 are listed as being subject to that Act. Moreover, when the Equal Access final rules were published on December 29, 1981 (46 FR 63020), the Department discussed in the Supplementary Information section of the Preamble the types of proceedings which were not subject to the Act, including certain proceedings under the Service Contract Act and the Davis-Bacon Act. In view of the exclusion from the Equal Access to Justice Act of the proceedings covered by this Part 6, a new section has been added (§ 6.6(a)) expressly providing that Administrative Law Judges shall have no authority to award attorney fees or other litigation expenses pursuant to the Equal Access to Justice Act in any proceeding covered by this Part 6.

On July 1, 1983, the Department published (48 FR 30602) the final text of procedural regulations pertaining to the Davis-Bacon and Related Acts, the Contract Work Hours and Safety Standards Act (except where the contract is subject to the Service Contract Act) and the Copeland Act. At that time, it was expressly noted that procedural regulations pertaining to the Service Contract Act were being deferred pending publication of final substantive regulations under the Service Contract Act (29 CFR Part 4). Those substantive regulations were published as a final rule on October 27, 1983, and became effective on January 27, 1984 (48 FR 49736, 48 FR 56577). The final rule herein set forth, containing procedures for both Davis-Bacon and Service Contract Act hearings, is in large part the same as the proposed rule

published on August 14, 1981 (46 FR 41428).

A procedure for appeal to a Board of Service Contract Appeals for issues arising under the Service Contract Act is established in a separate 29 CFR Part 8, which Part is being simultaneously published in the Federal Register.

Discussion of Major Comments

Both NASA and DOE expressed concern over proposed Section 6.12(b), which would give a party the right to file a petition for review of an ALJ's decision by the Board of Service Contract Appeals, even if the party had failed to appear before the ALJ. In particular, they suggest that such a party might unjustifiably protract the resolution of a proceeding by not appearing in the ALJ proceeding but then seeking and obtaining a remand of the case by the Board for the taking of additional evidence. This concern is well-taken and accordingly pertinent sections in both Part 6 and Part 8 have been revised to address this matter. Proposed Section 6.12(b)—which has been re-designated as § 6.7(b)—has been revised to expressly authorize the presiding ALJ to enter default judgment in such cases without the need for the appearing party to present evidence, and has been further revised to permit a non-appearing party to file a petition for review of such default judgment only in cases where the petition cites alleged procedural irregularities in the proceeding below and not to permit such filing where the petition is addressed to the merits of the case. Section 8.1(d) of Part 8 is likewise being revised to reflect this change.

Finally, both NASA and DOE expressed concern over Sections 6.50–6.57, which relate to the substantial variance and arm's-length proceedings referred by the Administrator to the ALJ procedure. The commentators noted that while specific time limits would be prescribed by these provisions for action by the Chief Administrative Law Judge, the assigned ALJ, the contracting agency and other parties, there is no corresponding time limitation placed upon the Administrator. The Department has carefully considered these concerns and has concluded that, due to the great variations in the scope and complexity of the issues which must be considered in such proceedings, it is not practicable to prescribe an absolute limitation upon the Administrator in the performance of his duties therein. However, the Department does agree that the Administrator has an obligation to assure the most expeditious treatment of such cases and is therefore providing that he respond within 30 days to

requests for substantial variance hearings or in the alternative that he notify the requesting party if additional time is needed to consider such request. Accordingly, the Department is amending its proposed regulations in 29 CFR Part 4, Section 4.10(b)(2), to expressly provide for such action by the Administrator.

Classification

This rule is procedural in character. It is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

The Department believes that the rule will have no "significant economic impact on a substantial number of small entities" within the meaning of § 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the rule, which is procedural in character, will effect a substantial uniformity in administrative proceedings, with a resulting economy in such proceedings. Accordingly, no regulatory flexibility analysis is required.

The rule is not subject to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3504(h), since it does not require the collection or retention of information.

Effective Date

Final rules for the Service Contract Act, 29 CFR Part 4, which were published in the Federal Register on October 27, 1983 (48 FR 49736), became effective on January 27, 1984. This Part 6 contains procedures for administrative hearings in cases arising under the Service Contract Act. In order to preserve uninterrupted such rights, it is essential that this Part 6 become effective as soon as possible. Accordingly, the Secretary has determined that good cause exists for waiving the customary requirement of delaying the effective date of a final rule for at least 30 days after its publication.

5 U.S.C. 553(d). This rule, therefore, will become effective immediately upon publication.

List of Subjects in 29 CFR Part 6

Administrative practice and procedures, Government contracts, Labor, Minimum wages, Wages.

Accordingly, 29 CFR Part 6 is revised as set forth below:

Signed at Washington, D.C. on this 13th day of March 1984.

Raymond J. Donovan,
Secretary of Labor.

PART 6—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS ENFORCING LABOR STANDARDS IN FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION CONTRACTS AND FEDERAL SERVICE CONTRACTS

Subpart A—General

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- 6.2 Definitions.
- 6.3 Service; copies of documents and pleadings.
- 6.4 Subpoenas (Service Contract Act).
- 6.5 Production of documents and witnesses.
- 6.6 Administrative law judge.
- 6.7 Appearances.
- 6.8 Transmission of record.

Subpart B—Enforcement Proceedings Under the Service Contract Act (and Under the Contract Work Hours and Safety Standards Act for Contracts Subject to the Service Contract Act)

- 6.15 Complaints.
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- 6.17 Amendments to pleadings.
- 6.18 Consent findings and order.
- 6.19 Decision of the administrative law judge.
- 6.20 Petition for review.
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Subpart C—Enforcement Proceedings Under the Davis-Bacon Act and Related Prevailing Wage Statutes, the Copeland Act, and the Contract Work Hours and Safety Standards Act (Except Under Contracts Subject to the Service Contract Act)

- 6.30 Referral to chief administrative law judge.
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- 6.40 Scope.
- 6.41 Referral to chief administrative law judge.
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Subpart E—Substantial Variance and Arm's-Length Proceedings

Sec.

- 6.50 Scope.
6.51 Referral to chief administrative law judge.
6.52 Appointment of administrative law judge and notification of prehearing conference and hearing date.
6.53 Prehearing conference.
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6.57 Petition for review.

Authority: Secs. 4 and 5, 79 Stat. 1034, 1035 as amended by 86 Stat. 789, 790, 41 U.S.C. 353 and 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. Appendix; 46 Stat. 1494, as amended by 49 Stat. 1011, 78 Stat. 238, 40 U.S.C. 276a-276a-7; 76 Stat. 357-359, 40 U.S.C. 327-332; 48 Stat. 948, as amended by 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c.

Subpart A—General**§ 6.1 Applicability of rules.**

This part provides the rules of practice for administrative proceedings under the Service Contract Act, the Davis-Bacon Act and related statutes listed in § 5.1 of Part 5 of this title which require payment of wages determined in accordance with the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and the Copeland Act. See Parts 4 and 5 of this title.

§ 6.2 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or authorized representative.

(b) "Associate Solicitor" means the Associate Solicitor for Fair Labor Standards, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20210.

(c) "Chief Administrative Law Judge" means the Chief Administrative Law Judge, U.S. Department of Labor, 1111 20th Street, N.W., Suite 700, Washington, D.C. 20036.

(d) "Respondent" means the contractor, subcontractor, person alleged to be responsible under the contract or subcontract, and/or any firm, corporation, partnership, or association in which such person or firm is alleged to have a substantial interest (or interest, if the proceeding is under the Davis-Bacon Act) against whom the proceedings are brought.

§ 6.3 Service; copies of documents and pleadings.

(a) *Manner of Service.* Service upon any party shall be made by the party

filing the pleading or document by delivering a copy or mailing a copy to the last known address. When a party is represented by an attorney, the service should be upon the attorney.

(b) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service. Where service is made by mail, service shall be complete upon mailing. However, documents are not deemed filed until received by the Chief Clerk at the Office of Administrative Law Judges and where documents are filed by mail 5 days shall be added to the prescribed period.

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor: The original and one copy with the Administrative Law Judge before whom the case is pending, one copy with the attorney representing the Department during the hearing, and one copy with the Associate Solicitor.

§ 6.4 Subpoenas (Service Contract Act).

All applications under the Service Contract Act for subpoenas ad testificandum and subpoenas duces tecum shall be made in writing to the Administrative Law Judge. Application for subpoenas duces tecum shall specify as exactly as possible the documents to be produced.

§ 6.5 Production of documents and witnesses.

The parties, who shall be deemed to be the Department of Labor and the respondent(s), may serve on any other party a request to produce documents or witnesses in the control of the party served, setting forth with particularity the documents or witnesses requested. The party served shall have 15 days to respond or object thereto unless a shorter or longer time is ordered by the Administrative Law Judge. The parties shall produce documents and witnesses to which no privilege attaches which are in the control of the party, if so ordered by the Administrative Law Judge upon motion therefor by a party. If a privilege is claimed, it must be specifically claimed in writing prior to the hearing or orally at the hearing or deposition, including the reasons therefor. In no event shall a statement taken in confidence by the Department of Labor or other Federal agency be ordered to be produced prior to the date of testimony at trial of the person whose statement is at issue unless the consent of such person has been obtained.

§ 6.6 Administrative Law Judge.

(a) *Equal Access to Justice Act.* Proceedings under this part are not subject to the provisions of the Equal Access to Justice Act (Pub. L. 96-481). In any hearing conducted pursuant to the provisions of this Part 6, Administrative Law Judges shall have no power or authority to award attorney fees and/or other litigation expenses pursuant to the provisions of the Equal Access to Justice Act.

(b) *Contumacious conduct; failure or refusal of a witness to appear or answer.* Contumacious conduct at any hearing before an Administrative Law Judge shall be ground for exclusion from the hearing. In cases arising under the Service Contract Act, the failure or refusal of a witness to appear at any hearing or at a deposition when so ordered by the Administrative Law Judge, or to answer any question which has been ruled to be proper, shall be ground for the action provided in section 5 of the Act of June 30, 1936 (41 U.S.C. 39) and, in the discretion of the Administrative Law Judge, for striking out all or part of the testimony which may have been given by such witness.

§ 6.7 Appearances.

(a) *Representation.* The parties may appear in person, by counsel, or otherwise.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the presiding Administrative Law Judge is authorized, if such party fails to show good cause for such failure to appear, to dismiss the case or to find the facts as alleged in the complaint and to enter a default judgment containing such findings, conclusions and order as are appropriate. Only where a petition for review of such default judgment cites alleged procedural irregularities in the proceeding below and not the merits of the case shall a non-appearing party be permitted to file such a petition for review. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's decision.

§ 6.8 Transmission of record.

If a petition for review of the Administrative Law Judge's decision is filed with the Board of Service Contract Appeals or the Wage Appeals Board, the Chief Administrative Law Judge shall promptly transmit the record of the proceeding.

If a petition for review is not filed within the time prescribed in this part, the Chief Administrative Law Judge shall so advise the Administrator.

Subpart B—Enforcement Proceedings Under the Service Contract Act (and Under the Contract Work Hours and Safety Standards Act for Contracts Subject to the Service Contract Act)

§ 6.15 Complaints.

(a) Enforcement proceedings under the Service Contract Act and under the Contract Work Hours and Safety Standards Act for contracts subject to the Service Contract Act, may be instituted by the Associate Solicitor for Fair Labor Standards or a Regional Solicitor by issuing a complaint and causing the complaint to be served upon the respondent.

(b) The complaint shall contain a clear and concise factual statement of the grounds for relief and the relief requested.

(c) The Administrative Law Judge shall notify the parties of the time and place for a hearing.

§ 6.16 Answer.

(a) Within 30 days after the service of the complaint the respondent shall file an answer with the Chief Administrative Law Judge. The answer shall be signed by the respondent or his/her attorney.

(b) The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing. Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) Failure to file an answer shall constitute grounds for waiver of hearing and entry of a default judgment unless respondent shows good cause for such failure to file. In preparing the decision of default judgment the Administrative Law Judge shall adopt as findings of fact the material facts alleged in the complaint and shall order the appropriate relief and/or sanctions.

§ 6.17 Amendments to pleadings.

At any time prior to the close of the hearing record, the complaint or answer may be amended with the permission of the Administrative Law Judge and on such terms as he/she may approve. When issues not raised by the pleadings are reasonably within the scope of the

original complaint and are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings, and such amendments may be made as necessary to make them conform to the evidence. Such amendments shall be allowed when justice and the presentation of the merits are served thereby, provided there is no prejudice to the objecting party's presentation on the merits. A continuance in the hearing may be granted or the record left open to enable the new allegations to be addressed. The presiding Administrative Law Judge may, upon reasonable notice and upon such terms as are just, permit supplemental pleadings setting forth transactions, occurrences or events which have happened since the data of the pleadings and which are relevant to any of the issues involved.

§ 6.18 Consent findings and order.

(a) At any time prior to the receipt of evidence or, at the discretion of the Administrative Law Judge, prior to the issuance of the decision of the Administrative Law Judge, the parties may enter into consent findings and an order disposing of the proceedings in whole or in part.

(b) Any agreement containing consent findings and an order disposing of a proceeding in whole or in part shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) A waiver of any further procedural steps before the Administrative Law Judge and Board of Service Contract Appeals regarding those matters which are the subject of the agreement; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) Within 30 days after receipt of an agreement containing consent findings and an order disposing of the disputed matter in whole, the Administrative Law Judge shall, if satisfied with its form and substance, accept such agreement by issuing a decision based upon the agreed findings and order. If such agreement disposes of only a part of the disputed matter, a hearing shall be conducted on the matters remaining in dispute.

§ 6.19 Decision of the Administrative Law Judge.

(a) *Proposed findings of fact, conclusions, and order.* Within 20 days of filing of the transcript of the testimony or such additional time as the Administrative Law Judge may allow each party may file with the Administrative Law Judge proposed findings of fact, conclusion of law, and order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) *Decision of the Administrative Law Judge.* (1) Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, and order, or within 30 days after receipt of an agreement containing consent findings and order disposing of the disputed matter in whole, the Administrative Law Judge shall make his/her decision. If any aggrieved party desires review of the decision, a petition for review thereof shall be filed as provided in § 6.20 of this title, and such decision and order shall be inoperative unless and until the Board of Service Contract Appeals issues an order affirming the decision. The decision of the Administrative Law Judge shall include findings of fact and conclusions of law, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record. The decision of the Administrative Law Judge shall be based upon a consideration of the whole record, including any admissions made under §§ 6.16, 6.17 and 6.18 of this title. It shall be supported by reliable and probative evidence. Such decision shall be in accordance with the regulations and rulings contained in Parts 4 and 5 and other pertinent parts of this title.

(2) If the respondent is found to have violated the Service Contract Act, the Administrative Law Judge shall include in his/her decision an order as to whether the respondent is to be relieved from the ineligible list as provided in Section 5(a) of the Act, and, if relief is ordered, findings of the unusual circumstance, within the meaning of Section 5(a) of the Act, which are the basis therefor. If respondent is found to have violated the provisions of the Contract Work Hours and Safety Standards Act, the Administrative Law Judge shall issue an order as to whether the respondent is to be subject to the ineligible list as provided in § 5.12(a)(1)

of Part 4 of this title, including findings regarding the existence of aggravated or willful violations. If wages and/or fringe benefits are found due under the Service Contract Act and/or the Contract Work Safety Standards Act and are unpaid, no relief from the ineligible list shall be ordered except on condition that such wages and/or fringe benefits are paid.

(3) The Administrative Law Judge shall make no findings regarding liquidated damages under the Contract Work Hours and Safety Standards Act.

§ 6.20 Petition for review.

Within 40 days after the date of the decision of the Administrative Law Judge (or such additional time as is granted by the Board of Service Contract Appeals), any party aggrieved thereby who desires review thereof shall file a petition for review of the decision with supporting reasons. Such party shall transmit the petition in writing to the Board of Service Contract Appeals pursuant to 29 CFR Part 8, with a copy thereof to the Chief Administrative Law Judge. The petition shall refer to the specific findings of fact, conclusions of law, or order at issue. A petition concerning the decision on the ineligibility list shall also state the unusual circumstances or lack thereof under the Service Contract Act, and/or the aggravated or willful violations of the Contract Work Hours and Safety Standards Act or lack thereof, as appropriate.

§ 6.21 Ineligible list.

(a) Upon the final decision of the Administrative Law Judge or Board of Service Contract Appeals, as appropriate, the Administrator shall within 90 days forward to the Comptroller General the name of any respondent found in violation of the Service Contract Act, including the name of any firm, corporation, partnership, or association in which the respondent has a substantial interest, unless such decision orders relief from the ineligible list because of unusual circumstances.

(b) Upon the final decision of the Administrative Law Judge or the Board of Service Contract Appeals, as appropriate, the Administrator promptly shall forward to the Comptroller General the name of any respondent found to be in aggravated or willful violation of the Contract Work Hours and Safety Standards Act, and the name of any firm, corporation, partnership, or association in which the respondent has a substantial interest.

Subpart C—Enforcement Proceedings Under the Davis-Bacon and Related Prevailing Wage Statutes, the Copeland Act, and the Contract Work Hours and Safety Standards Act (Except Under Contracts Subject to the Service Contract Act)

§ 6.30 Referred to Chief Administrative Law Judge.

(a) Upon timely receipt of a request for a hearing under § 5.11 (where the Administrator has determined that relevant facts are in dispute) or § 5.12 of Part 5 of this title, the Administrator shall refer the case to the Chief Administrative Law Judge by Order of Reference, to which shall be attached a copy of the notification letter to the respondent from the Administrator and response thereto, for designation of an Administrative Law Judge to conduct such hearings as may be necessary to decide the disputed matters. A copy of the Order of Reference and attachments thereto shall be served upon the respondent.

(b) The notification letter from the Administrator and response thereto shall be given the effect of a complaint and answer, respectively, for purposes of the administrative proceedings. The notification letter and response shall be in accordance with the provisions of § 5.11 or § 5.12(b)(1) of Part 5 of this title, as appropriate.

§ 6.31 Amendments to pleadings.

At any time prior to the closing of the hearing record, the complaint (notification letter) or answer (response) may be amended with the permission of the Administrative Law Judge and upon such terms as he/she may approve. For proceedings pursuant to § 5.11 of Part 5 of this title, such an amendment may include a statement that debarment action is warranted under § 5.12(a)(1) of Part 5 of this title or under Section 3(a) of the Davis-Bacon Act. Such amendments shall be allowed when justice and the presentation of the merits are served thereby, provided there is no prejudice to the objecting party's presentation on the merits. When issues not raised by the pleadings are reasonably within the scope of the original complaint and are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings, and such amendments may be made as necessary to make them conform to the evidence. The presiding Administrative Law Judge may, upon reasonable notice and upon such terms as are just, permit supplemental pleadings setting forth transactions, occurrences or events

which have happened since the date of the pleadings and which are relevant to any of the issues involved. A continuance in the hearing may be granted or the record left open to enable the new allegations to be addressed.

§ 6.32 Consent findings and order.

(a) At any time prior to the receipt of evidence or, at the discretion of the Administrative Law Judge, prior to the issuance of the decision of the Administrative Law Judge, the parties may enter into consent findings and an order disposing of the proceeding in whole or in part.

(b) Any agreement containing consent findings and an order disposing of a proceeding in whole or in part shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) That any order concerning debarment under the Davis-Bacon Act (but not under any of the other statutes listed in § 5.1 of Part 5 of this title) shall constitute a recommendation to the Comptroller General;

(4) A waiver of any further procedural steps before the Administrative Law Judge and the Wage Appeals Board regarding those matters which are the subject of the agreement; and

(5) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) Within 30 days after receipt of an agreement containing consent findings and an order disposing of the disputed matter in whole, the Administrative Law Judge shall, if satisfied with its form and substance, accept such agreement by issuing a decision based upon the agreed findings and order. If such agreement disposes of only a part of the disputed matter, a hearing shall be conducted on the matters remaining in dispute.

§ 6.33 Decision of the Administrative Law Judge.

(a) *Proposed findings of fact, conclusions, and order.* Within 20 days of filing of the transcript of the testimony or such additional time as the Administrative Law Judge may allow, each party may file with the Administrative Law Judge proposed findings of fact, conclusions of law, and order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief

shall be served on all parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) *Decision of the Administrative Law Judge.* (1) Within a reasonable time after the time allowed for filing of proposed findings of fact, conclusions of law, and order, or within 30 days of receipt of an agreement containing consent findings and order disposing of the disputed matter in whole, the Administrative Law Judge shall make his/her decision. If any aggrieved party desires review of the decision, a petition for review thereof shall be filed as provided in § 6.34 of this title, and such decision and order shall be inoperative unless and until the Wage Appeals Board either declines to review the decision or issues an order affirming the decision. The decision of the Administrative Law Judge shall include findings of fact and conclusions of law, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record. Such decision shall be in accordance with the regulations and rulings contained in Part 5 and other pertinent parts of this title. The decision of the Administrative Law Judge shall be based upon a consideration of the whole record, including any admissions made in the respondent's answer (response) and § 6.32 of this title. It shall be supported by reliable and probative evidence.

(2) If the respondent is found to have violated the labor standards provisions of any of the statutes listed in § 5.1 of Part 5 of this title other than the Davis-Bacon Act, and if debarment action was requested pursuant to the complaint (notification letter) or any amendment thereto, the Administrative Law Judge shall issue an order as to whether the respondent is to be subject to the ineligible list as provided in § 5.12(a)(1) of this title, including any findings of aggravated or willful violations. If the respondent is found to have violated the Davis-Bacon Act, and if debarment action was requested, the Administrative Law Judge shall issue as a part of the order a recommendation as to whether respondent should be subject to the ineligible list pursuant to Section 3(a) of the Act, including any findings regarding respondent's disregard of obligations to employees and subcontractors. If wages are found due and are unpaid, no relief from the ineligible list shall be ordered or recommended except on condition that such wages are paid.

(3) The Administrative Law Judge shall make no findings regarding

liquidated damages under the Contract Work Hours and Safety Standards Act.

§ 6.34 Petition for review.

Within 40 days after the date of the decision of the Administrative Law Judge (or such additional time as is granted by the Wage Appeals Board), any party aggrieved thereby who desires review thereof shall file a petition for review of the decision with supporting reasons. Such party shall transmit the petition in writing to the Wage Appeals Board, pursuant to Part 7 of this title, with a copy thereof to the Chief Administrative Law Judge. The petition shall refer to the specific findings of fact, conclusions of law, or order at issue. A petition concerning the decision on debarment shall also state the aggravated or willful violations and/or disregard of obligations to employees and subcontractors, or lack thereof, as appropriate.

§ 6.35 Ineligible lists.

Upon the final decision of the Administrative Law Judge or Wage Appeals Board, as appropriate, regarding violations of any statute listed in § 5.1 of Part 5 of this title other than the Davis-Bacon Act, the Administrator promptly shall forward to the Comptroller General the name of any respondent found to have committed aggravated or willful violations of the labor standards provisions of such statute, and the name of any firm, corporation, partnership, or association in which such respondent has a substantial interest. Upon the final decision of the Administrative Law Judge or Wage Appeals Board, as appropriate, regarding violations of the Davis-Bacon Act, the Administrator promptly shall forward to the Comptroller General any recommendation regarding debarment action against a respondent, and the name of any firm, corporation, partnership, or association in which such respondent has an interest.

Subpart D—Substantial Interest Proceedings

§ 6.40 Scope.

This subpart supplements the procedures contained in § 4.12 of Part 4 and § 5.12(d) of Part 5 of this title, and states the rules of practice applicable to hearings to determine whether persons of firms whose names appear on the ineligible list pursuant to Section 5(a) of the Service Contract Act or § 5.12(a)(1) of Part 5 of this title have a substantial interest in any firm, corporation, partnership, or association other than those listed on the ineligible list; and/or

to determine whether persons or firms whose names appear on the ineligible list pursuant to Section 3(a) of the Davis-Bacon Act have an interest in any firm, corporation, partnership, or association other than those listed on the ineligible list.

§ 6.41 Referral to Chief Administrative Law Judge.

(a) Upon timely receipt of a request for a hearing under § 4.12 of Part 4 or § 5.12 of Part 5 of this title, where the Administrator has determined that relevant facts are in dispute, or on his/her own motion, the Administrator shall refer the case to the Chief Administrative Law Judge by Order of Reference, to which shall be attached a copy of any findings of the Administrator and response thereto, for designation of an Administrative Law Judge to conduct such hearings as may be necessary to decide the disputed matters. A copy of the Order of Reference and attachments thereto shall be served upon the person or firm requesting the hearing, if any and upon the respondents.

(b) The findings of the Administrator and response thereto shall be given the effect of a complaint and answer, respectively, for purposes of the administrative proceedings.

§ 6.42 Amendments to pleadings.

At any time prior to the closing of the hearing record, the complaint (Administrator's findings) or answer (response) may be amended with the permission of the Administrative Law Judge and upon such terms as he/she may approve. Such amendments shall be allowed when justice and the presentation of the merits are served thereby, provided there is no prejudice to the objecting party's presentation on the merits. When issues not raised by the pleadings are reasonably within the scope of the original complaint and are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings, and such amendments may be made as necessary to make them conform to the evidence. The presiding Administrative Law Judge may, upon such terms as are just, permit supplemental pleadings setting forth transactions, occurrences or events which have happened since the date of the pleadings and which are relevant to any of the issues involved. A continuance in the hearing may be granted or the record left open to enable the new allegations to be addressed.

§ 6.43 Consent findings and order.

(a) At any time prior to the receipt of evidence or, at the discretion of the Administrative Law Judge, prior to the issuance of the decision of the Administrative Law Judge, the parties may enter into consent findings and an order disposing of the proceeding in whole or in part.

(b) Any agreement containing consent findings and an order disposing of a proceeding in whole or in part shall provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) A waiver of any further procedural steps before the Administrative Law Judge and the Board of Service Contract Appeals or the Wage Appeals Board, as appropriate, regarding those matters which are the subject of the agreement; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) Within 30 days after receipt of an agreement containing consent findings and an order disposing of the disputed matter in whole, the Administrative Law Judge shall accept such agreement by issuing a decision based upon the agreed findings and order. If a such agreement disposes of only a part of the disputed matter, a hearing shall be conducted on the matters remaining in dispute.

§ 6.44 Decision of the Administrative Law Judge.

(a) *Proposed findings of fact, conclusions, and order.* Within 30 days of filing of the transcript of the testimony, each party may file with the Administrative Law Judge proposed findings of fact, conclusions of law, and order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) *Decision of the Administrative Law Judge.* Within 60 days after the time allowed for filing of proposed findings of fact, conclusions of law, and order, or within 30 days after receipt of an agreement containing consent findings and order disposing of the disputed matter in whole, the Administrative Law Judge shall make his/her decision. If any aggrieved party desires review of the decision a petition for review thereof

shall be filed as provided in § 6.45 of this title, and such decision and order shall be inoperative unless and until the Board of Service Contract Appeals or the Wage Appeals Board issues an order affirming the decision. The decision of the Administrative Law Judge shall include findings of fact and conclusions of law, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record. Such decision shall be in accordance with the regulations and rulings contained in Parts 4 and 5 and other pertinent parts of this title. The decision of the Administrative Law Judge shall be based upon a consideration of the whole record, including any admissions made in the respondents' answer (response) and § 6.43 of this title.

§ 6.45 Petition for review.

Within 30 days after the date of the decision of the Administrative Law Judge, any party aggrieved thereby who desires review thereof shall file a petition for review of the decision with supporting reasons. Such party shall transmit the petition in writing to the Board of Service Contract Appeals pursuant to 29 CFR Part 8 if the proceeding was under the Service Contract Act, or to the Wage Appeals Board pursuant to 29 CFR Part 7 if the proceeding was under § 5.12(a)(1) of Part 5 of this title or under Section 3(a) of the Davis-Bacon Act, with a copy thereof to the Chief Administrative Law Judge. The petition for review shall refer to the specific findings of fact, conclusions of law, or order at issue.

§ 6.46 Ineligible list.

Upon the final decision of the Administrative Law Judge, Board of Service Contract Appeals or Wage Appeals Board, as appropriate, the Administrator promptly shall forward to the Comptroller General the names of any firm, corporation, partnership, or association in which a person or firm debarred pursuant to Section 5(a) of the Service Contract Act or § 5.12(a) of Part 5 of this title has a substantial interest; and/or the name of any firm, corporation, partnership, or association in which a person or firm debarred pursuant to Section 3(a) of the Davis-Bacon Act has an interest.

Subpart E—Substantial Variance and Arm's Length Proceedings**§ 6.5 Scope.**

This subpart supplements the procedures contained in §§ 4.10 and 4.11 of Part 4 of this title and states the rules of practice applicable to hearings under Section 4(c) of the Act to determine

whether the collectively bargained wages and/or fringe benefits otherwise required to be paid under that section and Sections 2(a) (1) and (2) of the Act are substantially at variance with those which prevail for services of a character similar in the locality, and/or to determine whether the wages and/or fringe benefits provided in the collective bargaining agreement were reached as a result of arm's-length negotiations.

§ 6.51 Referral to Chief Administrative Law Judge.

(a) Referral pursuant to § 4.10 or § 4.11 of Part 4 of this title will be by an Order of Reference from the Administrator to the Chief Administrative Law Judge, to which will be attached the material submitted by the applicant or any other material the Administrator considers relevant and, for proceedings pursuant to § 4.11 of this title, a copy of any findings of the Administrator. A copy of the Order of Reference and all attachments will be sent by mail to the following parties: the agency whose contract is involved, the parties to the collective bargaining agreement, any contractor or subcontractor performing on the contract, any contractor or subcontractor known to be desirous of bidding thereon or performing services thereunder who is known or believed to be interested in the determination of the issue, any unions or other authorized representatives of service employees employed or who may be expected to be employed by such contractor or subcontractor on the contract work, and any other affected parties known to be interested in the determination of the issue. The Order of Reference will have attached a certificate of service naming all interested parties who have been served.

(b) Accompanying the Order of Reference and attachments will be a notice advising that any interested party, including the applicant, who intends to participate in the proceeding shall submit a written response to the Chief Administrative Law Judge within 20 days of the date on which the certificate of service indicates the Order of Reference was mailed. The notice will state that such a response shall include:

(1) A statement of the interested party's case;

(2) A list of witnesses the interested party will present, a summary of the testimony each is expected to give, and copies of all exhibits proposed to be proffered;

(3) A list of persons who have knowledge of the facts for whom the interested party requests that subpoenas

be issued and a brief statement of the purpose of their testimony; and

(4) A certificate of service in accordance with § 6.3 of this title on all interested parties, including the Administrator.

§ 6.52 Appointment of Administrative Law Judge and notification of prehearing conference and hearing date.

Upon receipt from the Administrator of an Order of Reference, notice to the parties, attachments and certificate of service, the Chief Administrative Law Judge shall appoint an Administrative Law Judge to hear the case. The Administrative Law Judge shall promptly notify all interested parties of the time and place of a prehearing conference and of the hearing which shall be held immediately upon the completion of prehearing conference. The date of the prehearing conference and hearing shall be not more than 60 days from the date on which the certificate of service indicates the Order of Reference was mailed.

§ 6.53 Prehearing conference.

(a) At the prehearing conference the Administrative Law Judge shall attempt to determine the exact areas of agreement and disagreement raised by the Administrator's Order of Reference and replies thereto, so that the evidence and arguments presented at the hearing will be relevant, complete, and as brief and concise as possible.

(b) Any interested party desiring to file proposed findings of fact and conclusions of law shall submit them to the Administrative Law Judge at the prehearing conference.

(c) If the parties agree that no hearing is necessary to supplement the written evidence and the views and arguments that have been presented, the Administrative Law Judge shall forthwith render his/her final decision. The Administrative Law Judge with the agreement of the parties may permit submission of additional written

evidence or argument, such as data accompanied by affidavits attesting to its validity or depositions, within ten days of commencement of the prehearing conference.

§ 6.54 Hearing.

(a) Except as provided in § 6.53(c) of this title, the hearing shall commence immediately upon the close of the prehearing conference. All matters remaining in controversy, including the presentation of additional evidence, shall be considered at the hearing. There shall be a minimum of formality in the proceeding consistent with orderly procedure.

(b) To expedite the proceeding the Administrative Law Judge shall, after consultation with the parties, set reasonable guidelines and limitations for the presentations to be made at the hearing. The Administrative Law Judge may limit cross-examination and may question witnesses.

(c) Under no circumstances shall source data obtained by the Bureau of Labor Statistics, U.S. Department of Labor, or the names of establishments contacted by the Bureau be submitted into evidence or otherwise disclosed. Where the Bureau has conducted a survey, the published summary of the data may be submitted into evidence.

(d) Affidavits or depositions may be admitted at the discretion of the Administrative Law Judge. The Administrative Law Judge may also require that unduly repetitious testimony be submitted as affidavits. Such affidavits shall be submitted within three days of the conclusions of the hearing.

(e) Counsel for the Administrator shall participate in the proceeding to the degree he/she deems appropriate.

(f) An expedited transcript shall be made of the hearing and of the prehearing conference.

§ 6.55 Closing of record.

The Administrative Law Judge shall close the record promptly and not later than 10 days after the date of commencement of the prehearing conference. Post-hearing briefs may be permitted, but the filing of briefs shall not delay issuance of the decision of the Administrative Law Judge pursuant to § 6.56 of this title.

§ 6.56 Decision of the Administrative Law Judge.

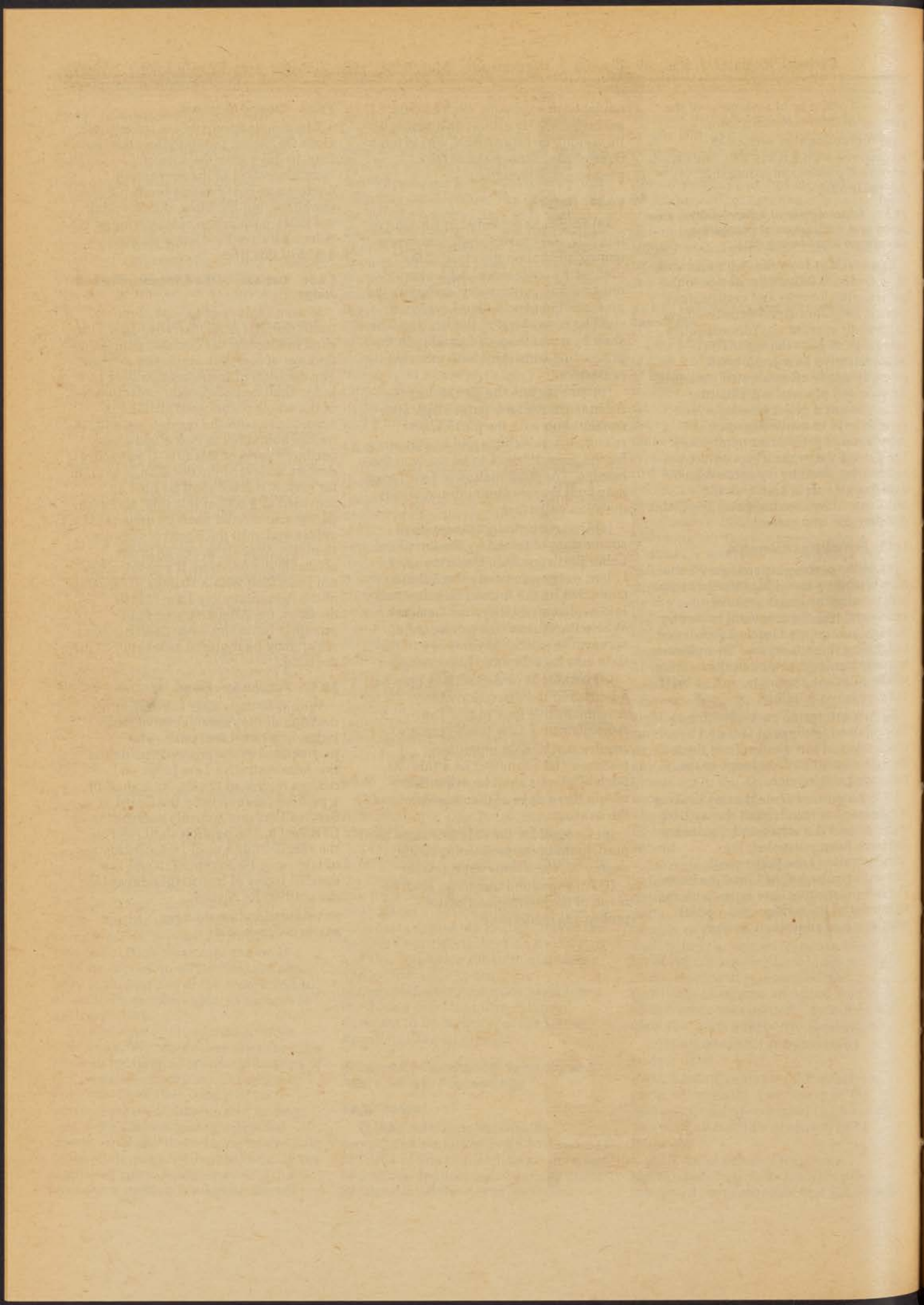
Within 15 days of receipt of the transcript, the Administrative Law Judge shall render his/her decision containing findings of fact and conclusions of law. The decision of the Administrative Law Judge shall be based upon consideration of the whole record, and shall be in accordance with the regulations and rulings contained in Part 4 and other pertinent parts of this title. If any party desires review of the decision, a petition for review thereof shall be filed as provided in § 6.57 of this title, and such decision and order shall be inoperative unless and until the Board of Service Contract Appeals issues an order affirming the decision. If a petition has not been filed within 10 days of issuance of the Administrative Law Judge's decision, the Administrator shall promptly issue any wage determination which may be required as a result of the decision.

§ 6.57 Petition for review.

Within 10 days after the date of the decision of the Administrative Law Judge, any interested party who participated in the proceedings before the Administrative Law Judge and desires review of the decision shall file a petition for review by the Board of Service Contract Appeals pursuant to 29 CFR Part 8. The petition shall refer to the specific findings of fact, conclusions of law, or order excepted to and the specific pages of transcript relevant to the petition for review.

[FR Doc. 84-7477 Filed 3-20-84; 8:45 am]

BILLING CODE 4510-23-M



Federal Register

Wednesday
March 21, 1984

Part IV

Department of Labor

Office of the Secretary

29 CFR Part 8

Practice Before the Board of Service
Contract Appeals: Final Rule

DEPARTMENT OF LABOR

29 CFR Part 8

Practice Before the Board of Service Contract Appeals

AGENCY: Office of the Secretary, Labor.
ACTION: Final rule.

SUMMARY: A Board of Service Contract Appeals is established to hear appeals from decisions of the Wage and Hour Administrator and appeals from decisions pursuant to 29 CFR Part 6 by Administrative Law Judges involving Service Contract Act matters and related Contract Work Hours and Safety Standards Act matters. Part 6 sets forth rules of practice for administrative proceedings enforcing labor standards in Federal and federally assisted construction contracts and Federal service contracts.

EFFECTIVE DATE: This final rulemaking becomes effective on March 21, 1984.

FOR FURTHER INFORMATION CONTACT: Gail V. Coleman, Counsel for Trial Litigation, Fair Labor Standards Division, Office of the Solicitor, U.S. Department of Labor, Room N2716, 200 Constitution Ave., N.W., Washington, D.C. 20210, Phone 202-523-7626.

SUPPLEMENTARY INFORMATION: On April 22, 1980, a proposal was published in the *Federal Register* (45 FR 27410) to make a new Part 8 of Title 29, Code of Federal Regulations, Practice Before the Board of Service Contract Appeals. The purpose of this proposal was to issue procedures concerning a new appellate Board of Service Contract Appeals. Interested persons were afforded the opportunity to submit comments to the Office of the Solicitor on or before May 27, 1980. Comments were received from 13 interested parties.

On January 19, 1981, proposed Part 8 was withdrawn (46 FR 4951). On January 16, 1981, 29 CFR Part 6 was published as a final rule (46 FR 4398) with a scheduled effective date of February 17, 1981. That regulation contained a new Subpart F providing for appeals to the Secretary on matters arising under the Service Contract Act (and the Contract Work Hours and Safety Standards Act on contracts subject to the Service Contract Act), instead of appeals to a Board. Pursuant to the President's Memorandum of January 29, 1981, the Department published notices on February 6, 1981 (46 FR 11253), and thereafter delaying implementation of the regulation until August 15, 1981 in order to reconsider the rule pursuant to Executive Order 12291. See 46 FR 18973 (March 27, 1981);

46 FR 23739 (April 20, 1981); 46 FR 33514 (June 30, 1981); 46 FR 36140 (July 14, 1981).

The procedures in this Part 8, which was published for comment in the *Federal Register* on August 14, 1981 (46 FR 41438), are substantially identical to those published as Subpart F of Part 6 January 16, 1981, except that appeal is provided to a Board of Service Contract Appeals, rather than to the Secretary. It is envisioned that it would operate in a manner similar to the Wage Appeals Board, which hears appeals under the Davis-Bacon and Related Acts, and the Department is considering consolidating it with the Wage Appeals Board into one Board with jurisdiction to hear all issues under government contract wage statutes.

With respect to the jurisdiction of the Board of Service Contract Appeals, which is prescribed by 29 CFR § 8.1(b) herein, the Board is empowered to hear and decide in its discretion appeals from decisions of Administrative Law Judges issued under Subparts B, D and E of Part 6 of this title, entitled Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts. Part 6 is being simultaneously published in the *Federal Register*.

Comments on this proposed Part 8 were received from five interested parties, namely the National Aeronautics and Space Administration (NASA), the Department of Energy (DOE), the Laborers' International Union of North America, AFL-CIO-CLC, the International Association of Machinists and Aerospace Workers, and the Service Employees International Union, AFL-CIO-CLC. In addition, NASA and DOE in commenting upon proposed 29 CFR Part 6, offered comments on Part 6 which relate to matters addressed by this Part 8; to the extent such comments are relevant to this final rulemaking, they will be discussed below.

Subsequent to the publication on August 14, 1981, of this proposed Part 8, the Department issued final rules for implementing the Equal Access to Justice Act which became effective on October 1, 1981; those rules are codified at 29 CFR Part 16. Therein at § 16.104(a)(2), the Department listed those proceedings involving the Employment Standards Administration which were found to be subject to the provisions of the Equal Access to Justice Act; none of the proceedings covered by Part 6 or 8 are listed as being subject to that Act. Moreover, when the Equal Access final rules were published on December 29, 1981 (46 FR 63020), the Department discussed in the

Supplementary Information section of the Preamble the types of proceedings which were not subject to the Act, including certain proceedings under the Service Contract Act and the Davis-Bacon Act. In view of the inapplicability of the Equal Access to Justice Act to proceedings covered by Part 6, a new subsection (§ 6.6(a)) has been added to Part 6 expressly providing that Administrative Law Judges shall have no authority to award attorney fees or other litigation expenses pursuant to the Equal Access to Justice Act in any proceeding covered by Part 6. Similarly, a new section (§ 8.19) has been added to Part 8 to the same effect. If an appeal to the Board under this Part 8 involves a decision pursuant to Part 6 wherein an Administrative Law Judge erroneously awarded attorney fees or other litigation expenses pursuant to that Act, the Board shall have the authority to vacate such award.

A new section 8.0 has been added to provide that during the period before the Board has been duly constituted, the Secretary or his designee will act on appeals in its stead.

Discussion of Major Comments

Section 8.1(b)—Both NASA and DOE expressed concern that granting the Board authority to review substantial variance cases pursuant to Section 4(c) of the Service Contract Act would cause such proceedings to become unduly protracted. Similar concerns were expressed by the labor organizations which commented upon this Part 8. For a discussion of such concerns, see the comments and supplementary information set out *infra*.

Section 8.1(c)—Both NASA and DOE questioned whether a decision issued by the Board, acting within the scope of its jurisdiction, would be binding upon the Secretary of Labor, and suggested that, if it is intended not to accord such finality to a Board decision, the regulations clarify such intent. It is intended by this Part 8 that Board decisions shall be final and binding upon the Secretary; Section 8.1(c) has been revised to expressly reflect this intent.

Section 8.1(d)—Both NASA and DOE expressed concern over the non-inclusion in this section of a settlement which expressly indicates the standard of review to be exercised by the Board. This concern is well-taken, and the section has been revised to provide that the Board shall base its decision on the preponderance of the evidence, the statutory standard under the Service Contract Act. A similar revision has been made in Section 8.9(b). With

further reference to Section 8.1(d), these commentators, in their comments upon proposed 29 CFR Part 6, expressed concern that a party which did not appear in the ALJ proceeding might attempt to unduly protract such a case by filing with the Board a petition for review. This concern is also well-taken. Accordingly, Section 8.1(d) is revised to provide that the Board shall not consider on the merits any petition for review filed by a party against whom default judgment has been entered pursuant to the provisions of Part 6 of this Title.

Section 8.7—Both NASA and DOE questioned whether a Federal agency, under this section, could be included within the definition of "aggrieved party" for purpose of filing a petition for review of an ALJ decision pursuant to Subpart B, D or E of Part 6 of this title. By the use of the term "any aggrieved party" the Department intends that such term may include a Federal agency, and does not consider it necessary to amend or change Section 8.7 as now written.

General—Both NASA and DOE recommended that certain administrative matters concerning the composition of the Board be addressed in this Part 8. It is the Department's position that such internal administrative matters would be more appropriately addressed in a separate order of the Secretary rather than in this Part 8 which prescribes the rules of procedure of such Board; it is the Department's intention to promulgate such an order forthwith.

Comments received from the Laborers' International and the IAM expressed concern that a hearing procedure for wage determinations might result in a court decision such as that in *Wirtz v. Baldor Electric Co.*, 337 F.2d 518 (D.C. Cir. 1963) (arising under the Walsh-Healey Public Contracts Act), and the cessation of wage determinations under the Service Contract Act. These concerns have been carefully considered. The Department has concluded that since the basis of the *Baldor* decision was the provision in the Walsh-Healey Act (section 10) which expressly requires an APA hearing, and since no similar statutory provision exists in the Service Contract Act, these concerns are ill-founded. Accordingly, the Department has concluded that further changes in Part 8 to address this perceived problem are not necessary.

Both of these commentators expressed the further concern that creation of a separate Board might encourage or foster frivolous appeals from an ALJ decision. The Department agrees that the Board's procedure should expressly provide for the rejection of any petition

for review which appears to the Board to constitute a frivolous appeal. Accordingly, Sections 8.6(a) and 8.9(a) have been revised to specifically vest authority in the Board to decline review of particular types of cases, including frivolous appeals.

Finally, all three labor organizations (as well as NASA and DOE) which commented upon Part 8 expressed concern that creation of the Board constitutes an unnecessary level of review and poses a potential obstacle to a timely resolution of cases brought before it. These concerns have been carefully considered and have been found to be without foundation, particularly when viewed in the context of the added assurance of a thorough adjudication which is afforded by the Board's appellate process. As previously indicated, pursuant to Sections 8.6(a) and 8.9(a), the Board is empowered to decline review in certain enumerated instances, and in addition pursuant to Section 8.1(d) the Board shall not hear appeals on the merits filed by parties against whom default judgment has been entered pursuant to the provisions of Part 6 of this Title.

Classification

This rule is procedural in character. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

The Department believes that the rule will have no "significant economic impact on a substantial number of small entities" within the meaning of § 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the rule is procedural in character. Accordingly, no regulatory flexibility analysis is required.

The rule is not subject to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3504(h), since it does not require the collection or retention of information.

Effective Date

Final rules for the Service Contract Act, 29 CFR Part 4, which were published in the Federal Register on October 27, 1983 (48 FR 49736), became effective on January 27, 1984 (48 FR 56577). This Part 8 contains procedures for administrative appeals from decisions made under Part 4 and under Part 6, published this date. In order to preserve uninterrupted such appellate rights, it is essential that this Part 8 become effective as soon as possible. Accordingly, the Secretary has determined that good cause exists for waiving the customary requirements of delaying the effective date of a final rule for at least 30 days after its publication. 5 U.S.C. 553(d). This rule, therefore, will become effective immediately upon publication.

List of Subjects in 29 CFR Part 8

Administrative practice and procedures, Government contracts, Labor, Minimum wages, Wages.

Accordingly, 29 CFR Part 8 is adopted as a final rule as set forth below.

Signed at Washington, D.C. on this 13th day of March 1984.

Raymond J. Donovan,
Secretary of Labor.

PART 8—PRACTICE BEFORE THE BOARD OF SERVICE CONTRACT APPEALS

Subpart A—Purpose and Scope

Sec.

8.0 Interim procedures.

8.1 Purpose and scope.

Subpart B—Review of Wage Determinations

8.2 Who may file petitions for review.

8.3 When to file.

8.4 Contents of petitions.

8.5 Filing of wage determination record.

8.6 Disposition by the Board of Service Contract Appeals.

Subpart C—Review of Other Proceedings and Related Matters

8.7 Review of decisions in other proceedings.

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Subpart D—General Procedural Matters

8.10 Filing and service.

8.11 Presentations of other interested persons.

8.12 Intervention; other participation.

8.13 Right to counsel.

8.14 Consolidations.

8.15 Motions; extensions of time.

8.16 Oral proceedings.

8.17 Decision of the Board.

8.18 Public information.

8.19 Equal Access to Justice Act.

Authority: Secs. 4 and 5, 79 Stat. 1034, 1035, as amended by 86 Stat. 789, 790, 41 U.S.C. 353, 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267; 5 U.S.C. Appendix; 76 Stat. 357-359, 40 U.S.C. 327-332.

Subpart A—Purpose and Scope

§ 8.0 Interim procedures.

The Secretary of Labor shall establish a Board of Service Contract appeals, by Secretary's Order and delegate to the Board the authority and responsibilities set forth herein. During the interim period prior to the appointment of a duly constituted Board, the functions of the Board shall be performed by the Secretary or his designee. In all other respects the rules in this part shall be applicable, unless inconsistent herewith.

§ 8.1 Purpose and scope.

(a) This part contains the rules of practice of the Board of Service Contract Appeals (hereinafter referred to as the Board).

(b) The Board has jurisdiction to hear and decide in its discretion appeals concerning questions of law and fact from final decisions of the Administrator of the Wage and Hour Division or authorized representative, and from decisions of Administrative Law Judges under Subparts B, D, and E of Part 6 of this title, arising under the Service Contract Act and the Contract Work Hours and Safety Standards Act where the contract is also subject to the Service Contract Act. The Board shall not have jurisdiction to pass on the validity of any portion of the Code of Federal Regulations which has been duly promulgated through notice and comment by the Department of Labor and shall observe the provisions thereof, where pertinent, in its decisions. The jurisdiction of the Board includes:

- (1) Wage determinations issued under the Service Contract Act;
- (2) Substantial variance proceedings or arm's-length negotiations proceedings pursuant to Section 4(c) of the Service Contract Act;
- (3) Debarment or other enforcement proceedings;
- (4) Proceedings to determine substantial interest of debarred persons or firms;
- (5) Decisions of the Wage-Hour Administrator or authorized representative regarding recommendations of a Federal agency for adjustment or waiver of liquidated damages assessed under the Contract Work Hours and Safety Standards Act;
- (6) Other final actions of the Wage-Hour Administrator or authorized representative (e.g., additional classification actions and rulings with respect to application of the Act(s), or

the regulations, or of wage determinations issued thereunder).

(7) Other matters specifically referred to the Board by the Secretary of Labor.

(c) In considering the matters within the scope of its jurisdiction the Board shall act as the authorized representative of the Secretary of Labor and shall act as fully and finally as might the Secretary of Labor concerning such matters.

(d) The Board is an appellate body and shall decide cases properly brought before it on the basis of all relevant matter contained in the entire record before it. Decisions by the Board shall be based upon the preponderance of the evidence before it. It may remand with appropriate instructions any case for the taking of additional evidence and the making of new or modified findings by reason of the additional evidence. However, unless the petition for review cites alleged procedural irregularities in the proceeding below and not the merits of a case, the Board shall not consider a petition for review filed by any party against whom default judgment has been entered pursuant to the provisions of Part 6 of this Title.

Subpart B—Review of Wage Determinations

§ 8.2 Who may file petitions of review.

(a) Any interested party who is seeking a modification of other change in a wage determination under the Service Contract Act and who has requested the Wage-Hour Administrator or authorized representative to make such modification or other change under § 4.55 of Part 4 of this title, and the request has been denied, shall have a right to petition of review of the action taken by that officer.

(b) For purposes of this subpart, the term "interested party" shall mean:

- (1) Any employee or any labor organization which represents an employee who is likely to be employed or to seek employment under a contract containing a particular wage determination, or any contractor or an association representing a contractor who is likely to seek a contract or to work under a contract containing a particular wage determination;
- (2) The Federal agency(s) which will administer a proposed contract containing a particular wage determination issued pursuant to the Service Contract Act; and
- (3) Any other party whom the Board finds to have a sufficient interest in the wage determination.

§ 8.3 When to file.

(a) Requests for review of wage determinations must be filed within 20 days of issuance of the Wage-Hour Administrator's decision denying a request to make a change in the wage determination.

(b) The Board shall under no circumstances request any administering agency to postpone any contract action because of the filing of a petition.

§ 8.4 Contents of petition.

(a) A petition for review of a wage determination shall:

- (1) Be in writing and signed by the petitioner or his/her counsel (or other authorized representative);
 - (2) Be addressed to the Board of Service Contract Appeals;
 - (3) Identify clearly the wage determination, location where the contract will be performed, if known, and the agency concerned;
 - (4) State that the petitioner has requested reconsideration of the wage determination in question pursuant to 29 CFR 4.55 and describe briefly the action taken in response to the request;
 - (5) Contain a short and plain statement of the grounds for review;
 - (6) Be accompanied by supporting data, views, or arguments; and
 - (7) Contain a statement that all data or other evidence submitted have previously been submitted to the Administrator.
- (b) A petition shall indicate whether or not the petitioner consents to the disposition of the questions involved by a single member of the Board.

§ 8.5 Filing of wage determination record.

The Associate Solicitor for Fair Labor Standards shall, promptly after service of the petition, file with the Board the record upon which the wage determination was based. Under no circumstances shall source data obtained by the Bureau of Labor Statistics, U.S. Department of Labor, or the names of establishments contacted by the Bureau be filed with the Board or otherwise disclosed. Where the Bureau has conducted a survey, the published summary of the data may be filed.

§ 8.6 Disposition by the Board of Service Contract Appeals.

(a) The Board may decline review of any case whenever in its judgment review would be inappropriate because of lack of timeliness, the nature of the relief sought, the case involves only settled issues of law, the appeal is frivolous on its face, or other reasons. A

case will be reviewed upon the affirmative vote of one member.

(b) Except as provided in paragraphs (c) and (d) of this section, the Board will not review a wage determination after award, exercise of option, or extension of a contract, unless such procurement action was taken without the wage determination required pursuant to §§ 4.4 and 4.5 of Part 4 of this title.

(c) A wage determination may be reviewed after award, exercise of option, or extension of a contract if it is issued after a finding by an Administrative Law Judge or the Board that a substantial variance exists between collectively bargained wage rates and/or fringe benefits otherwise required to be paid pursuant to Section 4(c) of the Act and those prevailing for services of a character similar in the locality, or after a finding that such collective bargaining agreement was not reached as a result of arm's length negotiations.

(d) Where a petition for review of a wage determination is filed prior to award, exercise of option, or extension of a contract, the Board may review the wage determination after such award, exercise of option, or extension of a contract if the issue is a significant issue of general applicability. The Board's decision shall not affect the contract after such award, exercise of option, or extension.

(e) In issuing its decision the Board will act expeditiously, taking into consideration procurement deadlines. The Board shall decide the case upon the basis of all relevant matters contained in the entire record before it and shall not consider any data not submitted to the Wage-Hour Administrator with the request for reconsideration. The Board in its decision affirming, modifying, or setting aside the wage determination, shall include a statement of reasons or bases for the actions taken. In any remand of a case as provided in § 8.1(d) of this title, the Board shall include appropriate instructions.

Subpart C—Review of Other Proceedings and Related Matters

§ 8.7 Review of decisions in other proceedings.

(a) A petition for review of a decision of an Administrative Law Judge pursuant to Subparts B, D or E of Part 6 of this title may be filed by any aggrieved party in accordance with the provisions therein.

(b) A petition for review of a final written decision (other than a wage determination) of the Administrator or authorized representative may be filed

by any aggrieved party within 60 days of the date of the decision of which review is sought. Where a case has been referred directly to the Board pursuant to § 4.11 or § 4.12 of this title, no petition for review shall be necessary; a brief in support of the aggrieved party's position shall be filed within 30 days of filing of the administrative record by the Administrator.

(c) A petition shall state concisely the points relied upon, and shall be accompanied by a statement setting forth supporting reasons. The petition shall also indicate whether or not the petitioner consents to the disposition of the questions involved by a single member.

§ 8.8 Filing of administrative record.

(a) If a petition for review has been filed concerning a decision pursuant to Part 6 of this title, the Chief Administrative Law Judge shall promptly forward the record of the proceeding before the Administrative Law Judge to the Board.

(b) If a petition for review has been filed concerning a final decision of the Wage-Hour Administrator or authorized representative, the Associate Solicitor for Fair Labor Standards shall promptly file with the Board a record upon which the decision was based.

§ 8.9 Disposition by the Board of Service Contract Appeals.

(a) The Board may decline review of any case whenever in its judgment review would be inappropriate because of lack of timeliness, the nature of the relief sought, the case involves only settled issues of law, the appeal is frivolous on its face, or other reasons. A case will be reviewed upon the affirmative vote of one member.

(b) In issuing its decision the Board will take into consideration procurement deadlines where appropriate. The Board shall pass upon the points raised in the petition upon the basis of the entire record before it. The Board may affirm, modify or set aside, in whole or in part, the decision under review and shall issue a decision including a statement of reasons or bases for the actions taken. The Board shall modify or set aside findings of fact only when it determines that those findings are not supported by a preponderance of the evidence. In any remand of a case as provided in § 8.1(e) of this title, the Board shall include any appropriate instructions.

Subpart D—General Procedural Matters

§ 8.10 Filing and service.

(a) *Filing.* All papers submitted to the Board under this part shall be filed with the Executive Secretary of the Board of Service Contract Appeals, U.S. Department of Labor, Washington, D.C. 20210.

(b) *Number of copies.* An original and four copies of all papers shall be submitted.

(c) *Manner of service.* Service under this part shall be personal or by mail. Service by mail is complete on mailing. For purposes of this part, filing is accomplished upon the day of service, by mail or otherwise.

(d) *Proof of service.* Papers filed with the Board shall contain an acknowledgment of service by the person served or proof of service in the form of a statement of the date and the manner of service and the names of the person or persons served, certified by the person who made service.

(e) *Service upon the Department of Labor and other interested parties.* A copy of all documents filed with the Board shall be served upon the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, D.C. 20210; the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210; the Federal contracting agency involved; and all other interested parties.

§ 8.11 Presentations of other interested persons.

(a) Where a petition has been filed for review of a wage determination or other final decision of the Administrator or authorized representative, the Board shall notify the parties known or believed to be interested in the case. The Associate Solicitor and any other parties interested in presenting their views shall file a statement within 30 days of the filing of the petition (or such other time as is specified by the Board, with consideration of procurement deadlines, as appropriate).

(b) Where a petition has been filed for review of a decision issued pursuant to Subparts B, D or E of Part 6 of this title, any other parties to the proceeding interested in presenting their views shall file a statement within 30 days of the filing of the petition (or such other time as is specified by the Board, with consideration of procurement deadlines, as appropriate).

§ 8.12 Intervention; other participation.

For good cause shown, the Board may permit any interested party to intervene or otherwise participate in any proceeding held by the Board. Except when requested orally before the Board, a petition to intervene or otherwise participate shall be in writing (original and four copies) and shall state with precision and particularity:

- (a) The petitioner's relationship to the matters involved in the proceedings, and
- (b) The nature of the presentation which the petitioner would make.

§ 8.13 Right to counsel.

Each interested party shall have the right to appear in person or by counsel or other representative in any proceeding before the Board.

§ 8.14 Consolidations.

Upon its own initiative or upon motion of any interested party, the Board may consolidate any proceeding or concurrently consider two or more appeals which involve substantially the same parties, or issues which are the same or closely related, if it finds that such consolidation or concurrent review will contribute to a proper dispatch of its business and to the ends of justice, and it will not unduly delay consideration of any such appeals.

§ 8.15 Motions; extensions of time.

- (a) Except as otherwise provided in this part, any application for an order or other relief shall be made by motion.

Except when made orally before the Board, motions shall be in writing and shall be accompanied by proof of service on all other parties. If a motion is supported by briefs, affidavits, or other papers, they shall be served and filed with the motion. Any party may respond to the motion within such time as may be provided by the Board.

- (b) Requests for extension of time as to the filing of papers or oral presentation shall be in the form of a motion under paragraph (a) of this section.

§ 8.16 Oral proceedings.

- (a) With respect to any proceedings before it, the Board may upon its own initiative or upon request of any interested party direct the interested parties to appear before the Board or its designee at a specified time and place in order to simplify the issues presented or to take up any other matters which may tend to expedite or facilitate the disposition of the proceeding.

- (b) In its discretion, the Board or a single presiding member may permit oral argument in any proceeding. The Board or the presiding member shall prescribe the time and place for argument and the time allocated for argument. A petitioner wishing to make oral argument should make the request therefore in the petition.

§ 8.17 Decision of the Board.

- (a) Unless the petitioner consents to disposition by a single member,

decisions of the Board shall be by majority vote.

- (b) Where petitioner consents to disposition by a single member, other interested parties shall have an opportunity to oppose such disposition, and such opposition shall be taken into consideration by the Board in determining whether the decision shall be by a single member or majority vote.

§ 8.18 Public information.

Subject to the provisions of Part 70 of this title, all papers and documents made a part of the official record in the proceedings of the Board and decisions of the Board shall be made available for public inspection during usual business hours at the Office of the Board of Service Contract Appeals, U.S. Department of Labor, Washington, D.C. 20210.

§ 8.19 Equal Access to Justice Act.

Proceedings under the Service Contract Act and the Contract Work Hours and Safety Standards Act are not subject to the Equal Access to Justice Act (Pub. L. 96-481). Accordingly, in any proceeding conducted pursuant to the provisions of this Part 8, the Board shall have no power or authority to award attorney fees and/or other litigation expenses pursuant to the Equal Access to Justice Act.

[FR Doc. 84-7476 Filed 3-20-84; 8:45 am]

BILLING CODE 4510-23-M

Federal Register

Wednesday
March 21, 1984

Part V

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies
Under the Natural Gas Policy Act of
1978; Notice

DEPARTMENT OF ENERGY

[Vol. 1086]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 16, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NPGA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
107-CB: Geopressed brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation

Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS

Issued March 16, 1984

VOLUME 1086

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** OKLAHOMA CORPORATION COMMISSION *****								
-AMCANA OIL CORP	8422134 24345	3508321944	RECEIVED:	02/22/84	JA: OK	WATERLOO	365.0	CHAMPLIN PETROLEUM
-AN-SON CORPORATION	8422139 24587	3503920915	RECEIVED:	02/23/84	JEFF MOORE #1-20	W CLINTON	1714.0	
-ANADARKO LAND & EXPLORATION CO	8422128 26588	3503920956	RECEIVED:	02/22/84	JA: OK	S W THOMAS	1000.0	TRANSOK PIPELINE
-ANADARKO PRODUCTION COMPANY	8422125 26557	3502720779	RECEIVED:	02/22/84	JA: OK	STELLA (E) PROSPECT	100.0	MUSTANG FUEL CORP
-ANADARKO PRODUCTION COMPANY	8422163 24427	3504922166	RECEIVED:	02/23/84	JA: OK	SW ANTIOCH	8.0	WARREN PETROLEUM
-BARBOUR ENERGY CORP	8422169 24426	3504922166	RECEIVED:	02/22/84	JA: OK	SW ANTIOCH	130.0	WARREN PETROLEUM
-BARUCH-FOSTER CORP	8422131 14964	3508121085	RECEIVED:	02/22/84	DAVIS UNIT #1-27	S WELLSTON	0.0	EL PASO NATURAL G
-BOGERT OIL CO	8422130 14959	3508120900	RECEIVED:	02/23/84	HENNESSEY #1-26		0.0	EL PASO NATURAL G
-CLAREMONT CORP	8422171 24373	3511720866	RECEIVED:	02/23/84	GLADE-STATE #1	EAST MARAMEC	30.0	MID AMERICA GAS L
-CLAREMONT CORP	8422159 26708	3501121768	RECEIVED:	02/22/84	JA: OK	SOONER TREND	900.0	ARKANSAS LOUISIAN
-CORE OIL & GAS CORP	8422126 26596	3508300000	RECEIVED:	02/22/84	ZIEGELGRUBER #31-1		91.3	PHILLIPS PETROLEUM
-CORE OIL & GAS CORP	8422163 25937	3513900000	RECEIVED:	02/23/84	C H LOHMAN #1	GUYMON-HUGOTON	0.0	NORTHWEST CENTRAL
-DAN ENERGY CO	8422158 26704	3504723480	RECEIVED:	02/23/84	JA: OK		0.0	AMINOIL USA INC
-DAN ENERGY CO	8422186 26533	3513921787	RECEIVED:	02/23/84	CLARK #2-22	NORTH RICE	100.0	
-EL PASO NATURAL GAS COMPANY	8422133 24329	3507323793	RECEIVED:	02/22/84	GRELLNER #32-6	SOONER TREND	108.0	PHILLIPS PETROLEUM
-ENERGY QUEST INC	8422160 26712	3500920140	RECEIVED:	02/23/84	STATE OF OKLAHOMA A #2	ERICK SOUTH - BROWN D	14.0	EL PASO NATURAL G
-ESSEX EXPLORATION INC	8422135 24354	3508121995	RECEIVED:	02/23/84	MITCHELL #1-A		4.3	CHASE EXPLORATION
-GREEN OPERATING CO	8422127 26594	3510920788	RECEIVED:	02/22/84	JA: OK		0.0	
-HARPER OIL COMPANY	8422172 18005	3512920791	RECEIVED:	02/22/84	CARR 14-2	SOUTHWEST MT VERNON	36.5	SUN EXPLORATION I
-HARPER OIL COMPANY	8422119 26266	3507122762	RECEIVED:	02/22/84	SMITH-GREER #2	WEST EDMOND	21.0	PHILLIPS PETROLEUM
-INEXCO OIL COMPANY	8422136 24424	3512920997	RECEIVED:	02/23/84	GRACE #1	S E ROLL	0.0	DELHI GAS PIPELIN
-J M HUBER CORPORATION	8422137 24425	3512920982	RECEIVED:	02/22/84	JA: OK		7.3	CHASE GATHERING S
			RECEIVED:	02/22/84	JANTZ 3-20	NORTH EAST STRONG CIT	11.0	
			RECEIVED:	02/22/84	CLOVIS #1-10	RED MOON FIELD	600.0	
			RECEIVED:	02/23/84	WILLIAMSON #1-24			

BILLING CODE 6717-01-M

VOLUME 1086

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8422182	26658	3500722604	103		BRYAN #2-14	N W GREENOUGH	10.0	PANHANDLE EASTERN
8422174	26659	3500722583	103		WALLACE "B" #1	N W GREENOUGH	125.0	PANHANDLE EASTERN
-JEFFERSON-WILLIAMS ENERGY CORP			RECEIVED:	02/22/84	JA: OK			
8422124	26598	3510300000	103		HAZEL CHESSMORE #2	LONE ELM NORTH	29.0	AMINOIL USA INC
-K N ENERGY INC			RECEIVED:	02/23/84	JA: OK			
8422166	26487	3513921730	103		PREWITT "B" #3	CAMRICK	80.0	
-KAISER-FRANCIS OIL COMPANY			RECEIVED:	02/23/84	JA: OK			
8422175	26551	3500722607	103		BERGEN #1-31		492.8	
-KIRKPATRICK OIL CO			RECEIVED:	02/23/84	JA: OK			
8422164	25999	3507323833	103		PRITCHETT "A" #2		0.0	CONOCO INC
-M K W INC			RECEIVED:	02/22/84	JA: OK			
8422123	26616	3510322075	103		WAGNER #2		72.0	ARCO OIL & GAS CO
-MOBIL OIL CORP			RECEIVED:	02/23/84	JA: OK			
8422161	26137	3501900000	108		COUNTYLINE #27-13 W O JORDAN #13	SHO VEL TUM	0.0	OKLAHOMA NATURAL
-MONSANTO COMPANY			RECEIVED:	02/22/84	JA: OK			
8422129	26586	3507323858	103		THEMER #3	DOVER EAST	65.0	EXXON CO USA
8422121	26648	3507323864	103		THROCKMORTON #3	DOVER EAST	0.0	EXXON CO U S A
-NEW TREND RESOURCES INC			RECEIVED:	02/23/84	JA: OK			
8422152	26547	3510721344	103		MIRACLE 3-A	SOUTH MORSE	25.0	SWAB CORP
-NORTH CENTRAL DRILLING CO INC			RECEIVED:	02/23/84	JA: OK			
8422184	26191	3508122132	103		CINDY #2 037-80665-1	SOUTHWEST STROUD	2.0	SWAB CORP
-OKLAND OIL CO			RECEIVED:	02/22/84	JA: OK			
8422120	26655	3504723128	103		ENID TOWNSITE #1-13	SOONER TREND	365.0	UNION TEXAS PETRO
-PHILLIPS OIL OPERATING CO			RECEIVED:	02/23/84	JA: OK			
8422179	26620	3508120862	108		BETTY WOLFE #1		26.3	SUN GAS CO
8422157	26675	3508320276	108		CALLAHAN - COULREE #1		27.6	PIONEER GAS PRODU
8422156	26674	3508320273	108		FRECH #1		37.2	PIONEER GAS PRODU
8422176	26617	3508100000	108		GREEN #1		27.4	SUN GAS CO
8422180	26621	3508121041	108		GREEN #2		4.8	SUN GAS CO
8422178	26619	3508121208	108		HAGAR #3		27.4	SUN GAS CO
8422155	26673	3508320308	108		HUGHEY #1		0.0	PIONEER GAS PRODU
8422177	26618	3508121315	108		WARE #1		36.5	SUN GAS CO
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	02/23/84	JA: OK			
8422165	25051	3513900000	108		IRENE #1	GUYPON HUGOTON	0.0	PANHANDLE EASTERN
-PSEC INC			RECEIVED:	02/22/84	JA: OK			
8422132	19555	3508121494	107-TF		HUMPHRIES #1-25	WELLSTON	0.0	EL PASO NATURAL G
-QUASTUS DAVID			RECEIVED:	02/23/84	JA: OK			
8422162	26073	3510100000	108		REDO #10-2		0.0	PHILLIPS PETROLEU
-READING & BATES PETROLEUM CO			RECEIVED:	02/23/84	JA: OK			
8422181	26630	3504700000	103		VIV #1	KREMLIN	73.0	UNION TEXAS PETRO
-SHELL OIL CO			RECEIVED:	02/23/84	JA: OK			
8422148	25161	3500900000	108		ELK CITY HOXBAR SAND CONGLO #1-14-6	ELK CITY	12.7	PANHANDLE EASTERN
8422146	25159	3500900000	108		ELK CITY HOXBAR SAND CONGLO 1-16-12	ELK CITY	12.8	PANHANDLE EASTERN
8422147	25160	3500900000	108		ELK CITY HOXBAR SAND CONGLO #1-16-7	ELK CITY	12.7	PANHANDLE EASTERN
8422143	25156	3500900000	108		ELK CITY HOXBAR SAND CONGLO #1-17-6	ELK CITY	12.7	PANHANDLE EASTERN
8422144	25157	3500900000	108		ELK CITY HOXBAR SAND CONGLO #1-17-4	ELK CITY	12.7	PANHANDLE EASTERN
8422145	25158	3500900000	108		ELK CITY HOXBAR SAND CONGLO #1-17-1	ELK CITY	12.5	PANHANDLE EASTERN
8422140	25143	3500900000	108		ELK CITY HOXBAR SAND CONGLO #1-7-12	ELK CITY	12.7	PANHANDLE EASTERN
8422141	25144	3500900000	108		ELK CITY HOXBAR SAND CONGLO #1-7-4	ELK CITY	12.7	PANHANDLE EASTERN
8422142	25145	3500900000	108		ELK CITY HOXBAR SAND CONGLO #1-9-11	ELK CITY	13.2	PANHANDLE EASTERN
-SOUTHLAND ROYALTY CO			RECEIVED:	02/23/84	JA: OK			
8422170	19495	3513900377	103		ELMORE #1	EAST HOOKER	21.5	NORTHERN NATURAL
-T-REX CORP			RECEIVED:	02/23/84	JA: OK			
8422150	26236	3503725286	103		DUTCHMAN #2	STROUD OIL FIELD	36.0	KERR-MCGEE CORP
8422151	26237	3503725287	103		DUTCHMAN #3	STROUD OIL FIELD	36.0	KERR-MCGEE CORP
-TIGER ENERGY CORP			RECEIVED:	02/23/84	JA: OK			
8422185	26367	3511721121	103		BISCHOFF #4	NORTH TERLTON	8.5	HJD GAS CO
-TXO PRODUCTION CORP			RECEIVED:	02/22/84	JA: OK			
8422138	26555	3509322758	103		BUTTEL #1	W CHEYENNE VALLEY	0.0	DELHI GAS PIPELIN
-TXO PRODUCTION CORP			RECEIVED:	02/23/84	JA: OK			
8422173	17027	3504320278	108-ER		DEDRICK #1		0.0	DELHI GAS PIPELIN
-WARD PETROLEUM CORP			RECEIVED:	02/22/84	JA: OK			
8422122	26647	3502720762	103		J H SMITH A-#3		64.0	SUN EXPLORATION &
-WESTFALL ENTERPRISES			RECEIVED:	02/23/84	JA: OK			
8422153	26615	3511922304	103		SHARPLEY-ALLEN #1	NORTH EAST SPORN	0.0	SUN EXPLORATION &
-WICKLUND PETROLEUM CORP			RECEIVED:	02/23/84	JA: OK			
8422183	26820	3501700000	103		PAYNE #1	MUSTANG	0.0	
-WOODS PETROLEUM CORPORATION			RECEIVED:	02/23/84	JA: OK			
8422167	26670	3512920970	102-2		TUNE #20-1	MADDOX	694.0	
***** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE, NM *****								
***** RECEIVED: *02/23/84 JA: NM K *****								
-AMOCO PRODUCTION CO			RECEIVED:	02/23/84	JA: NM K			
8422050	NM-1008-83	3004508434	108		A L ELLIOTT "B" #5	BASIN - DAKOTA	16.0	EL PASO NATURAL G
8422047	NM 0998-83	3004507567	108		DAY GAS COM #1 (4TH FILING)	BASIN - DAKOTA	18.0	SOUTHERN UNION GA
8422041	NM 0868-83	3004525613	103		JAMES F BELL / TRUE #1E	BASIN DAKOTA	89.6	EL PASO NATURAL G
8422051	NM 1007-83	3003906664	108		JICARILLA APACHE 102 #4	BLANCO - MESAVERDE/TA	19.0	GAS CO OF NEW MEX
8422046	NM 0999-83	3003922483	108		JICARILLA CONTRACT 148 #22	SOUTH BLANCO - PC/OTE	16.0	NORTHWEST PIPELIN
8422048	NM-1004-83	3004523588	108		JOHNSON GAS COM "E" #1	FLORA VISTA - MESAVER	12.0	EL PASO NATURAL G
8422096	NM 1000-83	3004506819	108		M N GALT "H" #1 (2ND FILING)	BASIN - DAKOTA	15.0	SOUTHERN UNION GA
8422097	NM 1001-83	3004524665	108		P O PIPKIN #1E	BASIN - DAKOTA	7.0	EL PASO NATURAL G
8422049	NM 1003-83	3004521056	108		R P HARGRAVE #2	FULCHER KUTZ - PICTUR	10.0	SOUTHERN UNION GA
8422098	NM 1002-83	3004506780	108		SHIPP GAS COM #1	BASIN - DAKOTA	12.0	EL PASO NATURAL G
8422057	NM-1026-83	3004524610	108		UTE INDIANS "A" #16	UTE DOME - DAKOTA	20.0	SOUTHERN UNION GA
8422052	NM-1005-83	3003920700	108		VALENCIA CANYON UNIT #1	CHOZA MESA - PICTURED	11.0	EL PASO NATURAL G
-BCO INC			RECEIVED:	02/23/84	JA: NM K			
8422044	NM-0861-83	3003923230	103		ESCRITO GALLUP UNIT #22 (ELIZ 7)	ESCRITO GALLUP	50.0	EL PASO NATURAL G
8422113	NM 0844-83	3003923229	103		ESCRITO GALLUP UNIT #23	ESCRITO GALLUP	0.0	EL PASO NATURAL G
-CONOCO INC			RECEIVED:	02/23/84	JA: NM K			
8422076	NM-1051-83	3003905120	108		AXI APACHE A #8	AXI APACHE AREA	17.3	GAS CO OF NEW MEX
8422034	NM-974-83	3003920439	108		AXI APACHE J #23	AXI APACHE AREA	13.4	GAS CO OF NEW MEX
8422031	NM-975-83	3003920445	108		AXI APACHE J #25	AXI APACHE AREA	11.0	GAS CO OF NEW MEX
8422075	NM-1050-83	3003920677	108		AXI APACHE O #2	AXI APACHE AREA	11.2	GAS CO OF NEW MEX
8422110	NM-1049-83	3003920968	108		AXI APACHE O #6	AXI APACHE AREA	11.4	GAS CO OF NEW MEX
-DEPCO INC			RECEIVED:	02/23/84	JA: NM K			
8422069	NM-0851-83	3003922392	107-TF		BURNS FEDERAL #2	BLANCO MESAVERDE/OTER	35.0	EL PASO NATURAL G
-DOME PETROLEUM CORP			RECEIVED:	02/23/84	JA: NM K			
8422072	NM 1955-83	3004320638	107-TF		DOME FEDERAL 1-21-7 #1	RUSTY CHACRA	0.0	SOUTHWEST GAS COR
-DUGAN PRODUCTION CORP			RECEIVED:	02/23/84	JA: NM K			
8422027	NM-988-83	3004525536	103		BABY DOE #1 - J WELL	WAW FRUITLAND PICTURE	10.0	EL PASO NATURAL G
8422085	NM-1034-83	3004522968	108		FAF #3	WAW FRUITLAND PICTURE	10.0	EL PASO NATURAL G
8422064	NM-1036-83	3004520379	108		FEDERAL I #4	HARPER HILL FRUITLAND	6.0	EL PASO NATURAL G
8422063	NM-1037-83	3004520721	108		FEDERAL I #5	HARPER HILL FRUITLAND	6.0	EL PASO NATURAL G
8422026	NM-989-83	3004524330	103		LUCKY BILLY CHARLIE #1	WAW FRUITLAND PC	15.0	NORTHWEST PIPELIN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8422081	NM-1039-83	3004525050	107	TF		MARY ANNE #3	BASIN DAKOTA	18.0	NORTHWEST PIPELIN
8422082	NM-1040-83-A	3004525050	103			MARY ANNE #3	BISTI GALLUP	18.0	NORTHWEST PIPELIN
8422083	NM-1040-83-B	3004525050	103			MARY ANNE #3	BASIN DAKOTA	18.0	NORTHWEST PIPELIN
8422084	NM-1035-83	3004523510	108			THOMAS JEFFERSON #3	NW FRUITLAND - PICTU	6.0	EL PASO NATURAL G
8422084	NM-1041-83	3004524331	103			UNCLE SAM #1	NW FRUITLAND PICTURE	18.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY									
8422100	NM-995-83	3003905632	108			RECEIVED: 02/23/84 JA: NM K			
8422032	NM-976-83	3003920943	108			CANYON LARGO UNIT #120	BALLARD - PICTURED CL	11.0	EL PASO NATURAL G
8422073	NM-0799-83	3004520812	108			CANYON LARGO UNIT #272	BALLARD - PICTURED CL	10.0	EL PASO NATURAL G
8422111	NM-1048-83	3004510495	108			DAY A #12	BLANCO - PICTURED CL	12.0	EL PASO NATURAL G
8422061	NM-1033-83	3004520292	108			ELLIOTT A #1	BLANCO - MESA VERDE	14.0	EL PASO NATURAL G
8422080	NM-1047-83	3004509293	108			JOHNSON #1R	FULCHER KUTZ - PICTUR	24.0	EL PASO NATURAL G
			108			LUDWICK #12	BLANCO - MESAVERDE	15.0	EL PASO NATURAL G
-GETTY OIL COMPANY									
8422045	NM-0996-83	3003905760	108			RECEIVED: 02/23/84 JA: NM K			
8422099	NM-0997-83	3003905819	108			JICARILLA "C" #16	OTERO CHACRA	20.0	EL PASO NATURAL G
			108			JICARILLA "C" #21	OTERO GALLUP	5.0	EL PASO NATURAL G
-GULF OIL CORPORATION									
8422038	NM-0970-83	3004506354	108			RECEIVED: 02/23/84 JA: NM K			
			108			SCOTT "E" FEDERAL #13	BASIN DAKOTA	13.1	GAS CO OF NEW MEX
-JACK A COLE									
8422095	NM-1010-83	3004525712	103			RECEIVED: 02/23/84 JA: NM K			
8422094	NM-1009-83	3004320637	103			HUGH WASH FEDERAL #1	BASIN DAKOTA	93.0	NORTHWEST PIPELIN
			103			INDIAN BEND "A" #3	BALLARD PICTURED CLIF	105.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP									
8422039	NM-0966-83	3004500000	108			RECEIVED: 02/23/84 JA: NM K			
8422062	NM-1032-83	3003922889	103			BLACKROCK D #1	BASIN DAKOTA	11.0	EL PASO NATURAL G
8422040	NM-0967-83	3004522542	108			CANYON LARGO UNIT #310	DEVILS FORK GALLUP	34.7	EL PASO NATURAL G
8422037	NM-0968-83	3004500000	108			CHACO #4	NW FRUITLAND PICTURE	12.9	EL PASO NATURAL G
			108			NELSON A #1	GALLEGOS GALLUP	10.9	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION									
8422107	NM-085583107	3003922727	103			RECEIVED: 02/23/84 JA: NM K			
8422108	NM-085683107	3003922707	103			107-TF SAN JUAN 30-5 UNIT #76	BASIN DAKOTA	101.9	NORTHWEST PIPELIN
8422106	NM-085783107	3003923157	103			107-TF SAN JUAN 30-5 UNIT #78	BASIN DAKOTA	79.3	NORTHWEST PIPELIN
8422105	NM-085283107	3003923169	103			107-TF SAN JUAN 31-6 UNIT #57	BASIN DAKOTA	137.9	NORTHWEST PIPELIN
8422109	NM-085483107	3003923149	103			107-TF SAN JUAN 31-6 UNIT #25	BASIN DAKOTA	120.5	NORTHWEST PIPELIN
8422067	NM-085383107	3003923150	103			107-TF SAN JUAN 31-6 UNIT #39	BASIN DAKOTA	90.2	NORTHWEST PIPELIN
			103			107-TF SAN JUAN 31-6 UNIT 27	BASIN DAKOTA	75.3	NORTHWEST PIPELIN
-OXOCO EXPLORATION & PRODUCTION INC									
8422085	NM-1028-83	3004524599	108			RECEIVED: 02/23/84 JA: NM K			
8422087	NM-1027-83	3004524597	108			CAMPBELL #1	W A W	12.0	EL PASO NATURAL G
8422089	NM-1029-83	3004524598	108			GASS #1	W A W	10.0	EL PASO NATURAL G
8422118	NM-977-83	3004523590	107	TF		GASS #2	W A W	18.0	EL PASO NATURAL G
			107	TF		RATTLESNAKE CANYON #1	BLANCO MESA VERDE	73.0	NORTHWEST PIPELIN
-ROBERT L BAYLESS									
8422030	NM-979-83	3004525766	103			RECEIVED: 02/23/84 JA: NM K			
			103			MORTON #2	BASIN DAKOTA	105.0	NORTHWEST PIPELIN
-SOUTHERN UNION EXPLORATION COMPANY									
8422112	NM-0845-83	3004524441	108			RECEIVED: 02/23/84 JA: NM K			
8422068	NM-0846-83	3004524475	108			HODGES #17	BALLARD PICTURED CLIF	11.0	GAS CO OF NEW MEX
8422071	NM-0847-83	3003921517	108			HODGES #20	BALLARD PICTURED CLIF	9.0	GAS CO OF NEW MEX
8422115	NM-0848-83	3003922038	108			JICARILLA "B" #9	BLANCO MESAVERDE	10.0	GAS CO OF NEW MEX
8422114	NM-0849-83	3003920103	108			JICARILLA "C" #6	TAPACITO PICTURED CL	17.0	GAS CO OF NEW MEX
			108			JICARILLA "E" #9	TAPACITO PC AND BASIN	9.0	GAS CO OF NEW MEX
-SOUTHLAND ROYALTY CO									
8422056	NM-1011-83	3004507794	108			RECEIVED: 02/23/84 JA: NM K			
8422033	NM-973-83	3004525660	103			CAIN #16	BASIN	12.0	SOUTHERN UNION GA
8422074	NM-0843-83	3004523622	107	TF		HUBBARD #7	BLANCO	105.0	SOUTHERN UNION GA
8422036	NM-972-83	3004507294	108			REES MESA #6	BASIN	80.0	NORTHWEST PIPELIN
8422043	NM-0866-83	3004513240	108			REID #12	AZTEC	19.0	SOUTHERN UNION GA
8422035	NM-971-83	3004507324	108			REID #7	AZTEC	8.0	SOUTHERN UNION GA
8422117	NM-983-83	3004506685	108			WHITLEY #5	AZTEC	18.0	SOUTHERN UNION GA
8422116	NM-982-83	3004511734	108			WHITLEY #9	BASIN	12.0	SOUTHERN UNION GA
			108			WHITLEY #9	BLANCO	18.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY									
8422028	NM-986-83	3004521317	108			RECEIVED: 02/23/84 JA: NM K			
8422004	NM-984-83	3004500000	108			GALLEGOS #	BASIN DAKOTA	19.0	GAS CO OF NEW MEX
8422070	NM-985-83	3004511613	108			LODEWICK #3	BASIN DAKOTA	12.0	SOUTHERN UNION GA
			108			STOREY C #3	BASIN DAKOTA	12.0	NORTHWEST PIPELIN
-TEXACO INC									
8422042	NM-0965-83	3004524554	108			RECEIVED: 02/23/84 JA: NM K			
			108			H J LOE "B" FEDERAL WELL #2E	BASIN DAKOTA	12.0	SOUTHERN UNION GA
-UNICOM PRODUCING CO									
8422103	NM-992-83	3004525531	103			RECEIVED: 02/23/84 JA: NM K			
8422079	NM-1046-83	3004525654	103			ANGEL PEAK "B" #24E	BASIN DAKOTA	133.0	SOUTHERN UNION GA
8422093	NM-1019-83	3004525675	103			ANGEL PEAK "B" #37	GALLUP	55.0	GAS CO OF NEW MEX
8422066	NM-1043-83	3004525606	103			CONGRESS #15	GALLUP	50.0	SOUTHERN UNION GA
8422101	NM-990-83	3003922854	103			EATON FEDERAL #2	GALLUP	178.0	EL PASO NATURAL G
8422029	NM-993-83	3004510249	108			F-27-24-7 #1	ESCRITO GALLUP	16.0	
8422077	NM-1030-83	3004505943	108			HUNSAKER #1	BLANCO MESA VERDE	25.0	SOUTHERN UNION GA
8422102	NM-991-83	3004524505	103			NEWSOM B #9	BASIN DAKOTA	49.0	EL PASO NATURAL G
8422054	NM-1014-83	3004525674	103			NEWSOM "B" #20	BALLARD PICTURED CLIF	578.0	EL PASO NATURAL G
8422053	NM-1015-83	3004525629	103			SUMMIT #12	GALLUP	142.0	GAS CO OF NEW MEX
8422091	NM-1017-83	3004525609	103			ZACHRY #45	GALLUP	27.0	EL PASO NATURAL G
8422078	NM-1045-83	3004525608	103			ZACHRY #47	GALLUP	34.0	EL PASO NATURAL G
8422055	NM-1013-83	3004525610	103			ZACHRY #48	GALLUP	58.0	EL PASO NATURAL G
8422059	NM-1022-83	3004525611	103			ZACHRY #49	GALLUP	62.0	EL PASO NATURAL G
8422092	NM-1018-83	3004525598	103			ZACHRY #51	GALLUP	254.0	EL PASO NATURAL G
8422090	NM-1016-83	3004525596	103			ZACHRY #52	GALLUP	60.0	EL PASO NATURAL G
8422058	NM-1023-83	3004525650	103			ZACHRY #54	ARMENTA GALLUP	365.0	EL PASO NATURAL G
8422065	NM-1044-83	3004525649	103			ZACHRY #55	ARMENTA GALLUP	105.0	EL PASO NATURAL G
8422060	NM-1020-83	3004525595	103			ZACHRY #56	GALLUP	61.0	EL PASO NATURAL G
			103			ZACHRY #57	ARMENTA GALLUP	81.0	EL PASO NATURAL G

[FR Doc. 84-7614 Filed 3-20-84; 8:45 am]

BILLING CODE 6717-01-C

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 16, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease.

Section 107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation.

Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS Issued March 16, 1984

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER

TEXAS RAILROAD COMMISSION								

8422365	F-78-077751	4225332671	103	RECEIVED:	02/24/84 JA: TX	MINTER	12.0	
8422320	F-09-077018	4218130991	102-4	RECEIVED:	02/24/84 JA: TX	TURNER SURVEY A-1266	0.0	LONE STAR GAS CO
8422353	F-8A-077512	4218930255	103	RECEIVED:	02/24/84 JA: TX	ANTON IRISH	19.0	WESTAR TRANSMISSI
8422197	F-04-071660	4248900404	103	RECEIVED:	02/24/84 JA: TX	WILLAMAR	37.0	NATURAL GAS PIPEL
8422354	F-8A-077517	4250132428	103	RECEIVED:	02/24/84 JA: TX	WASSON	65.0	SHELL OIL CO
8422203	F-06-072434	4240130620	102-4	RECEIVED:	02/24/84 JA: TX	CHAPMAN (COTTON VALLE	0.0	TUFCO
8422409	F-04-078326	4250531681	102-4	RECEIVED:	02/24/84 JA: TX	LAS OVEJAS (LOBO 6)	700.0	ARCO PETROLEUM PR
8422410	F-04-078327	4250531662	102-4	RECEIVED:	02/24/84 JA: TX	LAS OVEJAS (LOBO 6)	365.0	ARCO PETROLEUM PR
8422204	F-01-072437	4231131533	108	RECEIVED:	02/24/84 JA: TX	RHODE RANCH EAST (WIL	8.0	HOUSTON PIPELINE
8422225	F-04-073509	4213134931	103	RECEIVED:	02/24/84 JA: TX	HAGIST RANCH (WILCOX	650.0	NATURAL GAS PIPEL
8422315	F-78-076898	4205934704	102-4	RECEIVED:	02/24/84 JA: TX	MIS RAIZES (DUFFER)	0.0	SOUTHWESTERN GAS
8422359	F-04-077585	4240931754	103	RECEIVED:	02/24/84 JA: TX	MIDWAY (2700)	22.0	HOUSTON PIPE LINE
8422247	F-03-074890	4228700000	102-4	RECEIVED:	02/24/84 JA: TX	DIME BOX (NAVARRO)	10.6	PHILLIPS PETROLEU
8422246	F-04-074621	4221531364	102-4	RECEIVED:	02/24/84 JA: TX	MONTE CHRISTO (VICKSB	1000.0	TECO PIPELINE CO
8422202	F-04-071867	4224731540	102-3	RECEIVED:	02/24/84 JA: TX	MESTENA GRANDE (QUEEN	360.0	AMERICAN PIPELINE
8422199	F-7C-071842	4210500000	103	RECEIVED:	02/24/84 JA: TX	TODD SW (SAN ANDRES)	0.0	APACHE GAS CORP
8422357	F-7C-077570	4241331345	102-4	RECEIVED:	02/24/84 JA: TX	ARLENE (NEW FIELD)	536.8	FARMLAND INDUSTRI
8422222	F-03-073426	4214931465	102-2	RECEIVED:	02/24/84 JA: TX	GIDDINGS (AUSTIN CHAL	10.0	PHILLIPS PETROLEU
8422338	F-7B-077358	4213300000	102-4	RECEIVED:	02/24/84 JA: TX	CAMERON P (MARBLE FAL	17.6	EL PASO HYDROCARB
8422321	F-7B-077128	4236300000	102-4	RECEIVED:	02/24/84 JA: TX	CALABRIA (CONGL 3700)	0.0	SOUTHWESTERN GAS
8422423	F-7B-078367	4204932402	108	RECEIVED:	02/24/84 JA: TX	BROWN CO REGULAR (MAR	16.0	EL PASO HYDROCARB
8422425	F-7C-078372	4238332318	103	RECEIVED:	02/24/84 JA: TX	PRICE	10.0	JAMES L LAMB JR
8422434	F-7C-078376	4238332429	103	RECEIVED:	02/24/84 JA: TX	PRICE	10.0	JAMES L LAMB JR
8422427	F-7C-078374	4238332633	103	RECEIVED:	02/24/84 JA: TX	PRICE	10.0	JAMES L LAMB JR
8422426	F-7C-078373	4238332551	103	RECEIVED:	02/24/84 JA: TX	PRICE	10.0	JAMES L LAMB JR
8422276	F-06-076010	4218330592	103	RECEIVED:	02/24/84 JA: TX	OAK HILL	540.0	TEJAS GAS CORP
8422276	F-06-076010	4218330592	103	RECEIVED:	02/24/84 JA: TX			

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JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
8422390	F-09-078037	4223735570	102-4 AUSTIN WEBB #1	PFIESTER (STRAWN)	0.0	SOUTHWESTERN GAS
-COATES ENERGY TRUST	F-04-072536	4242731773	RECEIVED: 02/24/84 JA: TX	ALVARADO (6780')	91.0	VALERO INTERSTATE
-CONOCO INC	F-08-076894	4222733041	RECEIVED: 02/24/84 JA: TX	HOWARD GLASSCOCK	365.0	PHILLIPS PETROLEUM
8422350	F-08-077466	4213500000	103 G O CHALK "B" ID 18988	FOSTER	1.5	EL PASO HYDROCARB
8422294	F-04-076552	4200730732	103 ST CHARLES CO #71	BLACKJACK (Y-10 650)	0.0	
8422421	F-04-078359	4242731230	108 T B SLICK EST A-221 #152	RINCON (FRIO B-1)	11.0	TENNESSEE GAS PIP
-COURSON OIL & GAS INC	F-10-077155	4235731438	RECEIVED: 02/24/84 JA: TX	ELLIS RANCH (CLEVELAN	120.0	TRANSWESTERN PIPE
-CROWN EXPLORATION CO	F-7B-077500	4205900000	RECEIVED: 02/24/84 JA: TX	PUTNAM SOUTH (CADD L	275.0	DELHI GAS PIPELIN
-CROWN PRODUCTION CO INC	F-01-056368	4216331974	RECEIVED: 02/24/84 JA: TX	PEARSALL (CAUSTIN CHAL	0.0	TIPPERARY CORP
-CRYSTAL OIL AND LAND COMPANY	F-06-075436	4206730439	RECEIVED: 02/24/84 JA: TX	RODESSA	912.0	BRECKENRIDGE GASO
8422253	F-06-075248	4206700000	102-4 103 BLANCHARD "A" #1-L	RODESSA	142.0	BRECKENRIDGE GASO
8422275	F-06-075981	4206730441	RECEIVED: 02/24/84 JA: TX	RODESSA	50.0	BRECKENRIDGE GASO
-CYCLONE EXPLORATION INC	F-7C-073678	4243532884	RECEIVED: 02/24/84 JA: TX	SAWYER (CANYON)	25.0	EL PASO NATURAL G
-DIAMOND CHEMICALS CO	F-10-074491	4229531284	RECEIVED: 02/24/84 JA: TX	LIPSCOMB SEC 610	0.0	
-DISCOVERY OPERATING INC	F-7C-076587	4238332682	RECEIVED: 02/24/84 JA: TX	SPRABERRY (TREND AREA	0.0	EL PASO NATURAL G
-DDN H HANVEY OIL INTERESTS INC	F-7B-075716	4221333469	RECEIVED: 02/24/84 JA: TX	HANVEY (LAKE SAND)	200.0	EL PASO HYDROCARB
8422266	F-7B-075717	4221333466	RECEIVED: 02/24/84 JA: TX	HANVEY (LAKE SAND)	200.0	EL PASO HYDROCARB
8422264	F-7B-075714	4221333353	RECEIVED: 02/24/84 JA: TX	HANVEY (LAKE SAND)	139.0	EL PASO HYDROCARB
8422263	F-7B-075713	4221333495	RECEIVED: 02/24/84 JA: TX	HANVEY (LAKE SAND)	45.0	EL PASO HYDROCARB
8422268	F-7B-075721	4213334281	RECEIVED: 02/24/84 JA: TX	HANVEY (LAKE SAND)	125.0	EL PASO HYDROCARB
8422267	F-7B-075720	4213333895	RECEIVED: 02/24/84 JA: TX	HANVEY (LAKE SAND)	350.0	EL PASO HYDROCARB
-DORCHESTER EXPLORATION INC	F-08-074119	4217331901	RECEIVED: 02/24/84 JA: TX	SPRABERRY TREND AREA	9.0	
-ENERGY DEVELOPMENT CORP (TX)	F-02-077764	4205731120	RECEIVED: 02/24/84 JA: TX	POWDERHORN SW (FRIO 8	474.5	PUBLIC SERVICE EL
-ENSERCH EXPLORATION INC	F-8A-076266	4203330944	RECEIVED: 02/24/84 JA: TX	HOOD M	0.0	
8422308	F-01-076861	4201331798	RECEIVED: 02/24/84 JA: TX	FASHING/EDWARDS LIME	0.0	NATURAL GAS PIPEL
8422309	F-01-076862	4201331798	RECEIVED: 02/24/84 JA: TX	FASHING/EDWARDS LIME	0.0	NATURAL GAS PIPEL
8422271	F-05-075911	4221330383	RECEIVED: 02/24/84 JA: TX	OPELIKA	0.0	LONE STAR GAS CO
8422273	F-05-075925	4221330383	RECEIVED: 02/24/84 JA: TX	OPELIKA	0.0	LONE STAR GAS CO
-ESENJAY PETROLEUM CORP	F-02-077833	4223931899	RECEIVED: 02/24/84 JA: TX	ANITA (6250)	1204.0	
-EVEREST MINERALS CORP	F-04-073339	4247933269	RECEIVED: 02/24/84 JA: TX	LAS ANIMAS-LEFEVERE N	70.0	ESPERANZA TRANSMI
8422221	F-04-073341	4247933426	RECEIVED: 02/24/84 JA: TX	LAS ANIMAS-LEFEVERE N	70.0	ESPERANZA TRANSMI
-EXXON CORPORATION	F-08-073591	4200333462	RECEIVED: 02/24/84 JA: TX	FULLERTON	15.0	PHILLIPS PETROLEUM
8422254	F-03-075441	4207131445	RECEIVED: 02/24/84 JA: TX	RED FISH REEF (FB B-1	650.0	HOUSTON PIPELINE
8422419	F-06-078355	4207330505	RECEIVED: 02/24/84 JA: TX	REKLAW (TRAVIS PEAK)	455.0	ARMCO STEEL CORP
8422418	F-06-078354	4249931210	RECEIVED: 02/24/84 JA: TX	HAWKINS FIELD UNIT #2389	43.0	
8422414	F-06-078348	4249931204	RECEIVED: 02/24/84 JA: TX	HAWKINS	43.0	
8422415	F-03-078350	4215731482	RECEIVED: 02/24/84 JA: TX	THOMPSON SOUTH	30.0	ARMCO STEEL CORP
8422291	F-03-076497	4247330393	RECEIVED: 02/24/84 JA: TX	KATY (FIRST WILCOX)	730.0	UNITED TEXAS TRAN
8422452	F-04-078513	4227331790	RECEIVED: 02/24/84 JA: TX	MAGNOLIA CITY (F-10)	91.0	ARMCO STEEL CORP
8422376	F-05-077831	4234933324	RECEIVED: 02/24/84 JA: TX	INGRAM TRINITY (RODES	13.0	ARMCO STEEL CORP
8422420	F-03-078358	4215731485	RECEIVED: 02/24/84 JA: TX	THOMPSON	18.0	ARMCO STEEL CORP
8422417	F-06-078353	4240131623	RECEIVED: 02/24/84 JA: TX	NEW LONDON	3.3	ARMCO STEEL CORP
8422424	F-04-078370	4213136319	RECEIVED: 02/24/84 JA: TX	LUNDELL (MIRANDO NO 1	1135.0	ARMCO STEEL CORP
8422451	F-04-078512	4226130817	RECEIVED: 02/24/84 JA: TX	TORDILLA (J-42)	15.0	PHILLIPS PETROLEUM
8422302	F-8A-076663	4216532530	RECEIVED: 02/24/84 JA: TX	ROBERTSON M (CLEAR FO	3.0	
8422326	F-08-077209	4210931698	RECEIVED: 02/24/84 JA: TX	FORD WEST (4100)	100.0	HOUSTON PIPELINE
8422413	F-03-078345	4220131618	RECEIVED: 02/24/84 JA: TX	WEBSTER	36.0	PALO DURO PIPELIN
-F W BURGER INC	F-7B-078006	4235330711	RECEIVED: 02/24/84 JA: TX	DOUBLE ODDS (CADD O)	900.0	VALERO TRANSMISSI
-FOREST OIL CORPORATION	F-04-076092	4221531354	RECEIVED: 02/24/84 JA: TX	MCALLEN RANCH (VICKSB	13.0	WESTERN GAS CORP
-FORGOTSON JAMES M JR	F-06-075161	4245930401	RECEIVED: 02/24/84 JA: TX	WALDEN (43318) FIELD	48.0	SOUTHWESTERN GAS
-GAYLYN EXPLORATION INC	F-09-077836	4223735501	RECEIVED: 02/24/84 JA: TX	DIX RANCH (LOWER WILC	0.0	HOUSTON PIPELINE
-GETTY OIL COMPANY	F-04-073917	4247900000	RECEIVED: 02/24/84 JA: TX	FLOWERS (CANYON SAND	1.7	CITIES SERVICE OI
8422405	F-7B-078325	4243331749	RECEIVED: 02/24/84 JA: TX	ELDRADO N (CANYON A)	60.0	ARCO OIL & GAS CO
8422319	F-7C-077009	4241300000	RECEIVED: 02/24/84 JA: TX	HRUBETZ (ELLEN)	2.0	UNION TEXAS PETRO
-GRAND BANKS ENERGY CO	F-7B-076374	4208333449	RECEIVED: 02/24/84 JA: TX	HRUBETZ (ELLEN)	7.3	UNION TEXAS PETRO
8422288	F-7B-076373	4208333521	RECEIVED: 02/24/84 JA: TX	HRUBETZ (ELLEN)	12.8	UNION TEXAS PETRO
8422287	F-7B-076371	4208333559	RECEIVED: 02/24/84 JA: TX	NEEDVILLE (MIO 4000 2	180.0	PHILLIPS PETROLEUM
-GROVER J GEISELMAN	F-03-077994	4215731442	RECEIVED: 02/24/84 JA: TX	BOONSVILLE/BEND CONGL	2388.9	NATURAL GAS PIPEL
-GULF OIL CORPORATION	F-09-078382	4223735180	RECEIVED: 02/24/84 JA: TX	CRAWAR SAN ANDRES	18.0	TRANSWESTERN PIPE
8422431	F-08-078439	4247532771	RECEIVED: 02/24/84 JA: TX	CRAWAR (SAN ANDRES)	18.0	TRANSWESTERN PIPE
8422440	F-08-078440	4247532769	RECEIVED: 02/24/84 JA: TX	ROJO CABALLOS/DELAWARE	93.0	EL PASO NATURAL G
8422430	F-08-078438	4237134558	RECEIVED: 02/24/84 JA: TX	WILDCAT GOLDSMITH (MC	1.0	PHILLIPS PETROLEUM
8422290	F-08-076403	4213534278	RECEIVED: 02/24/84 JA: TX	PUTNAM/WICHITA ALBANY	234.0	PHILLIPS PETROLEUM
8422433	F-08-078383	4222733267	RECEIVED: 02/24/84 JA: TX	HOWARD GLASSCOCK	1.0	PHILLIPS PETROLEUM
8422432	F-08-078383	4222733267	RECEIVED: 02/24/84 JA: TX	TRIPLE-N (GRAYBURG)	0.0	PHILLIPS PETROLEUM
8422441	F-08-078445	4200333717	RECEIVED: 02/24/84 JA: TX	JESS BURNER (DELAWARE	14.0	CONOCO INC
8422256	F-08-075536	4238931407	RECEIVED: 02/24/84 JA: TX	JESS BURNER (DELAWARE	14.0	CONOCO INC
8422261	F-08-075697	4238931407	RECEIVED: 02/24/84 JA: TX	QUITO EAST (CHERRY CA	341.0	VALERO TRANSMISSI
8422262	F-08-075699	4247532955	RECEIVED: 02/24/84 JA: TX	LAKE ANAHUAC TOWNSITE	0.0	UNITED TEXAS TRAN
-HAMMAN OIL & REFINING CO	F-03-06749	4207100000	RECEIVED: 02/24/84 JA: TX	FRANKLAND S (11200')	400.0	HOUSTON PIPELINE
8422192	F-03-06749	4207100000	RECEIVED: 02/24/84 JA: TX	RIGGS (CONGLOMERATE)	5.1	LONE STAR GAS CO
-HARRISON INTERESTS LTD	F-03-077298	4207131450	RECEIVED: 02/24/84 JA: TX	RIVERSIDE EAST (6375'	365.0	CHANNEL INDUSTRIE
8422334	F-03-077298	4207131450	RECEIVED: 02/24/84 JA: TX	TEAGUE TOWNSITE (COTT	0.0	LONE STAR GAS CO
-HCW EXPLORATION INC	F-09-075459	4223732455	RECEIVED: 02/24/84 JA: TX			
8422255	F-09-075459	4223732455	RECEIVED: 02/24/84 JA: TX			
-HEWITT & DOUGHERTY	F-04-077948	4235500000	RECEIVED: 02/24/84 JA: TX			
8422386	F-04-077948	4235500000	RECEIVED: 02/24/84 JA: TX			
-HIGHLAND RESOURCES INC	F-05-073037	4216130831	RECEIVED: 02/24/84 JA: TX			
8422210	F-05-073037	4216130831	RECEIVED: 02/24/84 JA: TX			
-HILLIARD OIL & GAS INC						

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JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
8422303	F-02-076698	4217531763	102-4 GRUETZMACHER #1	WEESATCHE WEST (HOLT)	1460.0	HOUSTON PIPE LINE
-HINTON PRODUCTION COMPANY			RECEIVED: 02/24/84 JA: TX			
8422223	F-06-073439	4240131682	102-4 TUFO "A" #1	MINDEN (TRAVIS PEAK H	500.0	TEXAS UTILITIES F
8422232	F-06-073693	4240131653	102-4 WATTS - JOHNSON #1	MINDEN W (TRAVIS PEAK	500.0	TEXAS UTILITIES F
-HNG OIL COMPANY			RECEIVED: 02/24/84 JA: TX			
8422336	F-7C-077347	4243500000	103 107-TF GALBREATH #78 #4-A	SAWYER (CANYON)	183.0	INTRATEX GAS CO
8422295	F-08-076557	4237100000	102-2 103 HUDGINS #37 #1	OATES SW (MONTOVA)	300.0	INTRATEX GAS CO
-HOLIDAY RESOURCES INC			RECEIVED: 02/24/84 JA: TX			
8422314	F-04-076965	4213136286	102-4 JUANITA SALINAS #1	AMANDO (YEGUA) (PROPO	200.0	OLMOS GATHERING C
-INDIAN WELLS OIL CO			RECEIVED: 02/24/84 JA: TX			
8422407	F-7C-078322	4223532151	103 ROCKER B 1949-4	ROCKER B (CANYON)	0.0	NORTHERN NATURAL
8422406	F-7C-078321	4223532168	103 WINTERBOTHAM 27-4	BROOKS (CANYON K)	0.0	NORTHERN NATURAL
-J A LEONARD			RECEIVED: 02/24/84 JA: TX			
8422315	F-03-076966	4205100000	102-4 JAMESON #1	INEZ JAMESON (NAVARRO	11.0	FERGUSON CROSSING
-J B DAVIS PIPE CO INC			RECEIVED: 02/24/84 JA: TX			
8422335	F-7B-077318	4236332215	102-4 J B DAVIS #2	MCLISH-STONE (CONGL	20.0	NORTHERN GAS PROD
-J B HERRMANN			RECEIVED: 02/24/84 JA: TX			
8422355	F-10-077547	4223331655	103 CHAIN "C" #4	PANHANDLE - HUTCHINSO	18.0	LIQUID ENERGY COR
8422358	F-10-077575	4223331543	103 WHITTENBURG #1	PANHANDLE - HUTCHINSO	29.0	LIQUID ENERGY COR
-J M HUBER CORPORATION			RECEIVED: 02/24/84 JA: TX			
8422240	F-03-074184	4219931837	102-2 103 J FINKELSTEIN #2	SOUR LAKE EAST (KIRBY	1825.0	HOUSTON PIPE LINE
8422442	F-10-078454	4223331690	103 MAGNOLIA HERRING #32	PANHANDLE	55.0	COLORADO INTERSTA
-JAMES K ANDERSON INC			RECEIVED: 02/24/84 JA: TX			
8422337	F-7C-077348	4239932796	102-4 ODELL "B" #2	FRITZESS EAST (GARDNE	180.0	LONE STAR GAS CO
-JAMES L LAMB JR			RECEIVED: 02/24/84 JA: TX			
8422385	F-7C-077914	4210534553	103 UNIVERSITY 51-2 #3	FARMER	10.0	CROCKETT COUNTY G
-JENNINGS EXPLORATION CO			RECEIVED: 02/24/84 JA: TX			
8422422	F-01-078361	4250731995	102-4 HENDERSON LTM ENTERPRISES #1 108225	CAPOTA CREED (BRACERO	146.0	REATA INDUSTRIAL
-K-M OPERATING CORP			RECEIVED: 02/24/84 JA: TX			
8422351	F-06-073681	4205132521	102-2 BATES #6	BIG -A- TAYLOR	0.0	CLAJON GAS CO
-KAISER OIL (US) LTD			RECEIVED: 02/24/84 JA: TX			
8422188	F-06-051178	4206730371	102-4 V E GLASS #1	ATLANTA (SOUTH)	420.0	
-KATLACO OPERATING CO INC			RECEIVED: 02/24/84 JA: TX			
8422252	F-7B-075341	4213335245	102-4 KATLACO FEE "D" #8	ARDINGER (LAKE SAND U	197.0	EL PASO HYDROCARB
-LACY & BYRD INC			RECEIVED: 02/24/84 JA: TX			
8422416	F-7C-078352	4223532162	103 ROCKER B "B" #10 (RRC 807533)	SPRABERRY (TREND AREA	38.0	NORTHERN NATURAL
-LADD PETROLEUM CORPORATION			RECEIVED: 02/24/84 JA: TX			
8422378	F-7C-077834	4210534634	103 107-TF V I PIERCE #10-5	OZONA (CANYON SAND)	232.7	AMERICAN PIPELINE
-LAMBERT HOLLUB DRILLING CO			RECEIVED: 02/24/84 JA: TX			
8422398	F-03-078271	4205132523	102-4 STANLEY "A" #1	HOOKER CREEK (NAVARRO	125.0	FERGUSON CROSSING
-LAYTON ENTERPRISES INC			RECEIVED: 02/24/84 JA: TX			
8422402	F-8A-078284	4207931664	103 REED WRIGHT #A-1	LEVELLAND	8.9	CITIES SERVICE CO
8422403	F-8A-078285	4207931662	103 REED WRIGHT #B-2	LEVELLAND	8.9	CITIES SERVICE CO
8422399	F-8A-078280	4207931661	103 REED WRIGHT #B-3	LEVELLAND	8.9	CITIES SERVICE CO
8422400	F-8A-078282	4207931660	103 REED WRIGHT #B-4	LEVELLAND	8.9	CITIES SERVICE CO
8422401	F-8A-078283	4207931659	103 REED WRIGHT #B-5	LEVELLAND	8.9	CITIES SERVICE CO
8422404	F-8A-078287	4207931658	103 REED WRIGHT #B-6	LEVELLAND	8.9	CITIES SERVICE CO
-LEWIS & ATKINS OIL & GAS INC			RECEIVED: 02/24/84 JA: TX			
8422193	F-7C-068004	4238332487	103 UNIVERSITY 15 "C" #1	SPRABERRY (TREND AREA	36.0	J L DAVIS
-LEWIS B BURSLESON			RECEIVED: 02/24/84 JA: TX			
8422361	F-06-077601	4237134092	103 PUCKETT #5	BELDING (YATES)	40.0	APACHE GAS CORP
-M & B OIL COMPANY			RECEIVED: 02/24/84 JA: TX			
8422314	F-7C-077001	4210533201	103 THOMPSON "A" #1	NOELKE W (880)	0.0	KIBO COMPRESSOR C
-M BRAD BENNETT INC & RKH LTD			RECEIVED: 02/24/84 JA: TX			
8422412	F-08-078341	4247533117	102-4 ADOBE #5	COLLIE (DELAWARE)	45.6	INTRATEX GAS CO
-MABEE PETROLEUM CORP			RECEIVED: 02/24/84 JA: TX			
8422281	F-8A-076143	4250132381	103 GIBSON UNIT #1010	WASSON 72	0.0	SHELL OIL CO
-MARIANAS OPERATING CO INC			RECEIVED: 02/24/84 JA: TX			
8422226	F-7B-073518	4208333336	102-4 MCCORD #1 (107032)	MARIANAS (GARDNER)	200.0	EL PASO HYDROCARB
-MARSHALL EXPLORATION INC			RECEIVED: 02/24/84 JA: TX			
8422211	F-03-073246	4231330454	102-4 103 MOSS-MALONE "B" #5	MADISONVILLE NE (GEOR	180.0	LONE STAR GAS CO
-MCCAULEY F R			RECEIVED: 02/24/84 JA: TX			
8422397	F-02-078255	4228500000	108 BONORDEN-CLARK GU #1 8003803	PROVIDENT CITY	21.0	TEXAS EASTERN TRA
-MCZ INC			RECEIVED: 02/24/84 JA: TX			
8422190	F-03-061169	4204130768	102-2 SIEGERT UNIT #1-L	BRYAN N (GEORGETOWN)	170.0	FERGUSON CROSSING
-MESA PETROLEUM CO			RECEIVED: 02/24/84 JA: TX			
8422323	F-8A-072158	4211531556	103 THOMAS "11" #1	WELCH SE (SPRABERRY)	13.0	
-MITCHELL ENERGY CORPORATION			RECEIVED: 02/24/84 JA: TX			
8422191	F-09-066314	4249700000	108-ER CLEO RANN A #1	BOONVILLE	0.0	CORNADO TRANSMIS
8422259	F-09-075623	4249732648	103 G Y GANN #3-7	BOONVILLE (BEND CONG	232.5	NATURAL GAS PIPE
8422280	F-09-076137	4249732590	103 GAGE BROS. GU #2	BOONVILLE (BEND CONG	189.6	LONE STAR GAS CO
8422373	F-7B-077801	4236700000	108 J D GILBERT #1 8084683	BUCK RANCH (STRAWN)	0.0	CORNADO TRANSMIS
8422372	F-7B-077800	4236700000	108 L D SHAWVER #2 097138	BRAZOS EAST (STRAWN)	0.0	CORNADO TRANSMIS
8422371	F-09-077797	4249700000	108 REEDER -410- #1	BOONVILLE (BEND CONG	0.0	NATURAL GAS PIPE
8422356	F-8A-072552	4203330925	RECEIVED: 02/24/84 JA: TX	MYRTLE W (STRAWN)	0.0	
-MOBIL PRDG TEXAS & NEW MEXICO INC			RECEIVED: 02/24/84 JA: TX			
8422453	F-8A-078518	4216532733	103 H & J SEC 127 #5	SEMINOLE EAST (SAN AN	15.0	PHILLIPS PETROLEU
8422455	F-8A-078520	4221934131	103 NORTH CENTRAL LEVELLAND UNIT #395	LEVELLAND	5.0	AMCO PRODUCTION
8422454	F-08-078519	4230130461	102-4 W D JOHNSON 34-N #4	DIMMIT (CHERRY CANYON	14.0	INTRATEX GAS CO
-MORAN EXPLORATION INC			RECEIVED: 02/24/84 JA: TX			
8422380	F-7C-077844	4223530754	108 ROCKER B "110" #1 RRC 73717	ELA SUGG (WOLF CAMP)	18.5	NORTHERN NATURAL
-NEWPORT PETROLEUMS INC			RECEIVED: 02/24/84 JA: TX			
8422205	F-7C-072481	4238332362	103 UNIVERSITY 31-1	SPRAYBERRY (TREND ARE	12.0	EL PASO HYDROCARB
8422206	F-7C-072482	4238332381	103 UNIVERSITY 32-1	SPRAYBERRY (TREND ARE	4.0	EL PASO HYDROCARB
-NORDIC PETROLEUMS INC			RECEIVED: 02/24/84 JA: TX			
8422389	F-7B-078011	4208333818	103 NEFF #1	GAYLE	146.0	SOUTHWESTERN GAS
-OWL PETROLEUM CO			RECEIVED: 02/24/84 JA: TX			
8422351	F-03-077488	4248132539	102-4 BROWNSON HOME ET AL GAS UNIT #3	BLACK OWL	1000.0	HOUSTON PIPE LINE
-PARKER & PARSLY INC			RECEIVED: 02/24/84 JA: TX			
8422391	F-08-078056	4232900000	103 BEAL-SNYDER "B" #1	SPRABERRY (TREND AREA	1.5	PHILLIPS PETROLEU
8422285	F-08-076338	4231700000	103 CAMPBELL "83" #1	SPRAYBERRY (TREND ARE	0.0	
8422286	F-08-076339	4231700000	103 CAMPBELL "83" #2	SPRAYBERRY (TREND AREA	0.0	
8422212	F-7C-073265	4238300000	103 HARTGROVE #2	SPRAYBERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8422238	F-08-074060	4232900000	103 MILES "B" #1	SPRAYBERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8422274	F-08-075934	4232900000	103 TURNER "H" #1	SPRAYBERRY (TREND AREA	15.0	EL PASO NATURAL G
-PHILLIPS OIL CO			RECEIVED: 02/24/84 JA: TX			
8422363	F-7C-077713	4245131288	102-4 MUNN-B "1125" #1	T D (6575)	45.0	
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 02/24/84 JA: TX			
8422364	F-08-077716	4213504646	108 SLAT #2 (07002)	TXL (SILURIAN)	7.0	SHELL OIL CO
-POLK & PATTON INC			RECEIVED: 02/24/84 JA: TX			
8422234	F-7B-073795	4236732571	103 BUD #2	TOTO(CADDO CONGL)	0.0	SOUTHWESTERN GAS
-PRAIRIE PRODUCING CO			RECEIVED: 02/24/84 JA: TX			
8422297	F-06-076598	4234700000	102-4 STRONG GAS UNIT #1	NAONICHO CREEK (TRAV	60.0	UNITED GAS PIPE L
-PRINGLE PETROLEUM INC			RECEIVED: 02/24/84 JA: TX			

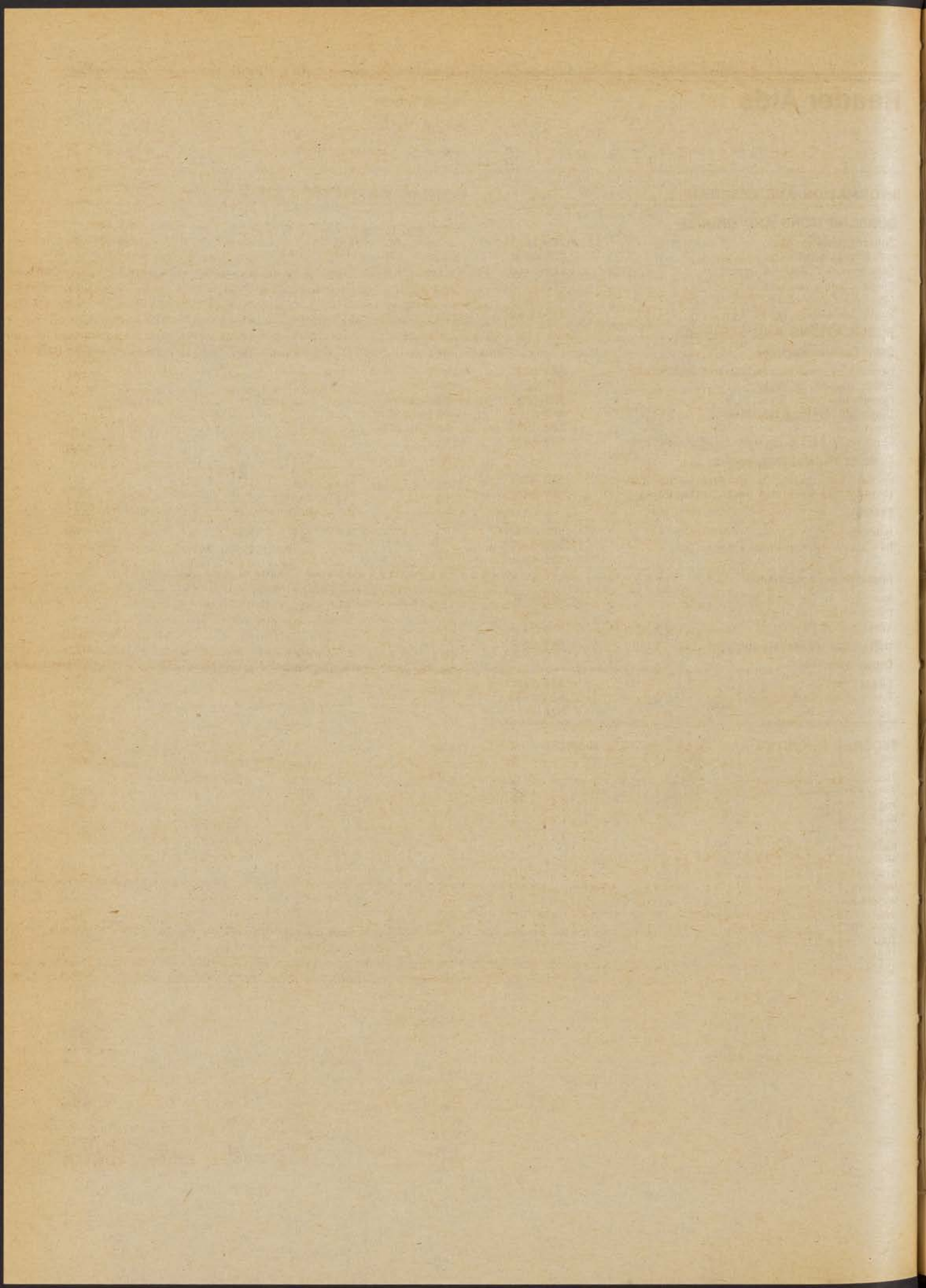
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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8422279	F-03-076131	4220100000	102-4		E PORTER #1 - ID #108352	HOUSTON NORTH (7020)	260.0	BADISCHE CORP
-QUANAH DRILLING & EXPLORATION INC	8422332	F-7B-077251	4236732505	102-4	RECEIVED: 02/24/84 JA: TX	DENNIS WEST (STRAUN)	24.0	TEXAS UTILITIES F
-R A W ENERGY CORP	8422277	F-7B-076018	4208333481	102-4	RECEIVED: 02/24/84 JA: TX	WILDCAT	50.0	UNION TEXAS PETRO
8422328	F-7B-077235	4236732623	102-4		WILEY "A" #8	DICEY N (BIG SALINE C	250.0	TEXAS UTILITIES F
-RELANCE ENERGY & MINERALS CORP	8422394	F-03-078153	4205100000	102-2	RECEIVED: 02/24/84 JA: TX	GIDDINGS/AUSTIN CHALK	0.0	CLAJON GAS CO
8422227	F-03-073522	4205100000	102-2		JYNNIFER #1	GIDDINGS/AUSTIN CHALK	0.0	FERGUSON CROSSING
-RENOVA OIL CO	8422382	F-08-077881	4238931439	102-4	RECEIVED: 02/24/84 JA: TX	SCOTT (CHERRY CANYON)	200.0	INTRATEX GAS CO
-RIDGEWAY EXCO INC	8422429	F-7B-078379	4213335411	102-4	RECEIVED: 02/24/84 JA: TX	HAWK-EYE (ADAMS BRANC	7.5	SOUTHWESTERN GAS
-RISA ENERGY CORP	8422248	F-02-074944	4217531773	102-4	RECEIVED: 02/24/84 JA: TX	ANDER (1400 SAND)	36.0	REATA INDUSTRIAL
-ROBERTS & HAMMACK INC	8422317	F-05-077002	4228930384	108	RECEIVED: 02/24/84 JA: TX	RED OAK (SUB-CLARKSVI	19.0	LONE STAR GAS CO
8422318	F-05-077003	4228900000	108		JAMES DONAHOE #2	RED OAK (SUB-CLARKSVI	18.0	LONE STAR GAS CO
-ROYAL OIL & GAS CORPORATION	8422292	F-01-076499	4231131948	102-4	RECEIVED: 02/24/84 JA: TX	A W P (OLMOS)	55.0	HOUSTON PIPE LINE
8422288	F-01-073549	4231131878	102-4		WELDON ALLBRITTON #2	A W P (OLMOS)	365.0	HOUSTON PIPE LINE
-S K TUTHILL & B J BARBEE	8422393	F-7C-078142	4223500000	102-4	RECEIVED: 02/24/84 JA: TX	BUTTES NORTH FIELD	10.0	FARMLAND INDUSTRI
-SABIO OIL & GAS INC	8422187	F-09-005636	4249700000	108-ER	RECEIVED: 02/24/84 JA: TX	BOONSVILLE	0.0	NATURAL GAS PIPEL
-SAGE ENERGY CO	8422216	F-03-073308	4205132505	102-2	RECEIVED: 02/24/84 JA: TX	GIDDINGS (AUSTIN CHAL	17.1	FERGUSON CROSSING
8422217	F-03-073332	4205100000	102-2		BEN #1 RRC#16944	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEUM
8422244	F-03-074399	4214931622	102-2		COOKS POINT #1	GIDDINGS (BUDA)	34.6	PHILLIPS PETROLEUM
8422215	F-03-073307	4214931611	102-2		FALCON UNIT #1 RRC#16968	GIDDINGS (AUSTIN CHAL	14.9	PHILLIPS PETROLEUM
8422218	F-03-073333	4214931594	102-2		IVY #2 RRC#13655	GIDDINGS (AUSTIN CHAL	14.9	PHILLIPS PETROLEUM
8422198	F-03-071740	4214931467	102-2		MACBETH #1 RRC #17091	GIDDINGS (AUSTIN CHAL	18.0	PHILLIPS PETROLEUM
8422339	F-7C-077427	4210534648	103		MARTINEZ #2 RRC #13495	FARMER (SAN ANDRES)	2.7	NORTHERN NATURAL
8422340	F-7C-077428	4238332732	103		OZONA DEVELOPMENT "7" #1/RRC #	FARMER (SAN ANDRES)	1.2	NORTHERN NATURAL
8422342	F-7C-077430	4210536648	103		PHILLIPS STATE #3 RRC #10149	FARMER (SAN ANDRES)	0.7	NORTHERN NATURAL
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-SAXON OIL COMPANY	8422241	F-7C-074264	4238332671	103	RECEIVED: 02/24/84 JA: TX	SPRABERRY TREND AREA	0.0	PHILLIPS PETROLEUM
-SBC ENERGY INC	8422360	F-7B-077589	4208333682	103	RECEIVED: 02/24/84 JA: TX	TRICKHAM (CROSSCUT)	203.0	EL PASO HYDROCARB
-SCANDRILL INC	8422196	F-09-069765	4223735081	103	RECEIVED: 02/24/84 JA: TX	LUNA-MAG (BEND CONGL)	36.5	TEXAS UTILITIES F
-SENTINEL PETROLEUM CORP	8422435	F-7B-078434	4213333446	102-4	RECEIVED: 02/24/84 JA: TX	LITTLE SANDS	0.0	FLATWOOD GAS INC
-SEQUOIA OIL & GAS INC	8422195	F-09-09450	4223735109	102-4	RECEIVED: 02/24/84 JA: TX	MULLINAX (5100 CONGL)	0.0	NORTHWEST CENTRAL
-SHAR-ALAN OIL CO	8422194	F-03-069148	4231330426	102-4	RECEIVED: 02/24/84 JA: TX	MADISONVILLE NE (GEOR	0.0	LONE STAR GAS CO
-SOUTHERN CRUDE OIL RESOURCES INC	8422374	F-7B-077813	4236333007	102-4	RECEIVED: 02/24/84 JA: TX	HAGLER (CONGL)	0.0	INTERSTATE GATHER
-SPG EXPLORATION CORP	8422327	F-03-077230	4214931633	102-2	RECEIVED: 02/24/84 JA: TX	GIDDINGS/AUSTIN CHALK	0.0	
-SUE-ANN OIL & GAS CO	8422375	F-03-077814	4203900000	107-PE	RECEIVED: 02/24/84 JA: TX	CHENANGO WEST (8100)	80.0	AMOCO GAS CO
-SUN EXPLORATION & PRODUCTION CO	8422448	F-7B-078481	4242933811	103	RECEIVED: 02/24/84 JA: TX	STEPHENS COUNTY REGUL	9.0	WARREN PETROLEUM
8422411	F-09-078334	4227531167	103		BLACK-STOKER (CADD0) UNIT #28	FANT	12.0	SUN GAS TRANSMISS
8422449	F-7C-078483	4238300000	108		JOHN P CALLAHAN #2	CALVIN-DEAN	15.0	EL PASO NATURAL G
8422443	F-06-078463	4236530620	103		LOTTIE JALONICK -A- #3	CARTHAGE	786.0	DELHI GAS PIPELIN
8422444	F-7C-078464	4235331445	103		PRIESTLY - HOLMES UNIT #2	RAY	1.0	
8422381	F-03-077870	4232100000	108		SANDERSON #4	MIDFIELDS	0.1	
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8422447	F-7C-078475	4238300000	108		UNIVERSITY "D" #3	SPRABERRY (TREND AREA	3.0	EL PASO NATURAL G
-SUN-MEY OIL CO INC	8422233	F-7B-073791	4214330791	102-4	RECEIVED: 02/24/84 JA: TX	INDIANOLA (MARBLE FAL	620.7	CHRISTIE GAS TRAN
-SUPERIOR MINERALS INC	8422392	F-01-078078	4217700000	103	RECEIVED: 02/24/84 JA: TX	CHRISTIAN (6800)	20.0	DRECA GAS CORP
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8422200	F-03-071862	4224130397	103		HALADCEK #1	SALLY WITHERS W (9850	70.0	ARCO OIL & GAS CO
8422258	F-04-075550	4221531341	102-4		RECEIVED: 02/24/84 JA: TX	MONTE CRISTO (51)	350.0	FLORIDA GAS TRANS
8422257	F-04-075549	4221531341	102-4		BELLE RICHARDSON #4	MONTE CRISTO (34)	438.0	FLORIDA GAS TRANS
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-TANA OIL & GAS CORP	8422298	F-04-076607	4221531363	102-4	RECEIVED: 02/24/84 JA: TX	SALLY WITHERS W (WILC	318.3	REATA INDUSTRIAL
-TAUBERT STEED GUNN & MEDDERS	8422362	F-8A-077653	4226931100	102-4	RECEIVED: 02/24/84 JA: TX	MONTE CRISTO (VICKSB	360.0	TECO PIPELINE CO
-TEXACO INC	8422311	F-08-076878	4243131395	102-4	RECEIVED: 02/24/84 JA: TX	ANNE TANDY (STRAUN LO	4.8	LONE STAR GAS CO
8422310	F-08-076877	4243131394	102-4		S B BURNETT ESTATE "NA" #33	CONGER S W	369.0	REATA INDUSTRIAL
8422260	F-08-075643	4217331485	103		E B COPE "B" #3	CONGER SW	276.3	REATA INDUSTRIAL
8422324	F-08-077181	4217331504	103		E B COPE "B" #4	BLALOCK LAKE S (WOLFC	102.6	PHILLIPS PETROLEUM
8422437	F-8A-078437	4250100000	108		GLASSCOCK "L" FEE #2	BLALOCK LAKE S (WOLFC	151.5	PHILLIPS PETROLEUM
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8422305	F-8A-076820	4216532663	103		WHARTON UNIT #141	HARRIS	6.9	PHILLIPS PETROLEUM
8422325	F-8A-077186	4216532680	103		WHARTON UNIT #142	HARRIS	0.0	PHILLIPS PETROLEUM
8422306	F-8A-076821	4216532681	103		WHARTON UNIT #145	HARRIS	0.0	PHILLIPS PETROLEUM
					WHARTON UNIT #146	HARRIS	15.3	PHILLIPS PETROLEUM

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8422368	F-8A-077782	4216532682	103 WHARTON UNIT #147	HARRIS	0.0 PHILLIPS PETROLEU
-TIBURON PETROLEUM CO			RECEIVED: 02/24/84 JA: TX		
8422237	F-7C-074004	4238300000	103 ROCKER B-43-1	SPRABERRY (TREND AREA	0.0
-TOM BROWN INC			RECEIVED: 02/24/84 JA: TX		
8422450	F-08-078502	4231732728	103 HOLT RANCH "A" #1	SPRABERRY (TREND AREA	36.0 NORTHERN GAS PROD
-TOM MCGEE CORP			RECEIVED: 02/24/84 JA: TX		
8422395	F-10-078208	4229531396	102-4 YAUCK #1	MAMMOTH CREEK NW (TON	182.5 DIAMOND CHEMICALS
-TRIPLE L OIL CO INC			RECEIVED: 02/24/84 JA: TX		
8422293	F-04-076547	4235531829	102-4 H & F PROPERTIES #5-B	SAXEY	365.0 DELHI GAS PIPELIN
-TXO PRODUCTION CORP			RECEIVED: 02/24/84 JA: TX		
8422209	F-08-073024	4237100000	107-PE ABDELHOUR "A" #1	PECOS VALLEY (MCKEE)	35.0 DELHI GAS PIPELIN
8422243	F-04-074325	4224931656	102-4 HUNTER D-1	MUERTO CREEK	0.0 NUE WELLS PIPELIN
8422219	F-02-073335	4228500000	103 SMOTHERS #5	SPEAKS S W (WILCOX E)	0.0 HOUSTON PIPE LINE
-UNION OIL COMPANY OF CALIF			RECEIVED: 02/24/84 JA: TX		
8422367	F-03-077769	4237330541	107-DP ALABAMA-COUSHATTA #1	CHIEF COLABE	1825.0 PANHANDLE GAS CO
-VENUS OIL COMPANY			RECEIVED: 02/24/84 JA: TX		
8422269	F-04-075797	4235531366	102-4 M L SANDERS "B" #5	BALDWIN (2550')	0.0 DELHI GAS PIPELIN
-VERNON E FAULCONER INC			RECEIVED: 02/24/84 JA: TX		
8422396	F-06-078247	4220300000	108 GRACIE BELL #1 ID#029459	BETHANY PETTIT	0.0 UNITED GAS PIPELI
-W & W OIL CO			RECEIVED: 02/24/84 JA: TX		
8422299	F-08-076643	4200333526	103 CREWS MAST "9" WELL #1 28272	BLOCK A-34 (SAN ANDRE	29.0 PHILLIPS PETROLEU
8422300	F-08-076644	4200332804	103 CREWS MAST B WELL #5-1B	BLK A-34 NORTH SAN AN	25.6 PHILLIPS PETROLEU
8422301	F-8A-076648	4216532513	103 LAWRENCE "C" WELL #1 #64253	CARM-ANN (SAN ANDRES)	73.0 PHILLIPS PETROLEU
-W R EDWARDS JR			RECEIVED: 02/24/84 JA: TX		
8422333	F-10-077294	4223300000	103 BARNHILL #521	PANHANDLE HUTCHINSON	0.0 TRANS-PAN PIPELIN
-WARREN AMERICAN OIL CO			RECEIVED: 02/24/84 JA: TX		
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8422383	F-7C-077909	4210533660	103 UNIVERSITY OF TEXAS 236-4	WEGE (SAN ANDRES)	0.0 J L DAVIS
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED: 02/24/84 JA: TX		
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8422329	F-08-077238	4210333259	103 M F HENDERSON #172	WADDELL (SAN ANDRES)	19.6 EL PASO NATURAL G
8422331	F-08-077241	4200302116	108 W M WADDELL ETAL (TR A) #667	SAND HILLS (MCKNIGHT)	39.1 EL PASO NATURAL G
8422330	F-08-077240	4210302144	108 W M WADDELL ETAL (TR A) #695	SAND HILLS (MCKNIGHT)	15.8 EL PASO NATURAL G
-WAYLAND W DATMAN			RECEIVED: 02/24/84 JA: TX		
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-WESTERN CHIEF OIL & GAS CO			RECEIVED: 02/24/84 JA: TX		
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-WESTWIND EXPLORATION INC			RECEIVED: 02/24/84 JA: TX		
8422229	F-7B-073550	4235331462	103 COLLINS 20045	WESTWIND (STRAWN)	0.0 UNITED TEXAS TRAN
-WINCHESTER PRODUCTION CO			RECEIVED: 02/24/84 JA: TX		
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-WOLFF & MAGEE INC			RECEIVED: 02/24/84 JA: TX		
8422242	F-03-074323	4200530144	102-4 CARTER BROS GAS UNIT #7	DAMASCUS (CARTER)	100.0 EASTEX GAS TRANSM

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